

DATE: December 19, 2022

TO: Tony LaColla, Land Use Regulatory Services Division Chief
Department of Planning and Zoning

FROM: Mavis Stanfield, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2022-00099
Administrative Review for Minor Amendment and Change of Ownership
Site Use: Restaurant
Applicant: Rajat Malhotra
Location: 211 King Steet
Zone: KR, King Street Urban Retail Zone

Request

Special Use Permit ##2022-00099 is a minor amendment and change of ownership request to add additional floor area to an existing restaurant and to change the ownership from Yu Tong Chen to Rajat Malhotra. The trade name will change from Khiban Sushi House to Bollywood Masala. The proposal includes an expansion of the restaurant operations to include a larger and reconfigured commercial kitchen on the ground floor, with dining at the front of the first floor and on the second and third floors, which now are occupied by offices and storage for the restaurant.

The total number of employees expected to be on the premises at any one time is 10. Trash and recycling storage and pick-up will be on the alley side of the building. Deliveries will be made from the designated Loading Zone on the corner of N. Lee Street and Ramsey Alley and brought into the restaurant through the alley-side door.

The plans submitted with the application show improvements to the façade, including removal of window air conditioning units and an exterior fire escape. The applicant does not propose any other changes to the operation.

Background

Tax records indicate the building was constructed in 1880. Records do not indicate when a restaurant began operating on the first floor of the structure, however, Special Use Permit #1248 was granted by City Council on April 21, 1979, to Perfectly Frank, Inc. to operate a restaurant located at 211 King Street. Numerous changes were made after this date, but the restaurant use remained, including the following:

- On February 23, 1985, Special Use Permit #1248-B was granted by City Council on to Mansour Tajick and Faredah Tajick to change the ownership and hours of operation of the restaurant.

- On May 13, 1989, City Council granted Special Use Permit #1248-C for a change of ownership and hours of operation of the restaurant to Dr. Dat N. Luu.
- On April 13, 1991, City Council granted Special Use Permit #1248-D for a change of ownership of the restaurant to Mrs. Thy Dao, Perfectly Frank Inc., t/a Saigon Restaurant.
- On October 11, 1994, staff approved a change of ownership of the restaurant to D. West.
- On May 15, 2006, staff approved Special Use Permit #2006-0033 for a change of ownership of the restaurant to Hamid Aghamin/ Koto Restaurant.
- On December 17, 2006, staff approved Special Use Permit #2006-0113, to change the ownership of the restaurant to Yu Tong Chen trading as Khiban Sushi House.

Parking

The subject property is located within the Central Business District (CBD). According to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are not subject to standard parking requirements.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, Old Town Civic Association was sent a written notification of the current application. Staff has not received any comments from residents or adjacent businesses.

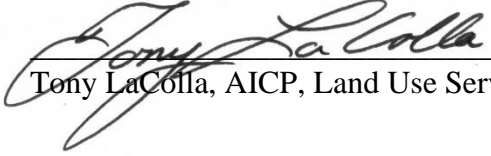
Staff Action

Staff supports the applicant's request to expand the operation of a restaurant use at 211 King Street. This restaurant is not expected to produce a significant impact as the same use has operated at this site for many years. The applicant is proposing a complete renovation of the property which will have a favorable impact on nearby properties. Staff has carried over conditions from SUP #2006-00113 and conditions have been amended and added to reflect current condition language. Staff has deleted Conditions #2 (hours of operation) and #3 (limiting area to first floor) and updated a number of conditions, such as Conditions #10 (numbers of indoor seats), #15 (live entertainment), #13 (alcohol sales) to reflect current regulations. Staff has also added a number of additional conditions which are now standard for restaurant uses and address sanitation, parking, alternative forms of transportation for patrons and employees and the standard limitation on supply deliveries.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: December 19, 2022
Action: Approved



Tony LaColla, AICP, Land Use Services Division Chief

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2022-00099

The applicant is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

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#94-0327)
2. **CONDITION DELETED BY STAFF:** ~~The hours of operation shall be restricted to 9:00 A.M. to 11:00 P.M., daily, seven days a week, as requested by the applicant. (P&Z) (SUP #1248-D)~~
3. **CONDITION DELETED BY STAFF:** ~~The restaurant use shall be limited to the first floor of the building. (P&Z) (SUP #1248-D)~~
4. **CONDITION AMENDED BY STAFF:** 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 containers which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (SUP#2006-0113) (P&Z)
5. **CONDITION DELETED BY STAFF**
6. 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 more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #1248-D)
7. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside with the exception of materials specified in other conditions. (P&Z) (SUP #1248-D)
8. **CONDITION DELETED BY STAFF** ~~The applicant shall install a trash compactor. (P&Z)(SUP #1248-D)~~
9. [CONDITION #9 DELETED BY PLANNING COMMISSION SUP#1248D]
10. **CONDITION AMENDED BY STAFF:** ~~Seating shall be offered for no more than fifty (50) patrons shall comply with the state building code.~~ (P&Z) (SUP #1248-D)
11. **CONDITION DELETED BY STAFF:** ~~Trash and garbage shall be stored inside or in a dumpster. (P&Z) (SUP#94-0327)~~

12. The applicant shall post the hours of operation at the entrance of the restaurant. (P&Z) (SUP#94-0327)
13. **CONDITION AMENDED BY STAFF:** ~~Beer, wine, and other alcoholic beverages may be sold for on-premise consumption only.~~ On and off premises alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z) (SUP#94-0327)
14. **CONDITION AMENDED BY STAFF:** ~~Alcoholic beverages will be served only to patrons who have ordered a meal. All patrons must leave by one hour after the closing hour.~~ (P&Z) (SUP2010-0088) (P&Z) (SUP#94-0327)
15. **CONDITION AMENDED BY STAFF:** ~~There shall be no live entertainment.~~ Indoor limited, live entertainment may be offered and must comply with the City's noise ordinance. 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) (SUP#94-0327)
16. **CONDITION AMENDED BY STAFF:** Kitchen equipment including floor mats shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#94-0327)
17. **CONDITION AMENDED BY STAFF:** ~~There shall be no delivery service by employees of the restaurant.~~ Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z) (SUP#94-0327)
18. 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)(SUP2006-0033)
19. **CONDITION DELETED BY STAFF:** ~~The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees. (Police)(SUP2006-0033)~~
20. 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)
21. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after approval 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, 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)
22. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
 23. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
 24. **CONDITION ADDED BY STAFF:** All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
 25. **CONDITION ADDED BY STAFF:** The applicant is encouraged to notify supply delivery drivers not to idle longer than 10 minutes when parked. (P&Z)
 26. **CONDITION ADDED BY STAFF:** Dining tables and chairs shall be located at the front of the business on the first floor and be visible from the sidewalk. All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
 27. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
 28. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (P&Z)
 29. **CONDITION ADDED BY STAFF:** 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. (P&Z)
 30. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. (T&ES)
 31. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at

goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (P&Z)

32. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
33. **CONDITION ADDED BY STAFF:** The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)
34. **CONDITION ADDED BY STAFF:** The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (T&ES)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-2 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-3 No vehicles associated with this project shall be permitted to idle for more than 10 minutes when parked. (T&ES)
- R-4 All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-5 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-6 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-7 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-8 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
- R-9 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)
- R-10 The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old

Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (TES)

Code Enforcement:

Records indicate that the building construction type was 5B. 5B construction couldn't have restaurant use (A-2) on the 3rd floor even with sprinkler system. The building has to be upgraded to 5A or 3B construction.

Health Department:

No comments received.

Parks and Recreation:

No comments received.

Police Department:

No comments received.

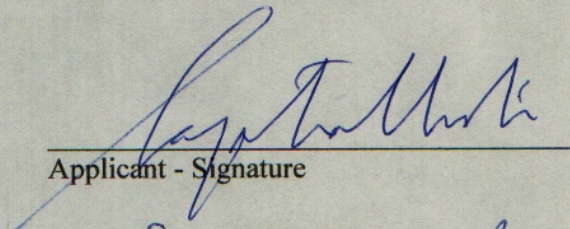
Fire

No comments received.

SUP#2022-00099
211 King Street

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-00099. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 211 King Street.



Applicant - Signature

01/20/2023

Date

RADAT MALHOTRA

Applicant - Printed

01/20/2023

Date