

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 #2024-00028

Approved by Planning and Zoning: July 2, 2024

Permission is hereby granted to: King Street Italian, LLC.

to use the premises located at: 1024 & 1026 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.

July 2, 2024

Date

Karl Moritz (by T. LaColla)

Karl Moritz, Director
Department of Planning and Zoning

DATE: July 2, 2024

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

FROM: Patrick Silva, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2024-000028
Administrative Review for Minor Amendment
Site Use: Restaurant with outdoor dining
Applicant: King Street Italian, LLC.
Location: 1024 & 1026 King Street
Zone: KR / King Street urban retail

Request

Special Use Permit #2024-00028 is a request for a Minor Amendment to amend Special Use Permit #2023-00009 to allow the restaurant use, Thompson Italian, to expand the floor area it occupies for purposes of adding 62 additional indoor seats to the third floor of the existing building. No other changes to the existing business are proposed.

Background

The buildings located at 1024 and 1026 King Street consist of two, two-story townhouses which were originally constructed in 1890. In March 1991, City Council approved Special Use Permit #2472 for a restaurant which operated under the name, Egg Roll House. In March 2001, staff administratively approved Special Use Permit #2001-00002 to change ownership of the restaurant from Taekyun and Taesok Kim to Global Connections, LLC. In November 2001, City Council approved Special Use Permit #2001-00096 to expand the existing restaurant to the second floor, serve alcoholic beverages, and to change the hours of operation. In September 2007, staff administratively approved Special Use Permit #2007-00093 to change ownership of the restaurant from Global Connections, LLC to Hank's Oyster Bar Old Town, LLC and to change the hours of operation. In November 2007, City Council approved Special Use Permit #2007-00103 to further change the hours of operation, increase the number of seats from 40 to 60, and to add on-premises liquor sales. In June 2012, City Council approved Special Use Permit #2012-00027 to increase the number of seats from 60 to 89. In July 2022, staff administratively approved Special Use Permit #2022-00040 for a change of ownership from Hank's Oyster Bar Old Town, LLC to King Street Italian, LLC, who began to operate the restaurant under the name Thompson Italian. Most recently, in March 2023, staff administratively approved Special Use Permit #2023-00009 to add 15 seats of outdoor dining on private property in the rear yard area of the subject site.

Parking

The subject property is located within the Central Business District (CBD). Pursuant to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are exempt from ordinary 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, the Old Town Civic Association was sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses regarding the request.

Staff Action

Staff does not object to the Minor Amendment request as the restaurant has operated successfully at this location for several years without issues, complaints, or violations since the time it began operating.

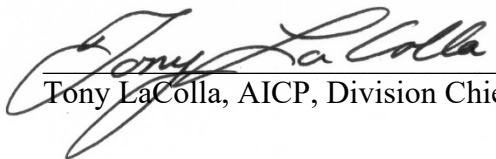
Special Use Permit conditions have been carried over from Special Use Permit #2023-00009. However, Condition #27 has been amended to reflect the new standard condition associated with one- and three-year SUP reviews.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: July 2, 2024

Action: Approved


Tony LaColla, AICP, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2024-00028

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 corporation in which the applicant has a controlling interest. (P&Z)(SUP #2472)
2. The maximum number of indoor seats shall comply with the state building code. (P&Z) (SUP2022-00040)
3. Condition deleted.
4. Condition deleted. (PC)
5. Condition deleted.
6. No food, beverage, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP2022-00040)
7. Condition deleted. (PC)
8. Trash and garbage shall be collected daily when the business is open. (P&Z) (SUP #2472)
9. Condition deleted. (PC)
10. 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 and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (T&ES) (SUP2022-00040)
11. Indoor limited, live entertainment may be offered and must comply with the City's noise ordinance. No cover or admission 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) (SUP2022-00040)
12. On and off-premises alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z) (SUP2022-00040)
13. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP2022-00040)
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)(P&Z) (SUP2022-00040)

15. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. No amplified sound shall be audible at the property line. (P&Z) (T&ES) (SUP#2007-00103)
16. The applicant shall require its employees who drive to work to use off-street parking. (T&ES) (P&Z) (SUP2022-00040)
17. Condition deleted.
18. Trash and garbage shall be placed inside or in sealed containers which do not allow odors to escape, invasion by animals, or leaking. No trash and debris shall be allowed to accumulate on site 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) (SUP2022-00040)
19. 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 and Environmental Services. (T&ES) (SUP#2007-00103)
20. Condition deleted.
21. Condition deleted.
22. Condition deleted.
23. All patrons must leave the premises one hour after the closing hour. (P&Z) (SUP2022-00040)
24. Condition deleted.
25. Condition deleted.
26. 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#2007-0103)
27. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after it has been operational ~~for one year~~, and then again every three years for compliance with all conditions and may ~~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)~~ or 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 to offset land use impacts not addressed in the city code. (P&Z) (SUP2023-00009)~~

28. Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z) (SUP2022-00040)
29. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2012-00027)
30. All waste products including but not limited to organic compounds (solvents) shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES) (SUP2012-00027)
31. 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) (SUP2022-00040)
32. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z) (SUP2022-00040)
33. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z) (SUP2022-00040)
34. 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) (SUP2022-00040)
35. 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) (SUP2022-00040)
36. 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) (SUP2022-00040)
37. 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) (SUP2022-00040)

38. 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) (SUP2022-00040)
39. The hours of operation for outdoor dining shall be limited to between 7 a.m. and 1 a.m. daily. The outdoor dining area shall be closed and cleared of all customers by 1 a.m. The outdoor seating area shall not include signage on umbrellas. (P&Z) (SUP2023-00009)
40. The number of outdoor seats shall be 15 and shall not encroach into the public right-of-way. (P&Z) (SUP2023-00009)
41. The outdoor dining areas shall be cleaned and washed at the close of each business day that they are in use. (P&Z) (SUP2023-00009)
42. The design of the outdoor dining areas and all its components shall be consistent with the standards of the City Outdoor Dining Design Guidelines. (P&Z) (SUP2023-00009)

Staff Note: In accordance with Section 11-506(c) of the Zoning Ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a Special Use Permit by City Council or the Special Use Permit shall become void.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- 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, for information about completing this form. (T&ES-DROW)
- 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-DROW)
- 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-DROW)

Code Enforcement:

- C-1 Increasing occupant loads requires a building permit review.

Parks and Recreation:

No comments or concerns.

Police Department:

No comments received

Health Department:

No comments received


Fire Department:

- C-1 An updated fire prevention permit will be required for this new use. Application can be accessed online at:
www.alexandriava.gov/fire-department/the-fire-marshals-office.

SUP2024-00028
1024 & 1026 King Street

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2024-000028. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1024 & 1026 King Street.



Applicant - Signature

7/18/2024
Date

GABE Thompson
Applicant - Printed

7/18/2024
Date