

Docket Item #4
SPECIAL USE PERMIT #2006-0075

Planning Commission Meeting
October 3, 2006

ISSUE: Consideration of a request for a special use permit to operate a restaurant.

APPLICANT: Allen E. Rumazon
By John T. Ross

LOCATION: 923 King Street

ZONE: KR/King Street Urban Retail

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

The applicant, Allen E. Rumazon, requests special use permit approval for the operation of a restaurant located at 923 King Street.

SITE DESCRIPTION

The subject property is one lot of record with 25 feet of frontage on King Street, 120 feet of depth and a total lot area of 3,000 square feet. The site is developed with a three story building, previously occupied by Conklyn’s Florist.

The surrounding area is occupied by a mix of retail, restaurant, residential, personal service, and office uses. Immediately to the north is a residential use. To the south is a personal service and retail establishment, Bella Cara. To the east and west are Sackville Galleries and Okeefe and Company’s Marketing Offices, respectively.



PROPOSAL

The applicant is requesting to operate a 1950's era soda fountain style restaurant in a 1,600 square foot row building. The applicant proposes to offer a variety of sandwiches, hamburgers, beverages, and desserts.

Other specific aspects of the restaurant as proposed by the applicant are as follows:

- Hours: 6:30am- 12:00 midnight daily
- Number of indoor seats: 85
- Trash/Litter: Refuse from products received and from general restaurant operations. Trash volume is expected to be approximately one trash can per day. Trash is anticipated to be collected at least three times per week by a commercial trash collector. Restaurant staff will self-police and pick-up trash along the adjacent right-of-way.

Hazardous Materials:	Small quantities of organic compounds, generally recognized to be appropriate for use by restaurants in the operation of the business, will be stored, used as solvents, and disposed of in accordance with applicable regulations.
Alcohol:	No alcohol sales are being proposed.
Loading/ Unloading:	Off-Street Loading/Unloading Monday- Friday 6am- 11am
Interior Design:	The featured decor will include stainless steel. The primary colors used will be red, white, and black. The purpose of the decor is to make patrons feel they have indeed “walked back in time” and entered a 1950's soda shop.
Live Entertainment:	Mini Juke-boxes at the counter and in each booth, featuring music from the 1950's and 1960's.

PARKING

According to Section 8-300 (B) of the Zoning Ordinance, parking provisions do not apply to restaurants located within the Central Business District. According to condition #17, the applicant shall participate in any organized program to assist with both employee and customer parking, and condition #5 requires employees to park off-street.

As part of the King Street Retail Strategy, a validated parking program, similar to “Park Alexandria,” was recommended in order to encourage the use of garages. The parking validation program would involve negotiating agreements with garage operators to accept a subsidy given by King Street restaurants to be used for customer’s parking. Both garage operators and restaurants calculate the amount that has been subsidized and the restaurant will pay the subsidized amount due to garage operators for allowing their customers to park there. At this time, the validated parking program does not exist, however it is anticipated to be operational by December 2007.

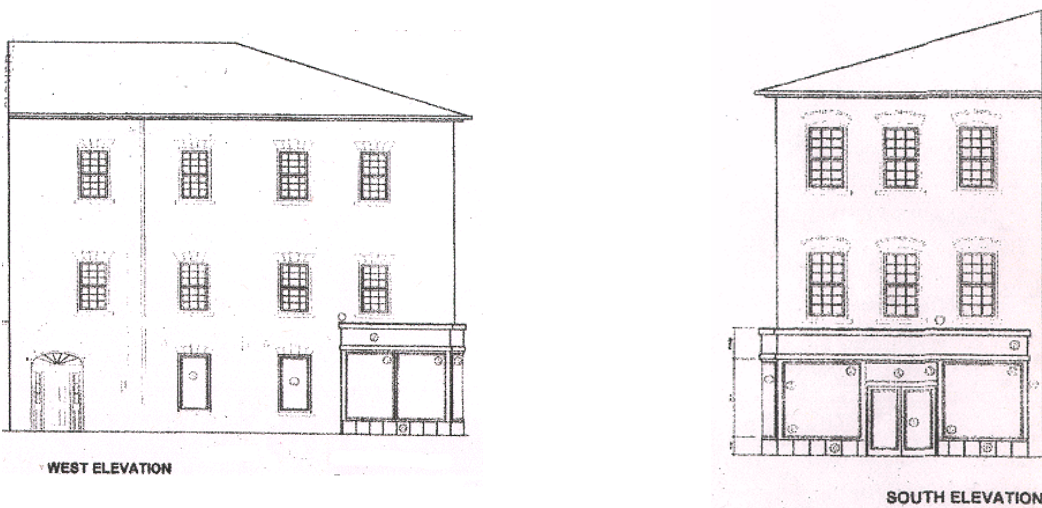
ZONING/MASTER PLAN DESIGNATION

The subject property is located in the King Street Urban Retail (KR) zone. Section 6-702 (A) (2) of the Zoning Ordinance allows a restaurant in the King Street Urban Retail (KR) zone only with a special use permit.

The proposed use is consistent with the King Street Urban Retail Strategy chapter of the Master Plan which designates the property for commercial use.

BOARD OF ARCHITECTURAL REVIEW

On March 5, 2006, the Board of Architectural Review (BAR) approved a new storefront with alterations to the North Patrick Street side of the building to be approved by staff (BAR#2006-0044). The BAR also approved the rear addition (BAR2006-0111) on June 21, 2006. Other exterior alterations such as signs for the new restaurant and mechanical equipment must be approved by the Board of Architectural Review.



II. STAFF ANALYSIS

Staff has no objection to the proposed restaurant use located at 923 King Street. The hours of operation that are proposed are consistent with other area restaurants. Staff finds that the proposed restaurant will offer types of food that are not provided by other area restaurants. The King Street Retail Strategy indicates a need for additional restaurant space along King Street. There are two existing restaurants on the 900 block of King Street. When compared with other blocks to the east, the 900 block of King Street has fewer restaurants. Therefore, staff is supportive of locating new restaurants to areas of King Street such as the 900 block, to enhance vitality and promote a more active street.

In reviewing an application for a restaurant, staff looks at whether the proposal is compatible with King Street's eclectic retail character; whether there are too many similar restaurants in the proposed location; and whether the design can be upgraded to a warm, inviting interior. In this case, there are neighboring restaurants that, while catering to nearby employees, are not national chains and are not fast food restaurants. The area surrounding this proposed restaurant location is characterized by commercial offices, retail, residential, and personal service uses, and will benefit from this activity.

Therefore, on balance, staff supports the application, and has included conditions outlining the upgraded interior design as a requirement.

The restaurant does not have a parking requirement under the Central Business District section of the Zoning Ordinance, however, the restaurant is required by the Old Town Restaurant Policy to address the need for off-street parking. The business serves a combination of local workers, residents, and tourists who walk to the restaurant from nearby shops and hotels. In addition, staff recommends that the applicant participate in any organized program to assist with both employee and customer parking. The King Street Retail Strategy encourages a number of strategies to address both employee and patron issues including parking subsidies and valet parking. Currently, a program is not in operation, however it is anticipated to be in operation by December 2007.

Staff has included a condition requiring a review of the restaurant one year after this approval so if there are any problems with its operation, additional conditions may be imposed. With the proposed conditions, staff recommends approval of the subject application.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the restaurant shall be limited to 6am- 12am Daily. (P&Z)
3. Indoor seating shall not exceed 85 seats. (P&Z)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)(P&Z)
6. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
7. No alcohol service shall be permitted is permitted. (P&Z)

8. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
9. No motor vehicle delivery service is permitted. (P&Z)
10. No food, beverages, or other material shall be stored outside. (P&Z)
11. The applicant shall prepare a design plan to include interior finishes, colors, materials, furniture, lighting and specifications, which shall be to the satisfaction of the Director of Planning and Zoning and shall include the following elements:
 - a. No lighted signage in the windows is permitted.
 - b. Flooring within the dining area shall be ceramic tile, wood, or other high quality material.
 - c. Interior menu boards, if any, shall not be backlighted or have any internal illumination. (P&Z)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
13. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
14. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
15. Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)
16. Trash and garbage shall be place in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)

17. The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Study. (P&Z)
18. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey and robbery awareness program for the business. (Police)
19. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour. (P&Z)
20. The applicant shall provide a menu list of foods to be handled at this facility to the Health Department prior to opening. (Health)
21. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Richard Josephson, Acting Director, Department of Planning and Zoning;
James Hunt, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
- R-2 The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line.
- R-5 Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation.
- R-6 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees.
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- C-1 The current use is classified as M, Mercantile; the proposed use is A, Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 The applicant must obtain a Certificate of Occupancy prior to occupancy (use) of the structure (USBC 119.1).

- C-3 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-4 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11. Handicapped accessible bathrooms shall also be provided.
- C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-8 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-9 The following code requirements apply where food preparation results in the development of grease laden vapors:
 - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.

- C-10 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
- (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.

Health Department:

- R-1 The applicant shall provide a menu list of foods to be handled at this facility to the Health Department prior to opening.
- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferrable.
- C-2 Permits must be obtained prior to operation
- C-3 Five sets of plans of each facility must be submitted to and approved by this department prior to construction. Plans must comply with Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-4 Certified Food Managers must be on duty during all hours of operation.

Police Department

- R-1 The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey and robbery awareness program for employees. (Police)
- F-1 The applicant is not seeking an A.B.C. permit. The Police Department concurs with this.

SUP #2006-0075
923 King Street

**REPORT ATTACHMENTS
AVAILABLE IN THE PLANNING AND ZONING OFFICE**