DATE: September 7, 2016

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Sara Brandt-Vorel, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2016-0057
Administrative Review for a New Use

Site Use:	Restaurant
Proposed Business Name:	T-Baar
Applicant:	Jimmy Lui
Location:	1020 King Street
Zone:	KR/King Street Retail

Request

Special Use Permit #2016-0057 is a request to operate a new restaurant at 1020 King Street of approximately 1,150 square feet on the first floor space. The proposed first floor restaurant is located in a two-story brick structure which was constructed sometime between 1885 and 1891 and used for residential purposes through 1999. After 1999, the structure was used for a number of retail uses before most recently hosting an interior design operation. The proposed restaurant is located in a block of King Street with a mix of uses, with five restaurants, including Hank's Oyster Bar and Killer ESP coffee; ten retail destinations such as Current Boutique and The Hour; and four personal service establishments including salons. The block also contains two vacant storefronts.

The applicant proposes a franchised location of "T-Baar," a juice-bar and coffee shop concept which originated in Brooklyn, New York and offers a menu of custom-made juices, teas, and smoothies for carry-out. The applicant proposes a counter-service restaurant model with no indoor or outdoor seating. The applicant proposes daily hours of 9 a.m. to 6 p.m. and does not propose any live entertainment or delivery from their restaurant.

Elements of the proposal include:

Proposed Hours of Operation:	9 a.m. – 6 p.m., daily.
Proposed Seating:	0 seats (indoor and outdoor)
Type of Service:	Carry-out.
Delivery:	No delivery proposed.
Alcohol:	No on- or off-premises alcohol sales proposed.

Live Entertainment:	No live entertainment proposed.
Employees per Shift:	2 employees per shift.
Noise:	Minimal noise is expected.
Odors:	Minimal odors from a restaurant use are addressed through proper ventilation.
Trash/Litter:	The applicant is proposing to install trash receptacles inside the store for customer use. All trash receptacles will be emptied into dumpsters located behind the proposed restaurant.

Parking

The applicant's proposed restaurant is located within the Central Business District and Section 8-300(B) of the Zoning Ordinance waives the parking requirement for restaurants located within the Central Business District. As such, the applicant is not required to provide off-street parking.

Zoning/Master Plan Designation

The subject site is located in the Old Town Small Area Plan which encourages the preservation of the mix of uses and the continued concentration of retail in existing commercial corridors, such as King Street. The Old Town Small Area Plan also includes the Old Town Restaurant Policy which requires an analysis of a proposed restaurant's impact on parking, late hours, alcohol sales, and littering. Additionally, as the proposed business is located in the City's Old and Historic District, any exterior work or signage will require review and approval by the Board of Architectural Review (BAR).

Community Outreach

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Old Town Civic Association, the Old town Business and Professional Association, and the King Henry Court Civic Association have been informed of the new restaurant application.

Staff Action

Staff finds the restaurant use a reasonable request for a storefront along King Street which is one of the City's primary retail corridors. The applicant's proposed restaurant concept represents a new type of food service on King Street and adds to the vibrancy of restaurant offerings along the corridor. Staff also finds the applicant's occupancy of a previously vacant storefront a desirable outcome for King Street. Although the applicant requests no seating, outdoor seating may be arranged through the King Street Outdoor Dining Program under a separate application. In addition, staff has evaluated the applicant's restaurant request in the context of the King Street Restaurant Policy and finds the restaurant complies with policy goals.

Parking:
With a specialized menu, staff believes many patrons of the restaurant will likely walk to the site for carry-out, and the restaurant will generate few car-based trips. In addition, the proposed restaurant location is well served by public transportation including the King Street Trolley, DASH buses, Metrorail Bus, and is within one block of a Capital Bikeshare station. Nonetheless, staff has included several conditions to ensure that parking does not become a challenge, including Condition #10 which encourages employees to utilize public transportation to reach the restaurant; Condition #11 which requires the applicant to participate in any future parking strategies which may be developed as part of the Old Town Parking Study; Condition #12 requires the applicant to provide information on alternative forms of transportation; encouraging patrons to park off-street by providing information on nearby parking garages and parking lots is required in Condition #13; and Condition #18 requires employees to park off-street.

Litter:
The applicant proposes to install trash receptacles inside the restaurant for staff and customer use which would serve to collect waste. All trash receptacles will be emptied into a dumpster located in the rear of the restaurant to be collected. Nonetheless, staff includes a standard litter removal condition through Condition #19 which requires restaurant staff to survey the street three times a day and pick-up any litter to ensure the streetscape remains clean.

Alcohol and Late Hours:
As the applicant does not propose the sale of alcohol and has requested a closing hour of 6 p.m., daily, staff does not anticipate any impacts associated with alcohol and late hours.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: September 7, 2016
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2016-00057

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. The applicant shall post the hours of operation at the entrance of the business. (P&Z)

3. The restaurant shall have no indoor seats. Outdoor seats may be permitted through the King Street Outdoor Dining Program. (P&Z)

4. The hours of operation of the restaurant shall be limited to between 9 a.m. and 6 p.m., daily. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour. (P&Z)

5. No alcohol sales are permitted. (P&Z)

6. No live entertainment shall be provided at the restaurant. (P&Z)

7. No food, beverages, or other material shall be stored outside. (P&Z)

8. 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. 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) (T&ES)

9. 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)

10. The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact the Local Motion at localmotion@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)

11. The applicant shall direct patrons to the availability of parking at nearby public garages and 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 Strategy (Old Town Area Parking Study). (T&ES)

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 Local Motion at localmotion@alexandriava.gov for more information about available resources. (T&ES)

13. The applicant will encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)

14. 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)

15. 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 & Environmental Services. (T&ES)

16. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11p.m. and 7 a.m. (T&ES)

17. Chemicals, detergents or cleaners must not be stored outside the building, unless they are kept in an enclosure with a roof. (T&ES)

18. The applicant shall require its employees who drive to work to use off-street parking.(T&ES)

19. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)

20. The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. (T&ES)

21. The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services. (T&ES)

22. 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)

23. 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)

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

R-1 The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact the Local Motion at localmotion@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)

R-2 The applicant shall direct patrons to the availability of parking at nearby public garages and 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 Strategy (Old Town Area Parking Study). (T&ES)

R-3 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 Local Motion at localmotion@alexandriava.gov for more information about available resources. (T&ES)

R4 The applicant will encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)

R-5 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)

R-6 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 & Environmental Services. (T&ES)

R-7 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

R-8 Chemicals, detergents or cleaners must not be stored outside the building, unless they are kept in an enclosure with a roof. (T&ES)

R-9 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. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)

R-10 The applicant shall require its employees who drive to work to use off-street parking.(T&ES)

R-11 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)

R-12 The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. (T&ES)

R-13 The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services. (T&ES)

C-1 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). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

Fire Department:
No comments or concerns.

Code Enforcement:
No comments received.

Health Department:

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.

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.

Recreation, Parks and Cultural Activities:
No comments received.

Police Department:
No comments received.

City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the Special Use Permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit	#2016-0057
Approved by Planning and Zoning:	September 7, 2016
Permission is hereby granted to:	Jimmy Lui
To use the premises located at:	1020 King Street
For the following purpose:	see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

9/7/16
Date

Karl Moritz /AD
Karl Moritz, Director
Department of Planning and Zoning

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-00057. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1020 King Street.

Jimmy Lui

Applicant – Signature

9/12/16

Date

Jimmy Lui

Applicant – Printed

9/12/16

Date