

DATE: December 6, 2018

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

FROM: Max Ewart, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-0105
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Java Grill, LLC
Location: 611 King Street
Zone: KR/King Street Urban Retail Zone

Request

Special Use Permit #2018-0105 is an SUP request for a change of ownership of an existing restaurant from Bread and Chocolate, Inc. to Java Grill, LLC. No changes to restaurant operations are proposed and the applicant will continue operating a dine-in restaurant of approximately 70 indoor seats and offer a menu of breakfast items, light dishes, salads, and beverages, such as coffee and tea and on-premises alcohol. The applicant has not requested outdoor dining, however this can be requested through the King Street Outdoor Dining Program or through an SUP request. The applicant proposes to maintain the previously approved hours of operation of 7 a.m. to 9 p.m., daily.

Background

On May 20, 2006, City Council Approved SUP #2006-0013 for a special use permit to increase the seating at a restaurant, Bread and Chocolate. Since 2011 there have been four complaints regarding trash in the rear alleyway behind the restaurant. These complaints were addressed immediately once the owner was notified.

Parking

Pursuant to Section 8-300 (B) of the Zoning Ordinance, parking requirements do not apply to restaurants located within the Central Business District.

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 received two comments related to the intensity of Java Grill when compared to Bread and Chocolate. Staff informed those concerned that because the applicant would comply with all conditions of the Bread and Chocolate SUP, there would not be an increase in intensity of the use.

Staff Action

Staff supports the change of ownership request and finds the continued operation of a

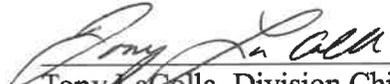
restaurant use at this location to be a positive amenity to the community and consistent with the subject site's zoning. Staff has carried forward the previous conditions and added present-day standard restaurant conditions, such as Conditions 25-27, related to mitigating environmental impacts and Conditions 28-33 related to parking. Condition 16 regarding parking programs was deleted and replaced with Condition 31 and Condition 21 was deleted and replaced with Conditions 28 and 29. Condition #22 was deleted as the applicant satisfied the condition.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: December 6, 2018

Action: Approved



Tony LaColla, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2018-0105

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 other business entity in which the applicant has a controlling interest. (P&Z) (SUP #2006-0013)
2. The applicant shall install an automatic sprinkler system. (Fire) (SUP #2006-0013)
3. The seating capacity be limited to 70 indoor seats, as requested by the applicant. (P&Z) (SUP #2006-0013)
4. 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. (P&Z) (SUP #2006-0013)
5. Condition deleted. (SUP #2002-0054)
6. Trash and garbage shall be place in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #2006-0013)
7. Live entertainment shall be limited to two acoustic, non-amplified performances by one musician, generally a guitarist or violinist, per week. 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 entertainment. Live entertainment shall be limited to inside the restaurant and is not permitted outside. (P&Z) (SUP #2006-0013)
8. No motor vehicle delivery service is permitted. (P&Z) (SUP #2006-0013)
9. On-site beer and wine service is permitted; no off-premise alcohol sales are permitted. (P&Z) (SUP #2006-0013)
10. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2006-0013)
11. The hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. daily. (P&Z) (SUP #2006-0013)

12. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2006-0013)
13. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (P&Z) (SUP #2006-0013)
14. No amplified sound shall be audible at the property line. (T&ES) (SUP #2006-0013)
15. The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (SUP #2006-0013)
16. **CONDITION DELETED BY STAFF AND REPLACE WITH CONDITION 30:** ~~The applicant shall maintain a parking arrangement with area garages, by which the regular parking price at those garages is discounted by at least \$1 for customers. The applicant shall post information regarding the availability of parking at those garages for patrons at the restaurant. (P&Z) (SUP #2006-0013)~~
17. 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 Department of Transportation and Environmental Services. (P&Z) (SUP #2006-0013)
18. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees. (P&Z) (Police) (SUP #2006-0013)
19. **CONDITION AMENDED BY STAFF:** 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) (SUP #2006-0013)
20. 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 #2006-0013)
21. **CONDITION DELETED BY STAFF AND REPLACE WITH CONDITIONS 28:** ~~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. (P&Z) (SUP #2006-0013)~~

22. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall contribute \$500.00 to the Streetscape Beautification fund for the installation of litter receptacles along the public right-of-way. 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 #2006-0013)~~
23. 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, at least to the extent already required by this SUP with regard to employee and customer parking. (P&Z) (SUP #2006-0013)
24. **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)
25. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
26. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
27. **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. (P&Z)
28. **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)
29. **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)

30. **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)**
31. **CONDITION ADDED BY STAFF: Meals ordered before the closing hour may be served, but no new patrons may be admitted, no new meals may be ordered and no alcohol served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)**
32. **CONDITION ADDED BY STAFF: Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m. (P&Z)**
33. **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)**

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0105. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant use at 611 King Street.



Applicant - Signature

12/7/2018

Date

T. "Curt" Tran

Applicant - Printed

12/7/2018

Date

