

DATE: January 5, 2023

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

FROM: Mavis Stanfield, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2022-00101
Administrative Review for New Use
Site Use: Restaurant
Applicant: Saifalden Alobaidi
Location: 631 King Street
Zone: KR King Street Urban Retail Zone

Request

Special Use Permit #2022-00101 is a request to operate a restaurant at 631 King Street. The business will serve light desserts and a wide range of hot and cold beverages and will have a trade name of Lily's Chocolate & Coffee. The restaurant will operate from 7 a.m. to 9 p.m., Sunday through Thursday and from 7 a.m. to 11 p.m. Friday and Saturday. The applicant expects approximately 30-40 clients a day and will have 3 employees per shift.

The restaurant will have 20 indoor seats with table service, carry-out and delivery by third party vendors, such as Uber Eats or Doordash. No alcoholic beverages will be served.

Background

The property is developed with a three- and one-half story commercial building that real estate records reflect was constructed in 1900. The restaurant will occupy a lower-level portion of the building located at the corner of King and North Washington Streets.

On November 16, 1991, City Council granted Special Use Permit #2536 to Grind N Brew Café, by Ardeshir B. Yazdani for operation of a restaurant located at 631 King Street. On May 18, 1996, City Council granted SUP#96-0039 to Dennis W. Grogan, to add the sale of alcoholic beverages to the restaurant. On January 21, 2005, an administrative change of ownership for the restaurant, SUP#2004-0114, was approved for Waking, LLC. On January 26, 2007, an additional administrative change of ownership for the restaurant, Special Use Permit #2006-0119, was approved for Timothy Ito. More recently, the building has been used by "Franchesca's" a women's clothing store.

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.

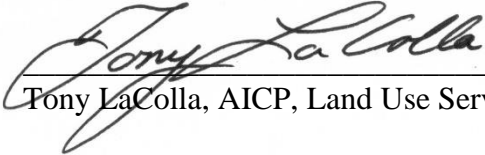
Staff Action

Staff supports the applicant’s request to operate a restaurant use at 631 King Street. This business is not expected to produce a significant impact as they propose a limited range of food products and will only have 20 indoor seats. Standard restaurant conditions are included in this staff report for the restaurant use to ensure compatibility with the surrounding community.

Staff supports the applicant’s request for a restaurant use at this location.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: January 5, 2023
Action: Approve



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 #2022-00101

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)
2. All patrons must leave the premises one hour after the closing hour. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z)
5. No food, beverages, or other material shall be stored outside. (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. On and off premises alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z)
8. Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)
9. 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)
10. 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)
11. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
12. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)

13. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. (P&Z) (T&ES)
14. 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)
15. 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)
16. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
17. 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)
18. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
19. The applicant is encouraged to notify supply delivery drivers not to idle for more than 10 minutes when parked. (P&Z)
20. The use must comply with the city's noise ordinance. No amplified sound shall be audible at the property line after 11:00 pm. (T&ES)
21. 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 unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
22. The applicant shall require its employees who drive to use off-street parking. (T&ES)
23. 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)
24. 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)

25. 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)
26. 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)
27. 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, 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)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-3 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. (P&Z) (T&ES)
- R-4 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-5 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-6 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-7 No vehicles associated with this project shall be permitted to idle for more than 10 minutes when parked.
- R-8 The use must comply with the city's noise ordinance. No amplified sound shall be audible at the property line after 11:00 pm. (T&ES)
- R-9 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 unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-10 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-11 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-12 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-13 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-14 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:

No comments received.

Health Department:

Food Facilities

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria- fee must be paid separate from any other departmental fees.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C-4 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.

C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Parks and Recreation:

No comments received.

Police Department:

No comments received.

Fire:

No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-0101. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 631 King Street.



Applicant - Signature

1/10/2023

Date

Saif Akbar Abbasi

Applicant - Printed

1/10/2023

Date