

City of Alexandria, Virginia

MEMORANDUM

DATE: OCTOBER 16, 2013

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: FAROLL HAMER, DIRECTOR
DEPARTMENT OF PLANNING AND ZONING

SUBJECT: THE KING BUILDING AT 923

This memo provides additional information requested by City Council on September 21, 2013. The City Council deferred the applicant's extension request for DSUP#2010-00002 at 923 King Street. During their discussion, City Council directed staff to work with the applicant and determine if a good faith effort was being made to move the project forward in a timely and competent manner. Additionally, City Council requested a list of infractions that have occurred on the site. Staff is recommending approval of a three year extension to DSUP 2010-00002.

This memo includes information regarding the (1) project status in terms of the timeline from City Council's original approval to the extension request; (2) financing of the project in terms of fees paid and bonds posted; (3) list of infractions and remediation performed by the applicant on the site; and (4) City's authority to ensure the property is well maintained and marketable for attracting tenants.

Project Status

After the DSUP was approved in May 2010, the applicant worked with staff to complete the final site plan and building permit drawings. The table below summarizes the review schedule but does not include the numerous meetings and correspondence.

Table 1. Project Review Timeline

Action	Applicant Submittal Date	City Response Date
Board of Architectural Review	May 17, 2010	BAR Approval: June 16, 2010
Final Site Plan 1	July 14, 2010	August 15, 2010
Final Site Plan 2	December 2, 2010	December 27, 2010
Final Site Plan 3	January 9, 2011	January 21, 2011
Final Site Plan 4	January 24, 2011	January 31, 2011
Mylars	February 7, 2012*	April 11, 2012**
Building Permit	January 6, 2012	TO BE COMPLETED***

- * The applicant indicated to staff that negotiations with Dominion Virginia Power about an easement of the property caused the delay in submitting Mylars. The easement was for the overhead utilities that cross through the northwest corner of the site. The applicant represented to staff that Dominion Virginia Power requested monetary amounts and air rights to the utilities that made the project unfeasible. According to the applicant, the two parties compromised and the project could move forward.
- ** The delay in the City Response Date is related to the release of the final site plan. Released site plans must have all conditions of approval due at that time be satisfied and bonds posted.
- ***Code Administration conducted the latest review of the plans on 10/15/2012 and rejected the incomplete plans. Code Administration notified Marc Zweben (Owner's Manager) of the deficiencies on both 9/20/2012 and 10/15/2012.

Project Financing

The City does not request evidence of project financing but does require the proof of a construction contract, designating a licensed contractor as part of the project team. The applicant has not submitted that documentation to date. However, the City reviews project fees paid and bonds posted to assess whether or not a project will move forward. Typically, if the applicant posts their bonds, and gets their final site plan and building permits from the City, the project is ready to commence construction. Table 1 below summarizes the status of the monies associated with the project that the City collects.

Table 1. Summary of Project Fees and Bonds

Item	Fee Amount	Amount Paid	Amount Owed
Final Site Plan Review Fees	\$7,307.00	\$7,307.00	\$0
Performance Bond for Project Construction	\$12,306.00	\$12,306.00	\$0
Engineering and Inspection Fees	\$111.00	\$111.00	\$0
Combined Sewer Fee (Condition #43)	\$9,642.00	\$9,642.00	\$0
Street Cleaning Deposit	\$2,000.00	\$2,000.00	\$0
Water Quality Improvement Fee	\$0	\$0	\$0
Trash Receptacles (1)	\$1,150.00	\$1,150.00	\$0
Living Landscape Fund Fee in-lieu (Condition #53)	\$250.00	\$250.00	\$0
Building Permit Fees	\$7445.30	\$1,776 (deposit)	\$7445.30
Total	\$40,211.30	\$32,766.00	\$7445.30

Infractions and Complaints

City Council requested a list of infractions on the property. A list of all infractions, complaints, and action taken between June 2010 and September 2013 is below:

- 6//2010: Owner advised of tall grass and trash in rear lot with official notice. The issue was corrected.
- 8/2010: Owner advised of tall grass with official notice. The issue was corrected.
- 7/2011: Owner advised of tall grass and debris. The issue was corrected w/out an official notice
- 8/2011: Owner issued a notice for debris, property maintenance issues including broken windows, rotted wood and peeling and flaking paint. The violations were corrected by 10/11/2011
- 4/2013: Owner issued a notice for a broken window. The issue was corrected by 5/15/2013.
- 7/2013: Owner advised of tall grass. Corrected by 7/29/2013.

The building is showing signs of peeling and flaking paint. City staff advised the owner the front of the building needed maintenance. The owner said he would have any wood repaired and the front painted within 30 days. Staff will inspect to ensure the work is completed and to the City's satisfaction.

City Action

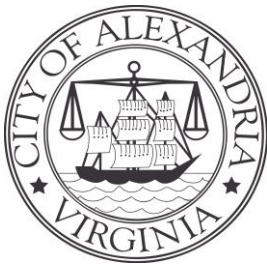
City Council also requested information regarding options the City has to ensure the site is maintained properly. Code Administration has a dedicated Property Maintenance Inspector who is assigned to the Old Town area. The dedicated inspector along with other inspectors, have conducted both proactive and reactive inspections for the site. All inspection information is entered in a central City permit database and provided within this memo.

Additionally, the applicant and staff worked with the Alexandria Economic Development Partnership (AEDP) to devise strategies to attract businesses. The applicant and AEDP exchanged information about potential tenants, local brokers, listing services, marketability of the property, square footage requirements for different types of tenants, and local market trends. AEDP offered their resources to assist in finding a tenant. The applicant indicated they would work with AEDP and list the property within the next few days.

DSUP#2013-0012
The King Building at 923
923 King Street

Staff Recommendation

Staff recommends approval of the standard extension request for three years, as recommended by the Planning Commission.



Docket Item #5

Development Special Use Permit #2013-0012
923 King Street – The King Building at 923

Application	General Data	
Project Name: The King Building at 923	PC Hearing:	September 3, 2013
	CC Hearing:	September 21, 2013
	If approved, DSUP Expiration:	September 21, 2016
	Plan Acreage:	2,836 sq. ft.
Location: 923 King Street	Zone:	King Street Urban Retail Zone(KR)
	Proposed Use:	Two-story restaurant and 2 accessory residential apartments
	Dwelling Units:	2 third-story accessory residential apartments
	Gross Floor Area:	Existing: 1.4, Proposed: 2.41 (w/SUP)
Applicant: Seyed Hossein Shoja-Maddahi, represented by Sina Soumekhian	Small Area Plan:	Old Town
	Historic District:	Old and Historic Alexandria
	Green Building:	Requesting Flexibility

Purpose of Application:

Request a three-year extension of a development special use permit (DSUP #2007-0034) to construct an approximately 1,492 sq. ft. addition.

Special Use Permits and Modifications Requested:

1. Special Use Permit to operate a full-service restaurant
2. Special Use Permit to increase Floor Area Ratio (FAR) from 1.5 to 2.5
3. Modification to Section 11-410(CC)(2) to relocate 25% crown coverage requirement

Staff Recommendation: APPROVAL WITH CONDITIONS

Staff Reviewers: Colleen Willger, AICP, LEED AP BD+C; colleen.willger@alexandriava.gov

CITY COUNCIL ACTION, SEPTEMBER 21, 2013: City Council deferred the request until October 19, 2013.

PLANNING COMMISSION ACTION, SEPTEMBER 3, 2013: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

DSUP#2013-0012
The King Building at 923
923 King Street

Reason: The Planning Commission agreed with the staff analysis.

DSUP#2013-0012
The King Building at 923
923 King Street



KEY MAP



DSUP #2013-0012
923 King Street

9/3/2013 N



I. SUMMARY

Recommendation & Summary of Issues

Staff recommends approval of a request to grant a three-year extension of a development special use permit (DSUP #2010-00002) for a restaurant with residential units above in the vacated building located at 923 King Street. The extension request is to construct an approximately 1,492 square foot addition and renovate the existing historic building (please refer to the attached previous staff report for additional project details).

Specific issues associated with this project include:

- Approval of a Development Special Use Permit, with Site Plan, to construct an approximately 1,492 sq. ft. addition to the existing 4,309 sq. ft. vacant building. A Site Plan is required because the addition is more than 1/3 the size of the existing building.
- Approval of a SUP for a restaurant. The restaurant use diversifies, energizes, and enhances a prominent corner on the 900 block of King Street.
- Increased FAR. The increase in square footage on the site is compatible with the character of the area and the massing of the proposed addition.
- Building design. The addition is compatible with the historic building and will be heard by the Board of Architectural Review.
- Crown coverage modification. Site limitations create a request to provide crown coverage off-site.
- Green Building Policy flexibility. The nature of the proposal qualifies for a request for flexibility to incorporate green building techniques without achieving LEED Silver certification.
- Parking. The site is located in the Central Business District which does not require any parking in that area. The proposal does not include any new parking spaces.

General Project Description

In 2010, the applicant attained approval by the Board of Architectural Review, recommendation for approval by Planning Commission, and approval by the City Council to their proposed rehabilitation and infill development. The project consists of renovating and adding onto an existing historic structure to include a restaurant on the basement, first, and second floors, and two residential apartments on the third level.

The project site is located at the northeast corner of North Patrick and King Streets; a prominent corner in the city's Old and Historic Alexandria District. The site consists of one lot of record and is adjacent to the O'Keefe and Company's Marketing Offices to the east, a residential

building to the north, M&M Fine Arts and Antiques store to the west and Bloomers, Pure Prana, Mischa's, and Bellacara to the south. The 900 block of King has a diverse number of uses including offices, personal services, retail shops, and a couple of restaurants on the ground floors and residential on the upper stories.

The applicant, Mr. Seyed Hossein Shoja-Maddahi, requests a three-year extension of the approved development special use permit. As a result of the complicated construction methods and various permits required for the project, the applicant changed the entire design team previously involved with the project. The applicant, new design team, and staff have worked together closely to simplify many of the construction methods in order to ensure the high-quality design intended is achieved. However, this change in personnel caused the delay of construction commencement and project delivery. Since the project did not achieve substantial construction prior to May 15, 2013, the applicant filed an extension request to provide additional time to commence construction on the previously approved project.

II. STAFF ANALYSIS

Staff believes that the proposal is consistent with the active-pedestrian uses that predominate in this area of the City. The mix of uses is consistent with the Master Plan and compatible with the neighboring uses. The restaurant use will re-activate a prominent corner in an important part of the city. The rehabilitation of the structure will improve the pedestrian environment and strengthen the historic fabric of the neighborhood. The addition will be architecturally significant to continuing the streetwall along North Patrick Street while being sensitive to the existing historic structure and neighboring residential building.

The request for approval of an extension allows staff the opportunity to reevaluate the application and update the conditions of approval to ensure consistency with the current City policies and staff recommendations. As noted in the staff recommendations section of the report, several conditions have been updated to reflect current standards, although many of the revisions are minor.

III. COMMUNITY

The applicant has notified the adjacent property owners to inquire if they would like to have a meeting to discuss the proposed extension request and has not received any response to date. The applicant has also offered to answer any questions regarding the extension request that adjoining property owners may have.

IV. CONCLUSION

In conclusion, staff recommends approval of DSUP #2013-00012, the three-year extension request for the previously approved development special use permit with site plan (DSUP #2010-00002), with an extension date of September 21, 2016, subject to compliance with all applicable City codes, standards, policies and the following staff recommendations, as amended.

V. STAFF RECOMMENDATIONS:

The following staff recommendations are amendments to DSUP #2010-00002. Specific recommendations that are no longer applicable or have been amended, added, deleted or otherwise modified include the following:

Recommendations Added: 4a, F-10, F-11, F-12, R-10, R-11, C-23, C-24, C-25, C-26, C-27, C-28, and C-29.

Recommendations Amended: 27, and F-5.

Recommendations Deleted: 2b and 2d.

1. The Final Site Plan shall be in substantial conformance with the preliminary plan dated April 1, 2010 and comply with the following conditions of approval.

A. *PEDESTRIAN/STREETSCAPE:*

2. Provide the following pedestrian improvements to the satisfaction of the Directors of P&Z, RP&CA and T&ES:
 - a. Complete all pedestrian improvements prior to the issuance of a certificate of occupancy permit.
 - b. ~~[CONDITION DELETED BY STAFF] Upgrade existing curb ramp on the northeast corner of North Patrick Street and King Street to current ADA standards.~~
 - c. All brick sidewalks shall comply with the City's Memo to Industry 05-08.
 - d. ~~[CONDITION DELETED BY STAFF] All newly constructed curb ramps in Alexandria shall be concrete with detectable warning and shall conform to VDOT standards as outlined in a City Memo to Industry (3/07) available on line: <http://alexandriava.gov/tes/info/default.aspx?id=3522>.***~~
(P&Z)(RP&CA)(T&ES)

B. BUILDING:

3. Continue to work with staff to incorporate green building and sustainable design techniques during the final site plan process. (P&Z)
4. The applicant shall work with the City for reuse of the existing building materials as part of the demolition process, including leftover, unused, and/or discarded building materials.(T&ES)
- 4a. **[CONDITION ADDED BY STAFF]** The applicant shall work with staff to identify historic fabric on the interior of the building that shall be maintained, utilized on-site, or re-used locally. (P&Z)
5. The applicant shall use EPA-labeled WaterSense or equivalent fixtures to minimize the generation of municipal wastewater from the site and explore the possibilities of adopting water reduction strategies (i.e., use of gray water system on-site) and other measures that could possibly reduce the wastewater generation from this site. A list of applicable mechanisms can be found at [Http://www.epa.gov/WaterSense/pp/index.htm](http://www.epa.gov/WaterSense/pp/index.htm). (T&ES)

C. RESTAURANT USE:

6. 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)
7. The hours of operation of the restaurant shall be limited to between 10:00am and 11:00pm Sunday and Monday, between 10:00am and 12:00 midnight Tuesday through Thursday and between 10:00am and 1:00am Friday and Saturday. (P&Z)
8. Interior seating shall be limited to a maximum of 85 seats. Additional outdoor seating may be provided on the premises subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program. (P&Z)
9. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
10. No live entertainment shall be permitted either inside the restaurant or in any future outdoor dining area. (P&Z)
11. No delivery service shall be available from the restaurant. (P&Z)

12. On-premises alcohol service may be permitted, but no off-premises sales shall be allowed. (P&Z)
13. Meals ordered before the closing hour may be sold, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour and all patrons must leave by one hour after the closing hour. (P&Z)
14. 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)
15. No food, beverages, or other material shall be stored outside. (P&Z)
16. Trash and garbage shall be placed 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 or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
17. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z)(T&ES)
18. 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. (T&ES)
19. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
20. 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)

21. 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 robbery readiness training for all employees. (Police)
22. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
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)
24. The placement or construction of items that block the visibility of the interior of the store from the street and sidewalk (e.g. storage cabinets, carts, shelving, boxes, coat racks, storage bins, closets, etc.) shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. This requirement shall be included as part of the lease for each tenant. (P&Z)

D. SIGNAGE:

25. All signage shall be subject to approval by the Board of Architectural Review. (P&Z)
26. Install a temporary informational sign on the site prior to the approval of the final site plan for the project. The sign shall be displayed until construction is complete or replaced with a contractor or real estate sign incorporating the required information; the sign shall notify the public of the nature of the upcoming project and shall provide a phone number for public questions regarding the project.* (P&Z)(T&ES)

E. PARKING:

27. **[CONDITION AMENDED BY STAFF]** Provide a total of 82 bicycle parking space(s) per Alexandria's current Bicycle Parking Standards. 2 spaces (1 rack) shall be provided adjacent to the site and an \$1845 contribution shall be made prior to the request for an Occupancy permit for the remaining 6 spaces (3 racks). Bicycle parking standards,

acceptable rack types for short- and long-term parking and details for allowable locations are available at: www.alexandriava.gov/bicycleparking. (T&ES)

F. SITE PLAN:

28. Per Section 11-418 of the Zoning Ordinance, the development special use permit shall expire and become null and void, unless substantial construction of the project is commenced within 36 months after initial approval and such construction is thereafter pursued with due diligence. The applicant shall provide a written status report to staff 18 months after initial approval to update the City Council on the project status. (P&Z)
29. Provide a unit numbering plan for each floor of a multi-unit building with the first final site plan submission. The unit numbers should comply with a scheme of 100 level numbers on the first floor, 200 level numbers on the second floor, and 300 level numbers for third floor and continue in this scheme for the remaining floors. Indicate unit's use (i.e.: Residential, Retail, Office) if known. (P&Z)

G. CONSTRUCTION:

30. Submit a construction management plan for review and approval by the Directors of P&Z, T&ES and Code Administration prior to final site plan release. The plan shall:
 - a. Include a plan for temporary pedestrian and vehicular circulation;
 - b. Include the overall schedule for construction and the hauling route;
 - c. Copies of the plan shall be posted in the construction trailer and given to each subcontractor before they commence work;
 - d. If the plan is found to be violated during the course of construction, citations will be issued for each infraction and a correction notice will be forwarded to the applicant. If the violation is not corrected within five (5) calendar days, a "stop work order" will be issued, with construction halted until the violation has been corrected. * (P&Z)(T&ES)(Code)
31. Provide off-street parking for all construction workers without charge to the construction workers. For the construction workers who use Metro, DASH, or another form of mass transit to the site, the applicant shall subsidize a minimum of 50% of the fees for mass transit. Compliance with this condition shall be a component of the construction management plan, which shall be submitted to the Department of P&Z and T&ES prior to final site plan release. This plan shall:
 - a. Establish the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers

- will be assigned to the work site, and mechanisms which will be used to encourage the use of mass transit.
- b. Provide for the location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes.
 - c. If the plan is found to be violated during the course of construction, a correction notice will be issued to the developer. If the violation is not corrected within five (5) days, a "stop work order" will be issued, with construction halted until the violation has been corrected. * (P&Z)(T&ES)
32. The sidewalks shall remain open during construction or pedestrian access shall be maintained to the satisfaction of the Director of T&ES throughout the construction of the project. (T&ES)
33. No major construction staging shall be allowed within the public right-of-way on King Street and South Patrick Street. The applicant shall meet with T&ES to discuss construction staging activities prior to release of any permits for ground disturbing activities. ** (T&ES)
34. Any structural elements that extend into the public right of way, including but not limited to footings, foundations, tie-backs etc., must be approved by the Director of T&ES as a part of the Sheeting and Shoring Permit. (T&ES)
35. A "Certified Land Disturber" (CLD) shall be named in a letter to the Division Chief of Construction & Inspection prior to any land disturbing activities. If the CLD changes during the project, that change must be noted in a letter to the Division Chief. A note to this effect shall be placed on the Phase I Erosion and Sediment Control sheets on the site plan. (T&ES)
36. Prior to commencing clearing and grading of the site, the applicant shall hold a meeting with notice to all adjoining property owners to review the location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Departments of P&Z and T&ES shall be notified of the date of the meeting before the permit is issued. (P&Z)(T&ES)
37. Identify a person who will serve as a liaison to the community throughout the duration of construction. The name and telephone number, including an emergency contact number, of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site and shall be placed on the project sign, to the satisfaction of the Directors of P&Z, RP&CA and T&ES. (P&Z)(RP&CA)(T&ES)

38. Implement a waste and refuse control program during the construction phase of this development. This program shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter or trash, trash generated by construction workers or mobile food vendor businesses serving them, and all sanitary waste at the construction site and prevent offsite migration that may cause adverse impacts to neighboring properties or to the environment to the satisfaction of Directors of T&ES and Code Administration. All wastes shall be properly disposed offsite in accordance with all applicable federal, state and local laws. (T&ES)
39. Contractors shall not cause or permit vehicles to idle for more than 10 minutes when parked. (T&ES)
40. Submit a wall check prior to the commencement of construction of the first floor above grade framing for the building(s). The wall check shall include the building footprint, as depicted in the approved final site plan, the top-of-slab elevation and the first floor elevation. The wall check shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the P&Z prior to commencement of framing. (P&Z)
41. Submit a height certification and a location survey for all site improvements to the Department of P&Z as part of the request for a certificate of occupancy permit. The height certification and the location survey shall be prepared and sealed by a registered architect, engineer, or surveyor. The height certification shall state that the height was calculated based on all applicable provisions of the Zoning Ordinance. *** (P&Z)

H. WASTEWATER / SANITARY SEWERS:

42. The project lies within the Combined Sewer District, therefore, stormwater management and compliance with the City's Chesapeake Bay Program shall be coordinated with the City's policy for management of the Combined Sewer District. (T&ES)
43. The project lies within the Combined Sewer area. Therefore, the applicant shall contribute \$9,642.00, based on a footprint addition of 1,400 square feet, per the recommendations of Combined Sewer Area Reduction Plan to the City's Combined Sewer Separation Fund. (T&ES)

I. SOLID WASTE:

44. Provide \$1,150 per receptacle to the Director of T&ES for purchase and installation of one (1) Iron Site Bethesda Series, Model SD-42 decorative black metal trash cans with domed lid by Victor Stanley. The receptacle(s) shall be placed in the public right of way

to serve open space and park sites. Receptacles shall be generally located along the property frontage and at strategic locations in the vicinity of the site as approved by the Director of T&ES. Payment required prior to release of Final Site Plan.* (T&ES)

J. STREETS / TRAFFIC:

45. If the City's existing public infrastructure is damaged during construction, or patch work required for utility installation then the applicant shall be responsible for construction/ installation or repair of the same as per the City of Alexandria standards and specifications and to the satisfaction of Director, Transportation and Environmental Services. (T&ES)
46. A pre-construction walk/survey of the site shall occur with Transportation and Environmental Services Construction and Inspection staff to document existing conditions prior to any land disturbing activities. (T&ES)

K. UTILITIES:

47. Locate all private utilities outside of the public right-of-way and public utility easements. (T&ES)

L. NOISE:

48. All exterior loudspeakers shall be prohibited and no amplified sound shall be audible at the property line. Musicians outside are prohibited. (T&ES)
49. Supply deliveries, loading and unloading activities shall not occur between the hours of 11:00 pm and 7:00 am. (T&ES)

M. AIR POLLUTION:

50. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into any street, alley, or storm sewer. (T&ES)
51. No material may be disposed of by venting into the atmosphere. (T&ES)
52. Control odors and any other air pollution sources resulting from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring

properties, as determined by the Director of Transportation and Environmental Services.
(T&ES)

N. CONTRIBUTIONS:

53. Contribute \$250 towards the Living Landscape fund prior to release of the final site plan. All checks shall be made payable to the City of Alexandria and submitted to the Department of P&Z with a cover letter citing the project name, contribution amount, and the condition being fulfilled.* (P&Z)

O. ARCHAEOLOGY:

54. Call Alexandria Archaeology (703/838-4399) two weeks before the starting date of any ground disturbance so that an inspection or monitoring schedule for city archaeologists can be arranged. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)
55. Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)
56. The applicant shall not allow any metal detection and/or artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology. Failure to comply shall result in project delays. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)

CITY DEPARTMENT CODE COMMENTS

Legend: C - Code Requirement R - Recommendation S - Suggestion F – Finding

Planning and Zoning

- R - 1. For all first floor bays with a street-facing door providing their primary access, please coordinate with the Geographic Information Systems (GIS) Division for address assignments at tenant fit out. These uses are not permitted to use the primary building address as their address. Please contact the Addressing Coordinator in the GIS Division (703-838-4884) as each new tenant is determined, and an appropriate address based on the location of the primary entrance door of the new space will be assigned.

Transportation and Environmental Services

- F - 1. Since the record drawings, maps, and other documents of the City of Alexandria, State, and Federal agencies show the true north pointing upwards, therefore, the Site Plan shall show the true north arrow pointing upward as is customary; however, for the sake of putting the plan together and/or ease of understanding, the project north arrow pointing upward, preferably east, or west may be shown provided it is consistently shown in the same direction on all the sheets with no exception at all. The north arrow shall show the source of meridian. The project north arrow pointing downward will not be acceptable even if, it is shown consistently on all the sheets. (T&ES)
- F - 2. The plan shall show sanitary and storm sewer, and water line in plan and profile in the first final submission and cross reference the sheets on which the plan and profile is shown, if plan and profile is not shown on the same sheet. Clearly label the sanitary and storm sewer, or water line plans and profiles. Provide existing and proposed grade elevations along with the rim and invert elevations of all the existing and proposed sanitary and storm sewer at manholes, and water line piping at gate wells on the respective profiles. Use distinctive stationing for various sanitary and storm sewers (if applicable or required by the plan), and water line in plan and use the corresponding stationing in respective profiles. (T&ES)
- F - 3. The Plan shall include a dimension plan with all proposed features fully dimensioned and the property line clearly shown. (T&ES)
- F - 4. Include all symbols, abbreviations, and line types in the legend. (T&ES)

- F - 5. **[FINDING AMENDED BY STAFF]** All storm sewers shall be constructed to the City of Alexandria standards and specifications. Minimum diameter for storm sewers shall be 18" in the public Right of Way (ROW) and the minimum size storm sewer catch basin lead is 15". The acceptable pipe material will be ~~AWWA C-151 (ANSI A21.51) Class 52~~ or Reinforced Concrete Pipe (RCP) ASTM C-76 Class IV. Alternately, AWWA C-151 (ANSI A21.51) Class 52 may be used if approved by the Director of T&ES. For roof drainage system, Polyvinyl Chloride (PVC) ASTM D-3034-77 SDR 26 and ASTM 1785-76 Schedule 40 pipes will be acceptable. The acceptable minimum and maximum velocities will be 2.0 fps and 15 fps, respectively. The storm sewers immediately upstream of the first manhole in the public Right of Way shall be owned and maintained privately (i.e., all storm drains not shown within an easement or in a public Right of Way shall be owned and maintained privately). (T&ES)
- F - 6. Crossing Existing or Proposed Utilities: Underground telephone, cable T.V., gas, and electrical duct banks shall be crossed maintaining a minimum of 12" of separation or clearance with water main, sanitary, or storm sewers. If this separation cannot be achieved then the sewer pipe material shall be Ductile Iron Pipe (DIP) AWWA C-151 (ANSI A21.51) Class 52 for a distance of 10 feet on each side of the point of crossing and pressure tested in place without leakage prior to installation. Sanitary / storm sewers and water main crossing over the utilities shall have adequate structural support (pier support and/or concrete encasement) to prevent damage to the utilities. (T&ES)
- F - 7. Show the drainage divide areas on the grading plan or on a sheet showing reasonable information on topography along with the structures where each sub-area drains. (T&ES)
- F - 8. Provide proposed elevations (contours and spot shots) in sufficient details on grading plan to clearly show the drainage patterns. (T&ES)
- F - 9. All the existing and proposed public and private utilities and easements shall be shown on the plan and a descriptive narration of various utilities shall be provided. (T&ES)
- F - 10. **[FINDING ADDED BY STAFF]** The \$1845 contribution for bicycle parking will pay for purchase and installation of three additional circle racks in the vicinity of the project. (T&ES- Transportation Planning)
- C - 1. Per the requirements of the City of Alexandria Zoning Ordinance Article XI, the applicant shall complete a drainage study and adequate outfall analysis for the total drainage area to the receiving sewer that serves the site. If the existing storm system is determined to be inadequate then the applicant shall design and build on-site or off-site improvements to discharge to an adequate outfall; even if the post development storm

water flow from the site is reduced from the pre-development flow. The Plan shall demonstrate to the satisfaction of the Director of T&ES that a non-erosive stormwater outfall is present. (T&ES)

- C - 2. Per the requirements of the City of Alexandria Zoning Ordinance (AZO) Article XIII, the applicant shall comply with the peak flow requirements and prepare a Stormwater Management Plan so that from the site, the post-development peak runoff rate from a two-year storm and a ten-year storm, considered individually, shall not exceed their respective predevelopment rates. If combined uncontrolled and controlled stormwater outfall is proposed, the peak flow requirements of the Zoning Ordinance shall be met. If the project site lies within the Braddock-West watershed then the applicant shall provide an additional 10% storage of the pre-development flows in this watershed to meet detention requirements. (T&ES)
- C - 3. Per the requirements of Article 13-113 (d) of the AZO, all stormwater designs that require analysis of pressure hydraulic systems, including but not limited to the design of flow control structures and storm water flow conveyance systems shall be signed and sealed by a professional engineer, registered in the Commonwealth of Virginia. The design of storm sewer shall include the adequate outfall, inlet, and hydraulic grade line (HGL) analyses that shall be completed to the satisfaction of the Director of T&ES. Provide appropriate reference and/or source used to complete these analyses. (T&ES)
- C - 4. Location of customer utility services and installation of transmission, distribution and main lines in the public rights of way by any public service company shall be governed by franchise agreement with the City in accordance with Title 5, Chapter 3, Section 5-3-2 and Section 5-3-3, respectively. The transformers, switch gears, and boxes shall be located outside of the public right of way. (T&ES)
- C - 5. (a) Per the requirements of Section 5-3-2, Article A, Chapter 3 of the City of Alexandria Code, all new customer utility services, extensions of existing customer utility services and existing overhead customer utility services supplied by any existing overhead facilities which are relocated underground shall, after October 15, 1971 be installed below the surface of the ground except otherwise exempted by the City Code and to the satisfaction of the Director, Department of Transportation and Environmental Services. (b) Per the requirements of Section 5-3-3, Article A, Chapter 3 of the City of Alexandria Code, all new installation or relocation of poles, towers, wires, lines, cables, conduits, pipes, mains, and appurtenances used or intended to be used to transmit or distribute any service such as electric current, telephone, telegraph, cable television, traffic control, fire alarm, police communication, gas, water, steam or petroleum, whether or not on the streets, alleys, or other public places of the City shall, after October 15, 1971, be installed

below the surface of the ground or below the surface in the case of bridges and elevated highways except otherwise exempted by the City Code and to the satisfaction of Director, Department of Transportation and Environmental Services. (T&ES)

- C - 6. Flow from downspouts, foundation drains, and sump pumps shall be discharged to the storm sewer per the requirements of Memorandum to the industry on Downspouts, Foundation Drains, and Sump Pumps, Dated June 18, 2004 that is available on the City of Alexandria's web site. The downspouts and sump pump discharges shall be piped to the storm sewer outfall, where applicable after treating for water quality as per the requirements of Article XIII of Alexandria Zoning Ordinance (AZO). (T&ES)
- C - 7. In compliance with the City of Alexandria Zoning Ordinance Article XI, the applicant shall complete a sanitary sewer adequate outfall analysis as per the requirements of Memorandum to Industry No. 02-07 New Sanitary Sewer Connection and Adequate Outfall Analysis dated June 1, 2007. (T&ES)
- C - 8. Americans with Disability Act (ADA) ramps shall comply with the requirements of Memorandum to Industry No. 03-07 on Accessible Curb Ramps dated August 2, 2007 with truncated domes on the end of the ramp with contrasting color from the rest of the ramp. A copy of this Memorandum is available on the City of Alexandria website. (T&ES)
- C - 9. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The plan shall show the turning movements of a trash truck and the trash truck shall not back up to collect trash. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- C - 10. The applicant shall be responsible to deliver the solid waste, as defined by the City Charter and Code of the City of Alexandria, to the Covanta Energy Waste Facility located at 5301 Eisenhower Avenue. A note to that effect shall be included on the plan. The developer further agrees to stipulate in any future lease or property sales agreement that all tenants and/or property owners shall also comply with this requirement. (T&ES)
- C - 11. The applicants will be required to submit a Recycling Implementation Plan form to the Solid Waste Division, as outlined in Article H to Title 5 (Ordinance Number 4438), which requires all commercial properties to recycle.

- C - 12. Bond for the public improvements must be posted prior to release of the site plan.*
- C - 13. Provide a phased erosion and sediment control plan consistent with grading and construction plan.
- C - 14. All pedestrian, traffic, and way finding signage shall be provided in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), latest edition to the satisfaction of the Director of T&ES. (T&ES)
- C - 15. No overhangs (decks, bays, columns, post or other obstructions) shall protrude into public Right of Ways, public easements, and pedestrian or vehicular travelways unless otherwise permitted by the City Code.
- C - 16. All driveway entrances, curbing, etc. in the public ROW or abutting public ROW shall meet City design standards. (T&ES)
- C - 17. All sanitary laterals and/or sewers not shown in the easements shall be owned and maintained privately. (T&ES)
- C - 18. 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 - 19. The applicant shall comply with the Article XIII of the City of Alexandria Zoning Ordinance, which includes requirements for stormwater pollutant load reduction, treatment of the water quality volume default and stormwater quantity management. (T&ES)
- C - 20. The applicant shall comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4. (T&ES)
- C - 21. All required permits from Virginia Department of Environmental Quality, Environmental Protection Agency, Army Corps of Engineers, Virginia Marine Resources shall be in place for all project construction and mitigation work prior to release of the final site plan. This includes the state requirement for a VSMP permit for land disturbing activities greater than 2500 SF. * (T&ES)

VAWC Comments

F - 11. **[FINDING ADDED BY STAFF]** VAWC has no comments on the proposed extension.

AlexRenew

F - 12. **[FINDING ADDED BY STAFF]** No comments received from AlexRenew regarding the proposed extension.

Code Administration

- R - 2. An automatic sprinkler system is recommended. (Code)
- R - 3. Removal of the existing addition may create an unsatisfactory exposure condition for the wall of the building located on the adjacent interior lot line. It is recommended that the owner of that property be informed. (Code)
- R - 4. It is recommended that the owner present a notarized affidavit to the Building Official stating when (to his best knowledge) the current usage was established. (Code)
- R - 5. For firefighting reasons it is recommended that all stairs extend thru the roof so that door access to the roof is provided. (Code)
- R - 6. In lieu of strict compliance with ladder truck access requirements specified in item C-_, an alternative compliance proposal is recommended. The proposed massing, articulation of the facade and placement on the lot would be acceptable if the following fire protection and fire fighting features were built into the buildings.
- a. Enclose all elevator lobbies in smoke tight construction
 - b. Stair capacity to be designed without taking the sprinklered building exception.
 - c. Fire phones installed on every level in the elevator lobby and the stairs.
 - d. Knock out panels that have an area of 20 feet for every 50 lineal feet of building perimeter.
 - e. Full automatic sprinkler system designed to NFPA 13. (Code)

Police

- R - 7. It is recommended that the buildings have an address number which is contrasting in color to the background, at least 3 inches high, reflective, and visible from the street placed on the front and back of each home. It is strongly suggested that no brass or gold

colored numbers are used. This aids in a timely response from emergency personnel should they be needed.

- R - 8. It is recommended that all of the ground floor level windows be equipped with a device or hardware that allows windows to be secured in a partially open position. This is to negate a “breaking and entering” when the windows are open for air.
- R - 9. It is recommended that a “door-viewer” (commonly known as a peep-hole) be installed on all doors on the ground level that lead directly into an apartment. This is for the security of the occupant.
- R - 10. **[RECOMMENDATION ADDED BY STAFF]** The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-764-6838 regarding a security survey for the business.
- R - 11. **[RECOMMENDATION ADDED BY STAFF]** The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a robbery readiness program for all employees.

Archaeology

- F - 13. According to Ethelyn Cox’s *Historic Alexandria, Street by Street, A Survey of Existing Early Buildings*, the house on this lot was built after 1797, when Francis Peyton acquired the property. The lot therefore has the potential to yield archaeological resources that could provide insight into domestic activities at the end of the 18th century and in the early 19th-century. In 1984, Alexandria Archaeology was notified that there was a brick shaft in the basement of this house, but no work in the basement area is planned during this project.
- F - 14. If this project is a federal undertaking or involves the use of any federal funding, the applicant shall comply with federal preservation laws, in particular Section 106 of the National Historic Preservation Act of 1966. The applicant will coordinate with the Virginia Department of Historic Resources and the federal agency involved in the project, as well as with Alexandria Archaeology.
- C - 22. All required archaeological preservation measures shall be completed in compliance with Section 11-411 of the Zoning Ordinance.

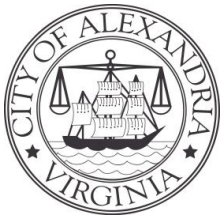
Health Department

Food Facility

- C - 23. **[REQUIREMENT ADDED BY STAFF]** 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 or location to another.
- C - 24. **[REQUIREMENT ADDED BY STAFF]** Plans shall be submitted to the Health Department through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200 plan review fee payable to the City of Alexandria.
- C - 25. **[REQUIREMENT ADDED BY STAFF]** Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling 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 - 26. **[REQUIREMENT ADDED BY STAFF]** Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing foods; using food additives to render food non-potentially hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.
- C - 27. **[REQUIREMENT ADDED BY STAFF]** A Certified Food Manager shall be on duty during all operational hours.
- C - 28. **[REQUIREMENT ADDED BY STAFF]** The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C - 29. **[REQUIREMENT ADDED BY STAFF]** Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

Asterisks denote the following:

- * Condition must be fulfilled prior to release of the final site plan
- ** Condition must be fulfilled prior to release of the building permit
- *** Condition must be fulfilled prior to release of the certificate of occupancy
- **** Condition must be fulfilled prior to release of the bond



ATTACHMENT #1 – Previous Staff Report for DSUP 2010-00002

DOCKET ITEM #6

Development Special Use Permit with Site Plan #2010-0002 923 King Street – The King Building at 923

<i>Application</i>	<i>General Data</i>	
Project Name: The King Building at 923	PC Hearing:	May 4, 2010
	CC Hearing:	May 15, 2010
	If approved, DSUP Expiration:	May 15, 2013 (3 years)
	Plan Acreage:	2,836 sq. ft.
Location: 923 King Street	Zone:	King Street Urban Retail Zone(KR)
	Proposed Use:	Two-story restaurant and 2 accessory residential apartments
	Dwelling Units:	2 third-story accessory residential apartments
	Floor Area Ratio:	Existing: 1.4, Proposed: 2.41 (w/SUP)
Applicant: Seyed Hossein Shoja-Maddahi, represented by Duncan Blair	Small Area Plan:	Old Town
	Historic District:	Old and Historic Alexandria
	Green Building:	Requesting Flexibility

Purpose of Application

The applicant requests approval of a development special use permit with site plan to construct an approximately 1,492 sq. ft. addition.

Special Use Permits and Modifications Requested:

1. Special Use Permit to operate a full-service restaurant
2. Special Use Permit to increase Floor Area Ratio (FAR) from 1.5 to 2.5
3. Modification to Section 11-410(CC)(2) to relocate 25% crown coverage requirement

Staff Recommendation: APPROVAL WITH CONDITIONS

Staff Reviewer(s): Colleen Rafferty, AICP colleen.rafferty@alexandriava.gov

CITY COUNCIL ACTION, MAY 15, 2010: City Council approved the Planning Commission recommendation.

PLANNING COMMISSION ACTION, MAY 4, 2010: On a motion by Mr. Jennings, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the Development Special Use Permit with Site Plan to construct an approximately 1,492 sq. ft. addition subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

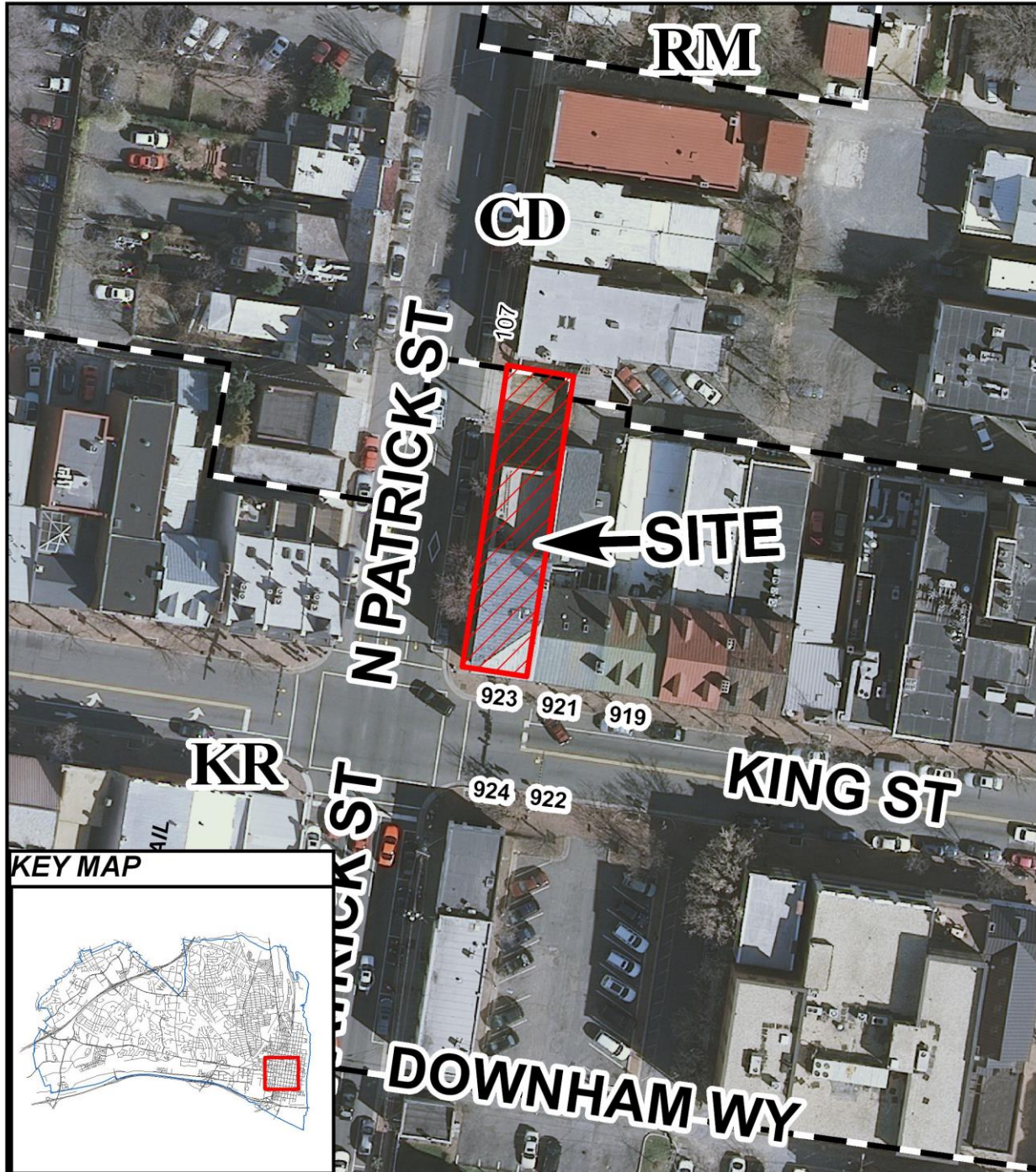
DSUP #2010-0002
The King Building at 923
923 King Street

Reason: The Planning Commission generally supported the proposal and agreed with the staff analysis.

Speakers: Mr. Oliver Ryan, property owner of O'Keefe and Company, requested the walls of the restaurant be sound and fire proofed.

Mr. Poul Hertel, President of the Old Town Civic Association, spoke in support of the proposal.

DSUP #2010-0002
The King Building at 923
923 King Street



DSUP #2010-0002

05/04/10



I. Summary

A. Requested Action

The Planning Commission and City Council are being asked to take action on the following requests:

- Development Special Use Permit, with Site Plan, to construct an approximately 1,492 sq. ft. addition to the existing 4,309 sq. ft. vacant building. A Site Plan is required because the addition is more than 1/3 the size of the existing building.;
- A Special Use Permit to operate a full-service restaurant use on the first and second floors of the building;
- A Special Use Permit (SUP) to increase the floor area ratio (FAR) from 1.5 to 2.5; and
- A modification to Section 11-410(CC)(2) to relocate 25% crown coverage requirement off-site.

B. Recommendation

Staff recommends approval with conditions of the development special use permit with site plan, to construct an approximately 1,492 sq. ft. addition to an existing historic building in the King Street Urban Retail (KR) zone. The proposed mix of uses is suitable for this prominent corner on King Street. The addition is compatible with the height, massing, scale, and design of the existing structure and the context of the neighborhood.

Significant topics that will be covered in this report include:

- Approval of a SUP for a restaurant. The restaurant use diversifies, energizes, and enhances a prominent corner on the 900 block of King Street.
- Increased FAR. The increase in square footage on the site is compatible with the character of the area and the massing of the proposed addition.
- Building design. The addition is compatible with the historic building and will be heard by the Board of Architectural Review.
- Crown coverage modification. Site limitations create a request to provide crown coverage off-site.
- Green Building Policy flexibility. The nature of the proposal qualifies for a request for flexibility to incorporate green building techniques without achieving LEED Silver certification.
- Parking. The site is located in the Central Business District which does not require any parking in that area. The proposal does not include any new parking spaces.

II. BACKGROUND

A. Site Context

The subject property is one lot of record located on the northeast corner of the King Street and North Patrick Street intersection. The approximately 3,000 sq. ft. property is within the boundaries of the Old Town Small Area Plan and the Old and Historic Alexandria District (OHAD). Abutting the site to the east is the O’Keefe and Company’s Marketing Offices. Across King Street, south of the site, are Bloomers, Pure Prana, Mischa’s, and Bellacara. The M&M Fine Arts and Antiques store is west of the site, across North Patrick Street. At the rear of the site, to the north, is a residential building. The existing, historic building on the subject property has been vacant for some time – approximately 4 or 5 years. The last retail tenant was Conklyn’s Flowers, which relocated several years ago.

C. History

The building at 923 King Street is a three-story, three-bay, brick structure that was built by Francis Peyton in the late 18th to early 19th century. According to Ethelyn Cox’s *Alexandria Street by Street*, Peyton acquired the quarter block of land on which the building sits in 1797 and pledged the building in a deed of trust in 1826 (he also built 919 and 921 King Street). The King Street facade was refaced during the Victorian period in the second half of the 19th century. The first floor storefront alterations were built prior to the establishment of the Old and Historic Alexandria District. The storefront was altered to its present configuration in 1970 (Approved by the Board of Architectural Review, 12/16/1970). The concrete block rear addition was constructed in 1961, according to building permits, and was recently veneered with brick. Two apartments currently occupy the second and third floors.

D. Project Description

The applicant is proposing a three-story, approximately 1,492 sq. ft. addition to the rear of the existing three-story building. The concrete block rear addition that was constructed in 1961 will be demolished to accommodate the new floor plan. With the removal of this portion of the building, an existing encroachment into the public right-of-way on North Patrick Street (approximately five inches as approved in Ordinance #4519, 02/23/2008) will be vacated. The proposal includes interior renovations of the historic building with the intent of housing a two-story restaurant on the first and second floors and residential units on the third floor. The applicant is requesting a SUP for that restaurant use as part of this application, even though a specific restaurant tenant has not yet been identified. The existing curb cut on North Patrick Street will remain, as it provides access to the alley behind the building.

III. ZONING

The King Street Urban Retail Zone (KR) is a special zone in the central business district of Alexandria. This area is, “intended to create strategic and flexible zoning for properties abutting King Street in Old Town in order to enhance the long term vitality of the street” (Section 6-701). The provisions of this zone encourage active uses on the ground floor of buildings, promote the full use of upper floors of buildings to provide continued activity, and refine existing requirements for new development to ensure compatibility with the surrounding context.

Section 6-702 (A)(2)(k) of the Zoning Ordinance requires approval of a special use permit for any restaurant in the KR Zone. There had been a previously approved SUP on the property for the operation of a restaurant use (SUP2006-0075) that allowed for a 1950s era soda fountain style restaurant. This SUP was never implemented and has since expired. The current proposal includes a request for a SUP for a two-story restaurant use. The two residential units above the restaurant are existing uses; thus they do not need approval of a SUP.

Table 1. Zoning Tabulations

Property Address:	923 King Street		
Total Site Area:	2,836 sq. ft.		
Zone:	King Street Urban Retail Zone (KR)		
Current Use:	Vacant		
Proposed Use:	Two-story restaurant with two accessory residential apartments		
	Permitted/Required	Existing	Proposed
FAR	Nonresidential: 1.5 or 2.5 with approval of SUP Residential: 1.25 or 2.5 with approval of SUP	1.4	2.41
Setbacks			
Front	N/A	N/A	N/A
Side	N/A	N/A	N/A
Rear	N/A	N/A	N/A
Open Space	N/A	N/A	N/A
Building Height	50 feet	40.33 feet	40.33 feet
Parking			
Standard	0	0	0
Compact	0	0	0
Accessible	0	0	0
Total	0	0	0

IV. STAFF ANALYSIS

A. Special Use Permit for Restaurant Use

The proposed use is consistent with the Old Town Small Area Plan, which designates the subject property as a commercial use. In addition, staff has analyzed the restaurant SUP proposal for conformance with both the Old Town Restaurant Policy and the King Street Retail Strategy. Those documents are policy statements adopted by the Council which emphasize how critical it is for the City to have an active, economically healthy, commercial district on and near King Street, and the importance of maintaining an appropriate balance between the residential area of Old Town and that commercial area. The Old Town Restaurant Policy advises that restaurants should be analyzed regarding the following factors: the impact of the restaurant on parking in the adjacent neighborhood, late night hours, predominance of alcohol, litter, and diversity of uses.

It should be noted that the applicant does not currently have a tenant for the restaurant space. During the initial discussions of the project, with the goal of being business friendly, staff and the applicant decided to bundle the SUP and site plan applications in order to streamline the process. At that time, the applicant intended to have the space leased prior to the public hearings, however no leasing agreements have been made as of yet.

There was initial concern for not having a specific tenant to which the conditions could be tailored, however staff believes the use itself can be reviewed and analyzed as part of this proposal. Staff's recommendations, regardless of the lack of a tenant, include the typical conditions for restaurant uses, such as regulating who operates the business, limiting hours of operation and number of seats, and restricting alcohol sales, to name a few. Once the applicant leases the space, any necessary changes to the SUP conditions (i.e. change of ownership) will be reviewed and approved administratively. Despite the absence of a specified tenant, staff supports the SUP application for several reasons.

First, a restaurant use is compatible with the surrounding area. The neighboring businesses are predominantly personal service, retail, or office uses and will benefit from the activity and enhanced vitality a restaurant use brings to the area. The need for diversity of uses on the block, as called for in the Old Town Restaurant Policy, is evident in this case. Currently, there are only two existing restaurants on the 900 block of King Street: the Majestic and Layla's Lebanese Restaurant. A third restaurant, the recently approved RedRocks Pizza Napoletana Restaurant (SUP2009-0051), will be on the south side of the 900 block, east of the subject property. When compared with blocks to the east, the 900 block of King Street has many fewer restaurants. The added dining experience will contribute to diversifying the character of the 900 block of King Street.

Second, a restaurant use provides an ideal opportunity to activate the now vacant corner at a prominent location on King Street. The large, storefront windows facing both King and North Patrick streets will be animated with the patrons frequenting the business and the inner-workings of an eating establishment. The main entrance to the building will remain on King Street and along the North Patrick Street side, although subordinate in importance as a pedestrian access way, a secondary entrance and projecting bay window are articulated with the same level of detail as the front building face. Overall, the pedestrian experience will be improved and the public realm will be enhanced by re-instating an energetic corner.

Last, there was a previously approved SUP on the property for the operation of a restaurant use (SUP2006-0075) that allowed for a 1950s era soda fountain style restaurant. Although this SUP has since expired, the restaurant use was found compatible with the area's character and addressed the need for additional dining experiences on a part of King Street that is short of restaurants, as compared to the blocks east of Washington Street. Also mentioned was the desire to create a warm and inviting interior with high-quality materials.

Similar to other restaurant SUPs and in accordance with the Old Town Restaurant Policy, staff is recommending the following:

Hours of Operation:	10:00am – 11:00pm Sunday and Monday 10:00am – 12:00 midnight Tuesday - Thursday 10:00am – 1:00am Friday and Saturday
Number of Seats:	85
Trash/Litter:	Trash and garbage shall be placed 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 or debris shall be allowed to accumulate on site outside of those containers. 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.
Hazardous Materials:	Small quantities of organic compounds, generally recognized to be appropriate for use by restaurants in the

	operation of the business, will be stored, used as solvents, and disposed of in accordance with applicable regulations.
Alcohol:	On-premises alcohol service may be permitted, but no off-premises sales shall be allowed.
Loading/ Unloading:	Supply deliveries, loading and unloading activities shall not occur between the hours of 11:00 pm and 7:00 am.
Live Entertainment:	No live entertainment shall be permitted either inside the restaurant or in any future outdoor dining area.

Based on the compatibility of the use, re-activation of a prominent corner in Old Town, enhanced vitality the use will bring to the street, need for restaurants in the area, and consistency with the Master Plan, staff recommends approval of the special use permit to operate a full-service restaurant.

E. Special Use Permit for Increased FAR

The maximum floor area ratio (FAR) in the KR zone is 1.5, except that the FAR can be increased to an amount not to exceed 2.5 with approval of an SUP. This application includes a request to increase the FAR from 1.4 to 2.41. Staff supports the increase in FAR based on the surrounding context and the mass and scale of the proposed addition.

The proposed addition will infill the current gap between the existing historic building and the residential buildings at the rear of the site. The relatively narrow, deep lots throughout Old Town facilitate the buildings occupying the majority of their parcels. The addition re-enforces the streetwall along North Patrick Street and mirrors the building across the street by extending it along the side of the property. The addition's massing and scale respect the historic building and the adjacent residential buildings by employing a different roof form and stepping down, away from the historic structure toward the residences at the rear. The gradual decreased in the height of the addition goes from three stories to one story. Again, the streetwall is maintained with the use of a wrought-iron gate in front of the alley and a brick wall, serving as a screen for the trash enclosure. For these reasons, staff finds the increase in FAR adequate and consistent with the overall character of the neighborhood.

F. Building Design and BAR Review

Since the building lies within the Old and Historic Alexandria District, the proposal will be reviewed by the Old and Historic Alexandria Board of Architectural Review. The applicant will apply for a Certificate of Appropriateness should the City Council approve this

proposal. Furthermore, staff's recommendations for the building design in this staff report have been based on the *Design Guidelines* (as discussed below), as well as coordinated with Historic Preservation staff.

The *Design Guidelines* for the Old and Historic Alexandria District provide guidance for commercial additions, particularly related to elements such as style, differentiation, massing, height, form, and architectural detailing, which are all relevant to the discussion of the proposed addition to the existing building.

With regards to style, form and differentiation, as previously mentioned, the design of the addition respects the heritage of the historic building. Since the front facade was refaced in the Victorian style and the west facade is believed to be original (in the Georgian style), instead of mimicking the architectural detailing of these styles, the addition is honest with its place in time and is designed in the Colonial Revival approach. Several design elements, such as the simple, flat lintels, cornice-line balustrade, six-over one sash windows, and subtle setback of the addition are employed as a means of creating a differentiation between the old and the new and quietly showcasing the original facade. The form and massing of the addition is also considerate of its counterpart; its rectilinear configuration gradually steps down, away from the historic building from three stories to one. A projecting bay successfully relates to the bay wrapping the corner of the historic building, marrying the two compositions.

Staff believes the applicant has successfully chosen to relate the form and massing of the historic building to the addition, while clearly demonstrating a differentiation between the two structures.

G. Modification to Crown Coverage Requirement

The proposal includes a request for a modification to the 25% crown coverage requirement. Section 11-416 (B) allows modifications of minimum landscaping provisions "be granted by the planning commission if it finds that strict application of the requirements will effectively prohibit or unreasonably restrict the use of the property, that a modification of those requirements will not be of substantial detriment to adjacent property, and that the modification will not violate the intention of section 11-410 (CC) to require a reasonable amount of landscaping." A development on a lot this size would require 750 sq. ft. of crown coverage, which is essentially one medium shade tree. Due to the small lot size, as well as the building and addition occupying the majority of the site, a tree can not be accommodated at this location. As a result of this issue, the applicant has agreed to provide a monetary contribution to the Living Landscape Fund to purchase a tree and plant it off-site.

H. Green Building Request for Flexibility

The applicant is seeking flexibility from the City's Green Building Policy, which was adopted in April of 2009. This policy outlines the City standard to have newly constructed non-residential buildings achieve a Silver Certification in Leadership in Energy and Environmental Design (LEED) from the United States Green Building Council (USGBC). However, the policy also allows flexibility or exemption for additions and historic buildings. Specifically it states,

“The types and scale of developments within each category vary greatly...certain building types (for example, medical, hotel, industry, affordable housing, historic buildings, churches, redevelopment of small retail or restaurant establishments, and renovations or small additions to existing buildings) may require a more flexible approach.” (Green Building Policy, 2009)

This project meets the criteria for flexibility in that it is a historic building and it involves an addition rather than a completely new building. In addition, the applicant has requested flexibility with the City's Green Building Policy due to the financial feasibility of applying for LEED Silver certification.

Staff is convinced that this case qualifies for a more flexible approach for several reasons. First, it meets a number of the criteria for flexibility laid out in the Green Building Policy – it is a historic building, it involves a small addition to an existing building, and it includes a small restaurant/retail establishment. Secondly, since the project is of a modest size and scope, the requirement of attaining LEED Silver certification would, in all likelihood, present a significant financial hurdle. Finally, though staff is recommending flexibility in regard to the LEED Silver goal, the City's environmental priorities of enhancing energy efficiency, reducing stormwater runoff, and increasing water conservation will be met in large part through staff's recommendations about specific building and project elements.

In lieu of the LEED Silver requirement, staff recommends the applicant incorporate a myriad of environmentally responsible techniques. These components include recycling demolished materials, incorporating water fixtures certified by the Environmental Protection Agency (EPA) to reduce municipal wastewater, potentially treating stormwater runoff on-site, and continuing to work with staff to incorporate green building design elements at the final site plan stage.

I. Parking

A restaurant use does not have a parking requirement under the Central Business District zoning regulations. Additionally, the two residential units are grandfathered uses; thus they do not require any parking spaces. The applicant has proposed no off-street parking as part of this application.

Although the lack of parking is a concern, staff believes that this concern is somewhat mitigated in this case as there are a number off-street parking opportunities in the immediate area (including the City's surface lot directly across the street) and there is excellent access to transit. There are several DASH (AT2, AT5, and AT7) bus lines, as well as the trolley, which frequently pass the property. The project site is within 3,000 feet, or approximately one-half mile, of the King Street metrorail station; well within walking distance. Furthermore, as part of the staff recommendations, similar to other restaurant SUPs, the applicant will be required to participate in an organized parking program formed as a result of suggested parking strategies in the King Street Retail Strategy.

V. COMMUNITY

Staff discussed the proposal with the Old Town Civic Association and although, in essence, the application is for an addition and interior renovation, the SUP for the restaurant use garnered some concerns from the Association. Recently, several SUPs have been approved for restaurants in Old Town. These approvals have given the Association two concerns: one is the potential of the restaurant market becoming saturated and the other is the issue of too much retail space converting to restaurants.

Staff is convinced neither the restaurant nor the retail markets will be adversely impacted with the addition of another dining experience on this section of King Street. As previously discussed, the restaurant use is compatible with the area and recommended by several policy documents and studies as being appropriate along King Street, especially west of Washington Street. Although this space had been leased to a retail tenant in the past, it has been vacant for a number of years and had actually been approved for a restaurant SUP in the past.

Staff believes that adding an additional restaurant to this block will be an asset to the commercial character of the immediate area rather than a detriment and will help to reinvigorate a prominent corner that has been vacant for too long.

VI. CONCLUSION

Staff recommends **approval** of the development special use permit with site plan to construct an approximately 1,492 sq. ft. addition subject to compliance with all applicable codes and the following recommended conditions.

Staff: Faroll Hamer, Director of Planning and Zoning;
Gwen Wright, Division Chief, Development; and
Colleen Rafferty, AICP, Urban Planner.