

CONSENT AGENDA ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Docket Item #4
SPECIAL USE PERMIT #2007-0025

Planning Commission Meeting
May 1, 2007

ISSUE: Consideration of a request for a special use permit amendment to change the ownership, hours, and number of seats for a restaurant.

APPLICANT: Kyong R. Yi

STAFF: James Hunt, Planner
james.hunt@alexandriava.gov

LOCATION: 119 South Royal Street

ZONE: CD/Commercial Downtown

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.



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05/01/07 SUP #2007-0025



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I. DISCUSSION

REQUEST

The applicant, Kyong R. Yi, requests special use permit approval for a change of ownership, hours of operation, and number of seats for a restaurant located at 119 S. Royal Street.

SITE DESCRIPTION

The subject property is one lot of record with 20.7 feet of frontage on South Royal Street, 128 feet of depth and a total lot area of 4,001 square feet. The applicant proposes to occupy a vacant first floor space, previously occupied by Tea Cozy Restaurant.

The surrounding area is occupied by a mix of retail, residential, restaurant, office, and hotel uses. Immediately to the north is Shoe Hive (retail). To the east is a vacant retail space and to the west is Restaurant Eve. To the south is Goldsmith-Silversmith (retail).

BACKGROUND

On October 12, 1991, City Council approved SUP#2532 to Vivian M. Bacon to operate a full service restaurant at 119 South Royal Street with a total of 44 seats. On October 17, 1992, City Council approved SUP#2532-A to Vivian M. Bacon for an extension to the previous special use permit approval. On October 16, 1993, City Council approved SUP#2532-B to Vivian M. Bacon for an increase in hours of operation for Tea Cozy Restaurant and to offer carry-out service. The Tea Cozy Restaurant ceased operations in February 2007.



PROPOSAL

The applicant requests special use permit approval to change the ownership, increase the hours of operation, and increase the number of patron seating for a restaurant. The applicant proposes to operate a Euro-style café specializing in crepes, gourmet sandwiches, and salads along with coffee and tea. The operation of the restaurant as proposed by the applicant is as follows:

- | | |
|------------------|-----------------------------------|
| Hours: | Daily 9am- midnight |
| Number of seats: | 55 indoors |
| Noise: | Noise impacts are not anticipated |

Trash/Litter: Trash will be collected daily when the business is open. Trash will be stored inside or in a dumpster and staff will check for litter around the store, street frontage, alley, and nearby properties daily.

Alcohol: On-premise alcohol sales are being proposed.

Live Entertainment: No live entertainment is being proposed.

PARKING

According to Section 8-300 (B) of the Zoning Ordinance, parking provisions do not apply to restaurants located within the Central Business District.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CD/Commercial Downtown zone. Section 4-503 of the Zoning Ordinance allows a restaurant in the CD/Commercial Downtown zone only with a special use permit.

The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff has no objection to the change of ownership, hours, and increased seating for the proposed restaurant. In fact, staff has recommended longer hours than requested, allowing the applicant to adjust their hours in the future if necessary. Staff finds the restaurant will continue to be an active use along the block and will also add to the mix of existing retail, hotel, and personal service uses in the area. In addition to an existing restaurant within the nearby Kimpton Hotel (previously Holiday Inn), the proposed restaurant will be the second restaurant use along the block and will serve residents of the neighborhood as well as people from nearby King Street. Staff has not received any complaints regarding the previous operation of a restaurant at the proposed location.

Staff finds the request for an increase in the number of restaurant seats, from currently 44 to the proposed 55 restaurant seats, to be reasonable. The applicant is not required to provide off-street parking; however, the Old Town Restaurant Policy does require restaurants to address the need for off-street parking. The applicant has agreed to condition #19, requiring participation in any organized program to assist with both employee and customer parking, and condition #9 requiring employees to park off-street. In addition, the applicant has agreed to give patrons a minimum \$1 discount for parking their vehicles in an adjacent parking garage.

Staff has included a series of standard conditions, including a condition requiring a review of the restaurant one year after 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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2532)
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided inside for no more than ~~44~~55 patrons. (P&Z) (SUP#2532)
3. **CONDITION DELETED BY STAFF:** ~~No Outside dining facilities shall be located on the premises. (P&Z) (SUP#2532)~~
4. No food, beverages, or other material shall be stored outside. (P&Z)(SUP#2532)
5. **CONDITION AMENDED BY STAFF:** ~~Trash and garbage shall be stored inside or in a dumpster. 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) (SUP#2532)~~
6. Trash and garbage shall be collected every day that service is available. (P&Z)(SUP#2532)
7. **CONDITION AMENDED BY STAFF:** ~~The hours of operation shall be limited to the following: Monday 10am-6pm, Tuesday-Thursday 10am-8pm, Friday 10am-10pm, Saturday 9am-10pm, and Sunday 10am-8pm The hours of operation shall be limited to 7am- Midnight Daily. (P&Z) (SUP#2532-B)~~
8. **CONDITION AMENDED BY STAFF:** ~~Alcoholic beverages shall be limited to ale, beer, eider, and wine to be consumed on-premise only. On-premise alcohol sales only are permitted. (PC)(SUP#2532) (P&Z)~~

9. **CONDITION AMENDED BY STAFF:** ~~The applicant shall assist and require its employees who drive to use off-street parking.~~ 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 (SUP#2532-A)(PC) (T&ES)
10. **CONDITION AMENDED BY STAFF:** ~~One (1) standard city trash container shall be furnished to the City of Alexandria for installation by the City on the adjacent public right-of-way.~~ Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301King Street within 60 days of City Council approval.(T&ES) (SUP#2532-B) (P&Z)
11. 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 and 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)(T&ES)(SUP#253B)
12. The applicant shall post the hours of operation at the entrance of the restaurant. (P&Z)(SUP#2532-B)
13. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)(SUP#2532-B)
14. **CONDITION ADDED BY STAFF:** 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, and on how to prevent underage sales of alcohol. (P&Z)
15. **CONDITION ADDED BY STAFF:** 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. (T&ES)
16. **CONDITION ADDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)

17. **CONDITION ADDED BY STAFF:** The applicant shall provide storage space for solid waste and recyclable materials lined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
18. **CONDITION ADDED BY STAFF:** 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)
19. **CONDITION ADDED BY STAFF:** The applicant shall comply with any requirements adopted as a part of a smoke-free restaurant ordinance. (P&Z)
20. **CONDITION ADDED BY STAFF:** Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
21. **CONDITION ADDED BY STAFF:** 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)
22. **CONDITION ADDED BY STAFF:** Indoor live entertainment shall be permitted to the extent that no amplified sound is audible outside the restaurant. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z)

23. **CONDITION ADDED BY STAFF:** 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 sounds shall be audible at the property line.
- R-4 The applicant shall provide storage space for solid waste and recyclable materials lined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- R-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.
- R-6 Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval.

- R-7 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 and 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.
- 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.
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

Code Enforcement:

- C-1 A new Fire Prevention permit is required for the proposed operation due to a change in ownership. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-2 Any proposed additions and alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit (USBC 108.1). Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application (USBC 109.1).
- C-3 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-4 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.
- C-5 Any configuration of outdoor seating shall comply with the following conditions:

- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
 - Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
 - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
 - The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.
- C-6 Any increase in occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are not transferable.
- C-3 This facility must meet current Alexandria City Code requirements for food establishments. Contact Environmental Health at 838-4400 ext. 250 to arrange for a “change of ownership” inspection.
- C-4 If changes to the facility are to be done, five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for plans review of food facilities.
- C-5 Permits must be obtained prior to operation.
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Certified Food Managers must be on duty during all hours of operation.
- C-8 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- F-1 This facility is currently operating as The British Connection C., LLC under the Health Permit issued to The British Connection Company, LLC.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a robbery readiness program for all employees.
- F-1 The applicant is seeking an “ABC On” license only. The Police Department has no objections.
- F-2 The Police Department completed a crimes history check for the address of 119 South Royal Street. No incidents were reported for that address. Therefore, the Police Department has no objections to the extended hours and increased seating.

BAR:

- F-1 The subject property is located in the Old and Historic Alexandria District and is under the jurisdiction of the Old and Historic Alexandria Board of Architectural Review (BAR). The Special Use Permit is for a change of ownership, hours and number of seats for a full restaurant use. From the application, there does not appear to be any proposed exterior changes at this time. However, the applicant is reminded that any further exterior changes, including signage, lighting, window replacement, kitchen exhaust and/or new HVAC vents or fixtures, or other alterations visible from a public right-of-way would need to be submitted for review and approval by the BAR Staff and the Board of Architectural Review. It is the applicant’s responsibility to inform BAR Staff when new signage, lighting, or other external alterations are proposed which require BAR review and approval.

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