

DATE: July 8, 2022

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

FROM: Patrick Silva, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2022-00040
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: King Street Italian, LLC.
Location: 1024 King Street
Zone: KR / King Street urban retail

Request

Special Use Permit #2022-00040 is a request to change ownership of an existing restaurant from Hank's Oyster Bar Old Town, LLC to King Street Italian, LLC. The applicant will begin to operate the business under the name Thompson Italian. The applicant will continue to operate using the existing hours of operation of 7 a.m. to 1 a.m. daily. The applicant will also maintain the same indoor seating value of 89 seats. No outdoor dining, live entertainment, or applicant operated delivery services are proposed.

Background

The buildings located at 1024 King Street consist of two, two-story townhomes which were originally constructed in 1890. In March 1991, City Council approved Special Use Permit #2472 for a restaurant which operated under the name, Egg Roll House. In March 2001, staff administratively approved Special Use Permit #2001-00002 to change ownership of the restaurant from Taekyun and Taesok Kim to Global Connections, LLC. In November 2001, City Council approved Special Use Permit #2001-00096 to expand the existing restaurant to the second floor, serve alcoholic beverages, and to change the hours of operation. In September 2007, staff administratively approved Special Use Permit #2007-00093 to change ownership of the restaurant from Global Connections, LLC to Hank's Oyster Bar Old Town, LLC and to change the hours of operation. In November 2007, City Council approved Special Use Permit #2007-00103 to further change the hours of operation, increase the number of seats from 40 to 60, and to add on-premise liquor sales. Most recently, in June 2012, City Council approved Special Use Permit #2012-00027 to increase the number of seats from 60 to 89.

Staff has not observed any complaints or Special Use Permit violations relating to the restaurant in the last five years.

Parking

The subject property is located within the Central Business District (CBD). Pursuant to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are exempt from ordinary

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, the Old Town Civic Association was sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses regarding the request.

Staff Action

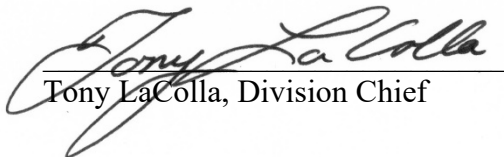
Staff does not object to the Change of Ownership request as a restaurant has operated successfully at this location for many years with no proven impacts on the surrounding neighborhood.

However, several Special Use Permit conditions have been updated to reflect new standard conditions for restaurant uses in the City. This includes amendments to Conditions #2, #6, #10, #11, #12, #13, #14, #16, #18, #23, #27, and #28. In addition, this includes new Conditions #31, #32, #33, #34, #35, #36, #37, and #38. Also, Condition #5 was deleted as the City no longer regulates hours of operation for restaurants via Special Use Permit conditions. Finally, Condition #22 was likewise deleted as the City no longer requires a security survey and robbery awareness program for restaurants which require Special Use Permit approval.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: July 8, 2022
Action: Approved


Tony LaColla, Division Chief

Attachments: 1) Special Use Permit Conditions
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT # 2022-00040

The new owner 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 corporation in which the applicant has a controlling interest. (P&Z)(SUP #2472)
2. **CONDITION AMENDED BY STAFF:** ~~The maximum number of indoor Seating shall comply with the state building code be provided inside for no more than 89 patrons.~~ (P&Z) (SUP #2472)
3. Condition deleted.
4. Condition deleted. (PC)
5. **CONDITION DELETED BY STAFF:** ~~The hours during which the restaurant is open to the public shall be restricted to 7:00 A.M. to 1:00 A.M., daily, as requested by the applicant.~~ (P&Z) (SUP#2007-00103)
6. **CONDITION AMENDED BY STAFF:** ~~No food, beverage, or other material shall be stored outside, with the exception of materials specified in other conditions.~~ (P&Z) (SUP #2472)
7. Condition deleted. (PC)
8. Trash and garbage shall be collected daily when the business is open. (P&Z) (SUP #2472)
9. Condition deleted. (PC)
10. **CONDITION AMENDED BY STAFF:** 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 and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (T&ES) (SUP2012-00027)
11. **CONDITION AMENDED BY STAFF:** ~~Indoor Limited, live entertainment may be offered and must comply with the City's noise ordinance. shall be permitted at the restaurant in the form of background music for restaurant patrons.~~ No cover or admission fee shall be charged ~~may be assessed.~~ 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) (SUP2012-00027)
12. **CONDITION AMENDED BY STAFF:** ~~The applicant shall be permitted to sell alcohol, beer and wine for o~~On-premises consumption only. No and off-premises alcohol sales are

permitted in compliance with Virginia ABC requirements. shall be allowed. (P&Z) (SUP2012-00027)

13. **CONDITION AMENDED BY STAFF:** The applicant shall post the hours of operation at the entrance to of the restaurant business. (P&Z)(SUP#2001-00002)
14. **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)(P&Z) (SUP#2001-00002)
15. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. No amplified sound shall be audible at the property line. (P&Z) (T&ES) (SUP#2007-00103)
16. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking. ~~and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. The applicant shall provide information about off-street parking and alternative forms of transportation to access the location of the restaurant, via print and electronic promotional materials, posting on the restaurant website, and other similar methods.~~ (T&ES) (P&Z) (SUP2012-00027)
17. **CONDITION REPLACED WITH #35-38 AND DELETED:** ~~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) (SUP#2007-00103)~~
18. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be placed inside or 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, or leaking. 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. (P&Z)(SUP#2001-00002)
19. 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) (SUP#2007-00103)
20. Condition deleted.
21. Condition deleted.

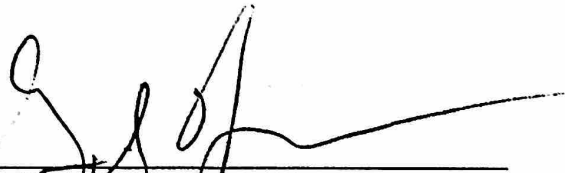
22. **CONDITION DELETED BY STAFF:** ~~The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for all employees. (Police)(SUP#2001-0002)~~
23. **CONDITION AMENDED BY STAFF:** ~~Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and a~~ All patrons must leave the premises by one hour after the closing hour. (P&Z) (SUP#2001-0096)
24. Condition deleted.
25. Condition deleted.
26. 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) (SUP#2007-0103)
27. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after the expansion 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) (SUP2012-00027)
28. **CONDITION AMENDED BY STAFF:** ~~No~~ Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. service of food to customers shall operate from the restaurant. (P&Z) (SUP2012-00027)
29. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2012-00027)
30. All waste products including but not limited to organic compounds (solvents) shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES) (SUP2012-00027)
31. **CONDITION ADDED BY STAFF:** 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)

32. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
33. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
34. **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)
35. **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)
36. **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. (P&Z)
37. **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. (P&Z)
38. **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. (P&Z)

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.

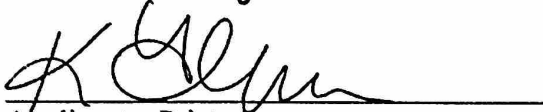
STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-00040. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1024 King Street.



Applicant - Signature

7/13/2022
Date



Applicant - Printed

7/15/2022
Date