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	#2016-0073
Approved by Planning and Zoning:	October 31, 2016
Permission is hereby granted to:	W-LCP Alexandria VII, L.L.C.
To use the premises located at:	1767 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.

10/31/16
Date

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

DATE: October 31, 2016

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

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

SUBJECT: Special Use Permit #2016-0073
Administrative Review for Change of Ownership

Site Use:	Restaurant
Applicant:	W-LCP Alexandria VII, L.L.C.
Location:	1767 King Street (Parcel Address: 1747 King Street)
Zone:	KR/King Street Urban Retail

Request

Special Use Permit #2016-0073 is an administrative request to change the ownership of an existing restaurant from LHO Alexandria 1 Lessee, LLC to W-LCP Alexandria VII, LLC. The business proposes to continue operating as a coffee shop, under the trade name of Starbucks, offering a range of hot and cold beverages and light fare. The restaurant will offer dine-in and carry out services and maintain the use of eight indoor and four outdoor seats for patrons. The restaurant primarily operates from 6 a.m. to 6 p.m., daily and does not offer delivery, live entertainment, or the sale of alcohol. No other operational changes are proposed.

Background

SUP #97-0092 was approved in September of 1997 by City Council for a site plan with the development of a hotel use and a parking reduction. SUP #97-0092 also specified that any restaurants opened in conjunction with the hotel would be required to obtain separate Special Use Permit approval. In addition to a full-service restaurant that City Council approved in January 2000 through SUP #99-0155, which has operated through several City Council amendments and most recently a staff level administrative approval for a change of ownership in December 2015 through SUP #2015-0117, the site hosts a smaller restaurant that is the subject of this request. The smaller restaurant, a coffee shop, was approved by City Council in September 2005 through SUP #2005-0073. Staff conducted an inspection in September 2016 and the associated hotel was in violation of the City's noise ordinance with outdoor speakers and a written warning was issued. A follow up inspection in October 2016 found the hotel and two restaurants to be in compliance with all SUP conditions.

Parking

The restaurant is located within the boundaries of the King Street Transit Parking District which was established to create a walkable community with a mix of uses and encourage the use of Metrorail for transportation. As such, per section 8-400(B)(8) of the Zoning Ordinance, the first 10,000 square feet of retail or restaurant located in a hotel use does not have a parking requirement. The ground floor of the hotel, containing a restaurant of approximately 2,300 square feet and the coffee-shop restaurant of approximately 600 square feet, is below the threshold of 10,000 square feet. In addition, the hotel currently provides approximately 300 parking spaces in the below ground parking garage which is accessible for employees, hotel guests, and visitors.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Upper King Street Neighborhood Association, Royalton at the King Street Metro Condominium, and the Old Town Business and Professional Association were sent an e-mail with information about the current application. Staff received one comment in regards to parking for the coffee shop which is addressed by the King Street Transit Parking District.

Staff Action

Staff approves of the applicant's request for a change of ownership for the business. The continued operation of an active coffee shop within the hotel provides hotel guests, nearby office workers, and residents access to beverages and food in a section of upper King Street which has limited quick-service options. Staff has carried forward previous SUP conditions and added several standard conditions pertaining to modern-day language. Environmental protection conditions such as Condition #12 prohibits any detergents for use in exterior power washing; Condition #16 prohibits the washing of kitchen equipment in the outdoors; and Condition #18 requires the disposal of all waste products to follow local, state and federal ordinances. Condition #23 requires the applicant to monitor and pick up litter near the restaurant were added to the SUP. Condition #6 has been deleted and replaced with Condition #32 which encourages employees to use public transportation. Employees who drive are required to park off-street as stated in Condition #21.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: October 31, 2016
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2016-0073

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 #2005-0073)

2. The hours of operation of the coffee shop shall be limited to 6:00 a.m. to 12:00 midnight daily. (P&Z) (SUP #2005-0073)

3. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP #2005-0073)

4. **CONDITION AMENDED BY STAFF:** No more than eight indoor seats and four outdoor seats shall be provided at the restaurant. Additional outdoor seats may be provided as generally depicted in the attached plan, pursuant to an approved encroachment permit or a King Street Outdoor Dining Permit, to the satisfaction of the Director of Planning and Zoning. (P&Z) ~~(SUP #2005-0073)~~

5. The design and/or illumination of any signage and any other improvements pertaining to the applicants business on the exterior facade of 1767 King Street shall be to the satisfaction of the Director of Planning and Zoning. Any proposed signage shall be approved by the Planning Commission before installation. (P&Z) (PC) (SUP #2005-0073)

6. **CONDITION DELETED AND REPLACED WITH CONDTION 22:**~~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 #2005-0073)~~

7. 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 #2005-0073)

8. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police) (SUP #2005-0073)

9. **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 #2005-0073)~~

10. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall provide the City $1,000 for one Model SD-53 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King). The applicant will be responsible for the maintenance and upkeep of the litter receptacle. (City Council) (SUP #2005-0073)~~

11. **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)

12. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)

13. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)

14. **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. (T&ES)

15. **CONDITION ADDED BY STAFF:** 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)

16. **CONDITION ADDED BY STAFF:** 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)

17. **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. (T&ES)

18. **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)

19. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

20. **CONDITION ADDED BY STAFF:** The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)

21. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. (T&ES)

22. **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. (T&ES)

23. **CONDITION ADDED 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 or unsanitary accumulation, on each day that the business is open to the public. (T&ES)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0073. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1767 King Street (parcel address 1747 King Street).

W-LCP ALEXANDRIA VII, LLC

Applicant - Signature

11-1-16
Date

David Sims
Authorized Person

Applicant – Printed

Date