

DATE: November 21, 2022

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

FROM: Mavis Stanfield, Urban Planner III  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2022-00090  
Administrative Review for New Use  
Site Use: Restaurant  
Applicant: JuAnn Wong  
Location: 806 King Street  
Zone: KR/King Street urban retail zone

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### **Request**

Special Use Permit #2022-00090 is a request to establish a restaurant at 806 King Street. The applicant, JuAnn Wong, is requesting permission to operate a restaurant on the first floor of the building with 24 indoor seats and carry-out service. The restaurant will operate seven days a week between the hours of 7 a.m. and 4 p.m. The applicant anticipates serving approximately 90 visitors a day and having a staff of about three or four employees per shift. The restaurant would sell coffee, juice, sandwiches and salads. Although the application indicates that the use will occupy a floor area of 2,300 square feet for the restaurant, the applicant has confirmed via email to staff that that number is actually closer to 1,100 square feet of space.

### **Background**

According to Real Estate Assessments, the building was constructed around 1900. City records indicate that the building was used for commercial purposes as early as 1947 when a sign was approved by the Architectural Review Board for a 1<sup>st</sup> Federal Savings and Loan Association. The most recent occupant was a jewelry store which has relocated.

### **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. Notice was also sent via email to the Old Town Civic Association. Staff received an anonymous comment, from someone who identified themselves as a neighbor, that a restaurant use may lead to an infestation of rats. While staff appreciates how a concern like this could be

generated by the presence of a new restaurant, the Code requirements of the Health and Code Administration departments, combined with the conditions applied by Transportation and Environmental Services (T&ES) address sanitation issues sufficient to abate any such infestation. For example, Condition #10 requires that “litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises, including the rear alley, 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.” Condition #20 requires that trash be stored inside or in sealed containers that do not allow odors to escape, **invasion by animals**, or leaking. Lastly, Condition #21 prohibits cleaning of any kitchen equipment, including floor mats, outdoors.

Therefore, the SUP proposal did not receive any comments to cause docketing of the restaurant new use request.

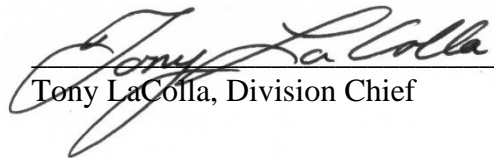
**Staff Action**

Staff supports the applicant’s request to establish a new use of a restaurant at 806 King Street. This restaurant is not expected to produce a significant impact as it will only occupy the first floor of this building. Standard restaurant conditions are included in this staff report to ensure compatibility with the surrounding community.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: November 21, 2022  
Action: Approved

  
Tony LaColla, Division Chief

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

## **CONDITIONS OF SPECIAL USE PERMIT #2022-00090**

The 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)
2. All patrons must leave the premises one hour after the closing hour. (P&Z)
3. 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)
4. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z)
5. On and off premises alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z)
6. 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.
7. 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)
8. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
9. The number of indoor seats shall comply with the statewide building code. (P&Z)
10. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises, including the rear alley, 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) (T&ES)
11. The applicant shall require its employees who drive to use off-street parking. (T&ES)

12. 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](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
13. 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. (T&ES)
14. 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](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
15. 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. (T&ES)
16. Food delivery operated and managed by the applicant may be permitted and the applicant shall provide off-street parking when the vehicles are not in use. (P&Z)
17. No vehicles associated with this project shall be permitted to idle for more than ten minutes when parked. (T&ES)
18. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
19. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
20. 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)
21. 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)
22. 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)
23. 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)
24. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 6:00am. (T&ES)

25. 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 after 9:00 PM. (T&ES)
  
26. 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:

#### **Conditions:**

- R-1 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)
- R-2 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-3 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-4 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-5 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-6 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-7 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-8 No vehicles associated with this project shall be permitted to idle for more than 10 minutes when parked.
- R-9 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-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](mailto: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](mailto: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)

**City Code Requirements:**

- 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 SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES)
- C - 2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C – 3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code Enforcement:

- C-1 A building permit is required.

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 comment.

### **Police Department:**

No comment.

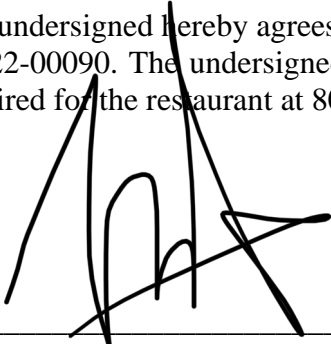
### **Fire:**

No comment.



**STATEMENT OF CONSENT**

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-00090. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 806 King Street.



Applicant - Signature

**Ju Ann Wong**

Applicant - Printed

**11/22/22**

Date

**11/22/22**

Date