

Docket Item #13
SPECIAL USE PERMIT #2007-0033

Planning Commission Meeting
June 5, 2007

ISSUE: Consideration of a request for amendments to a special use permit for an existing restaurant to allow delivery service, increased seating, extended hours and live entertainment.

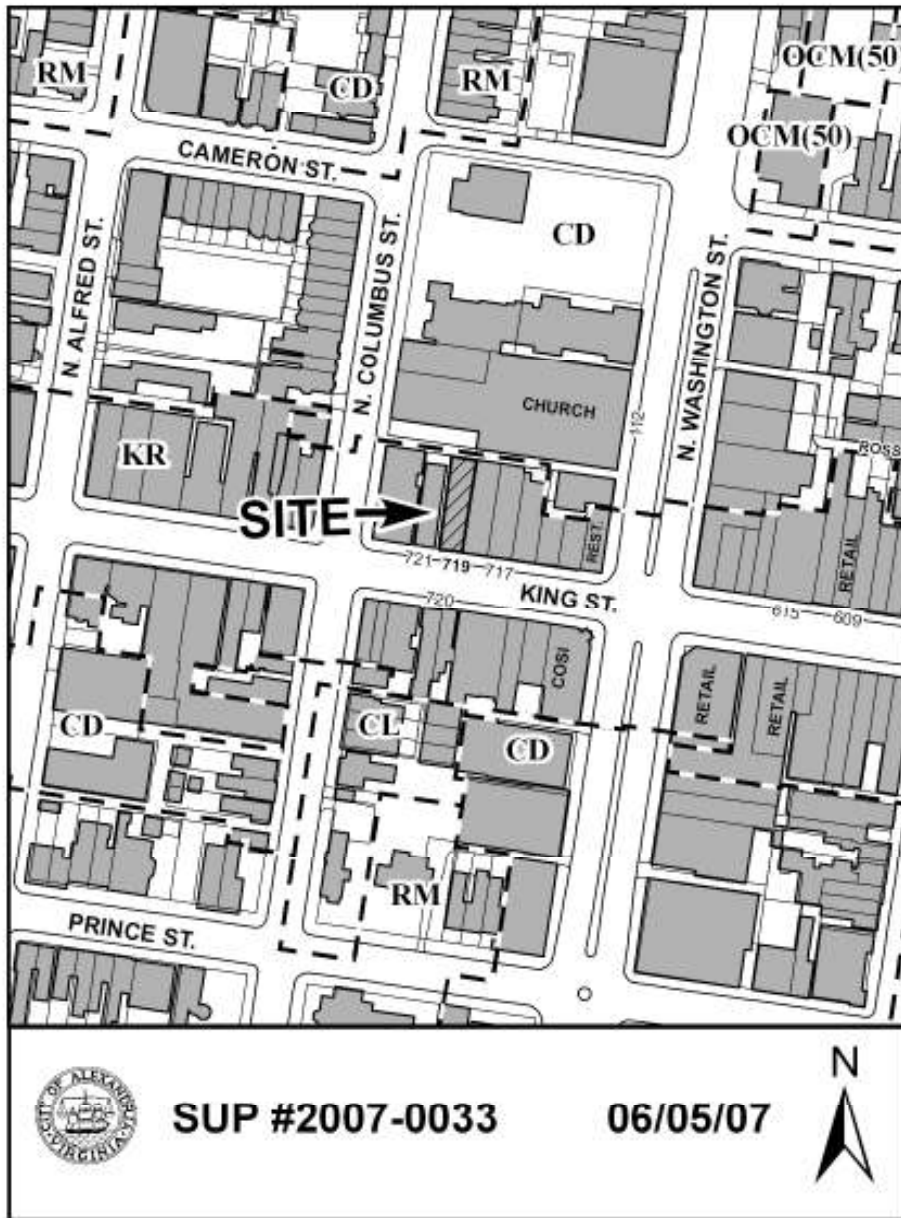
APPLICANT: Hayma Rajamani

STAFF: Richard Bray
richard.bray@alexandriava.gov

LOCATION: 719 King Street
Taj Palace

ZONE: KR/King Street Retail Strategy

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.



I. DISCUSSION

REQUEST

The applicant, Hayma Rajamani, requests special use permit approval for changes in the operation of a restaurant located at 719 King Street.

SITE DESCRIPTION

The subject property is one lot of record with 27.5 feet of frontage on King Street, 100 feet of depth and a total lot area of 2,742 square feet. The site is developed with the Taj Palace restaurant. Access to the property is from King Street.



The surrounding area is occupied by a mix of retail, personal service and restaurant uses. Immediately to the north is a Ross clothing store. To the south is a restaurant and a beauty salon. To the east and west are a stationary store and a restaurant.

PROPOSAL

On November 16, 1985, City Council granted Special Use Permit #1804 for the operation of Tandoor restaurant. On September 12, 1998, City Council granted a change of ownership, SUP#98-0079, and the name was changed to Taj Palace. On November 20, 2006 an administrative change of ownership, SUP#2006-0083 was granted to the current applicant. The applicant is applying for an amendment to increase hours of operation, allow on premise alcohol service, allow limited evening delivery and allow unamplified live entertainment ancillary to the restaurant.

On May 3, 2007, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.

The proposed request is as follows:

Hours:	Current:	11:30 a.m. – 11:00 p.m., Daily
	Proposed:	11:30 a.m. – 11:00 p.m., Sunday – Thursday 11:30 a.m. – 1:00 a.m., Friday & Saturday
Number of seats:		72 (no change)

Noise: No noise impacts anticipated

Trash/Litter: Commercial trash removal, employees remove litter

Alcohol: On premises beer, wine and mixed drinks

Delivery Service: Limited evening deliveries made by the owners, 1 vehicle only

Entertainment: Instrumental music, classical Indian sitar, ancillary to dining

PARKING

According to Section 8-300(B) of the Zoning Ordinance, the parking requirements do not apply to restaurants in the Central Business District. The applicant currently advertises available parking at the Church Square parking garage on the 100 block of North Alfred and subsidizes \$1.00 of the fee.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the King Street Retail zone. Section 6-702(A)(2)(k) of the Zoning Ordinance allows a restaurant in the King Street Retail 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 restaurant use.

II. STAFF ANALYSIS

Staff supports the requested changes to this Special Use Permit. The existing restaurant, Taj Palace has been in operation for over 7 years. The proposed changes are consistent with the King Street Retail Strategy in that they will help enliven and activate the street. The proposed 1:00 a.m. closing time is consistent with other restaurants on the 700 and 800 blocks of King Street including Las Tapas, Eamonn's, Flying Fish and Murphy's Irish Pub. The entertainment will consist of classical Indian sitar music and will be ancillary to the restaurant. The delivery service will be limited to the owner's vehicle and there is a condition that requires the delivery vehicle be parked off the street. The owner currently has a space in the alley and will use continue to use that for deliveries.

With the following conditions, staff recommends approval of the special use permit.

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 or to any corporation in which the applicant has a controlling interest only. (P&Z) (1804-A)
2. Seating shall be provided inside for no more than 74 patrons. (P&Z) (SUP #1804)
3. No outside dining facilities shall be located on the premises. (P&Z) (SUP #1804)
4. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to 11:30 A.M. to 11:00 P.M., ~~daily~~ Sunday through Thursday and 11:30 A.M. to 1:00 A.M., Friday and Saturday. (P&Z) (SUP #1804)
5. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #1804)
6. The applicant shall provide an inside commercial "bag type" trash compactor. (T&ES) (SUP #1804)
7. The applicant shall provide installation of sprinkler system. (Fire) (SUP #1804)
8. The applicants shall (a) provide subsidized parking for all patrons under the Park Alexandria program (if and when it includes this area of Old Town) during evenings and weekends in a public parking garage, (b) advertise such parking by posting notice at its restaurant and including such notice in any advertising, and (c) urge patrons who drive to use the space. (P&Z) (SUP #98-0079)
9. The applicant shall post signs directing patrons to the availability of parking at the Church Square parking garage located on the 100 block of North Alfred Street and, under the present fee schedule, subsidize parking there to a \$1 level for all customers. (P&Z) (SUP #98-0079)
10. Employees who drive to work will be required to use off-street parking. (City Council) (SUP #98-0079)
11. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #98-0079)
12. The applicant shall post the hours of operation at the entrance of the restaurant. (P&Z) (SUP #98-0079)

13. Litter on 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) (SUP #98-0079)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #98-0079)
15. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (P&Z) (T&ES) (SUP #2006-0083)
16. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined 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) (SUP #2006-0083)
17. 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. (T&ES) (SUP #2006-0083)
18. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program at 703-838-4520. (Police) (SUP #2006-0083)
19. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Health Department and the Department of Transportation & Environmental Services. (Health) (T&ES) (SUP #2006-0083)
20. Meals ordered before the closing hour may be served, but no new patrons may be admitted and all patrons must leave one hour after the closing hour. (P&Z) (SUP #2006-0083)
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 a result of a complaint that rises to the level of a violation of the permit conditions, or (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) (SUP #2006-0083)
22. **CONDITION ADDED BY STAFF:** The applicant shall comply with any requirements adopted as a part of a smoke free restaurant ordinance. (P&Z)
23. **CONDITION AMENDED BY STAFF:** ~~No alcohol service shall be permitted.~~ On site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z)
24. **CONDITION ADDED BY STAFF:** All entertainment must 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 the food service as well as the entertainment. Restaurant shall not be allowed to impose a cover charge. (P&Z)
25. **CONDITION ADDED BY STAFF:** Deliveries shall be limited to one vehicle, between the hours of 5:00 p.m. and closing. The delivery vehicle may not park on the street. (P&Z)

STAFF:

Faroll Hamer, Director, Department of Planning and Zoning
Richard Josephson, Deputy Director, Department of Planning and Zoning;
Richard Bray, 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 TES does not support outdoor dining at this location. The existing sidewalk can only accommodate pedestrians.
- R-2 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-3 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)
- R-4 Loudspeakers shall be prohibited from the exterior of the building. (T&ES)
- R-5 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined 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)
- 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. (T&ES)
- 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. (T&ES)
- R-8 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)

- 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:

- F-1 The current allowable interior occupancy is 72. The applicant has indoor at 90, outdoors at 12 for a total of 102. The applicant shall show an approved increase of indoor occupancy from 72 to 90. The applicant shall submit a diagram with square footage for the outdoor dining with placement of tables (see C-3).
- C-1 Any proposed future alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Any proposed additions or 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 design professional registered in the Commonwealth of Virginia, must accompany the written application (USBC 109.1).
- C-3 The proposed space for outdoor seating with tables occupies ? square feet. The USBC limits the occupant loading for this area to 15 square feet per person or a total of ? persons.
- C-4 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-5 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.

- C-6 Any increase in occupancy will only be considered for the exterior of the structure and will not modify the approved interior approved occupant load. At no time shall any approved outdoor seating be incorporated inside due to foul weather or other situations.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- F-1 This facility is currently operating as Taj Palace under an Alexandria health permit issued to Gunga Jumna Internaitonal. Inc.
- C-2 Food must be protected to the point of service.
- C-3 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-4 Permits or approval must be obtained prior to use of the new area(s).
- C-5 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 Certified Food Managers must be on duty during all hours of operation.

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 has no objections to the live entertainment as long as it is soft and subtle instrumental and not amplified, there is no cover charge and it is an accessory to dining.
- F-3 The Police Department has no objections to extending the hours to 1:00 am.

Parks & Recreation:

No comments received.

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 request is for an amendment to the existing restaurant use. The application does not indicate any proposed exterior changes to the building at this time that would require a review by the BAR and the issuance of a Certificate of Appropriateness. However, the applicant is reminded that any future exterior changes, including new or replacement signage, lighting, window replacement, fencing, 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**