



Special Use Permit #2015-0080
1300 & 1304 King Street - (parcel address: 1300 King Street)
Rooming House

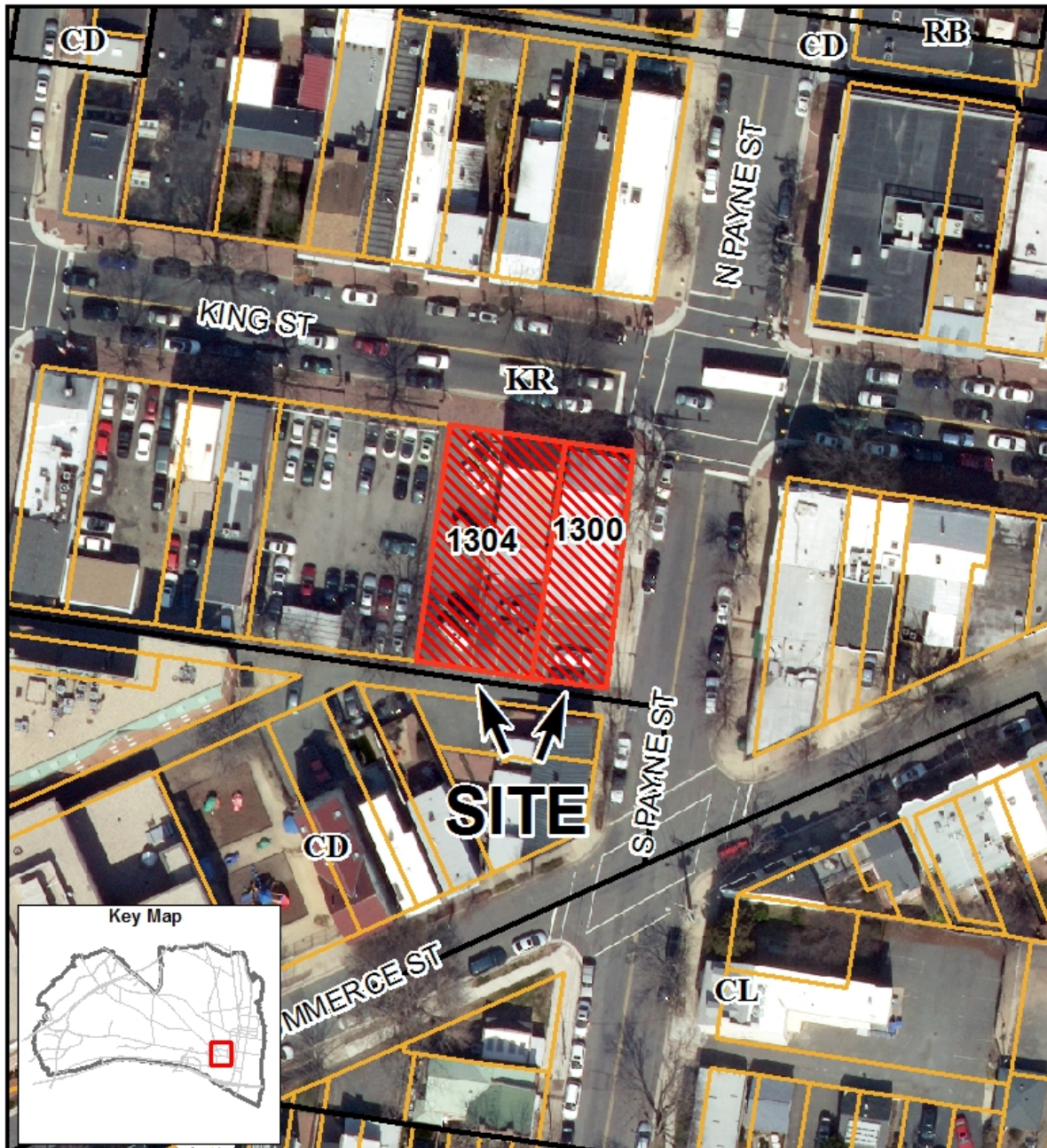
Application	General Data	
Public hearing and consideration of a request for five year review of a rooming house and for a change of ownership	Planning Commission Hearing:	October 6, 2015
	City Council Hearing:	October 17, 2015
Address: 1300 & 1304 King Street (Parcel address: 1300 King Street)	Zone:	KR/King Street Retail
Applicant: Joricris Espiritu	Small Area Plan:	Old Town

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Ann Horowitz, Ann.Horowitz@alexandriava.gov

PLANNING COMMISSION ACTION, OCTOBER 6, 2015: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



SUP #2015-0080
1300 & 1304 King Street
(parcel address: 1300 King Street)



I. DISCUSSION

The applicant, Joricris Espiritu, requests a five-year SUP review of a rooming house and a change of ownership for an existing rooming house at 1300 and 1304 King Street.

SITE DESCRIPTION

The subject site is one parcel of record that is located on the corner of King Street and South Payne Street. The parcel has 76 feet of frontage on King Street and 98 feet of frontage on South Payne Street. A public alley borders the parcel for 81 feet at the rear of the lot. The lot contains two, two-story buildings, attached with an external stairway, and an eleven space parking lot. The building on the east side, 1300 King Street, has 24 feet of frontage on King Street and is 65 feet deep. The building on the west side, 1304 King Street, has 23 feet of frontage on King Street with a depth of 102 feet.



A mix of commercial and residential uses surrounds the subject site on the 1300 block of King Street. Six retail establishments, four restaurants, one office, and two personal services operations are located on this block. Additionally, the subject property abuts a site where an automobile sales business was previously located. The block also contains a non-conforming automobile sales establishment that is operating in accordance with SUP#2014-0115, which is scheduled to expire in August 2016. Several residential units are located on the upper floors of the buildings.

The rooming house is located on the second floors of 1300 and 1304 King Street above the Pines of Florence Restaurant and the Aftertime Comic bookstore. The portions of the buildings that compose the rooming house are accessed from the external stairway, located between the two buildings and each building has a separate entrance.

BACKGROUND

Nick and Frank Constantino have operated a rooming house on the second floors of 1300 and 1304 King Street at the subject parcel since approximately 1968. Although rooming houses have required SUP approval after 1951, City reviews of the use had been incomplete, resulting in operation of this establishment and similar businesses without an SUP for several years. City Council added language in the Zoning Ordinance in 1987 to address this issue. The language stated that existing rooming houses would be considered nonconforming uses unless SUP approval was obtained by 1992.

In 1998, staff recognized that the rooming house did not comply with the Zoning Ordinance and notified the owners that an SUP was required to continue the operation of the nonconforming use. City Council approved SUP#98-0174 in February 1999 for the operation of the rooming house composed of six bedrooms and two shared bathrooms in each building (a total of 12 rooms and four bathrooms).

Annual Zoning and Code inspections conducted between 2000 and 2006 generally revealed no violations of SUP conditions. Minor inconsistencies found during the 2005 inspection were corrected during the inspection. A zoning inspection on August 17, 2015 revealed compliance with all SUP conditions.

PROPOSAL

The applicant, Joricris Espiritu, requests a five-year SUP review of a 2,471 square foot rooming house at 1300 and 1304 King Street. Six bedrooms and two shared bathrooms would be provided in each building and would accommodate a maximum of twelve individuals. Although the minimum length of new residential leases would be four months, the applicant expects that several of the existing, long-term tenants would continue to reside at the rooming house. No cooking facilities are available for tenant use, although beds and new linens are provided for tenants who do not own furniture. Cleaning supplies are also available for tenants. Trash is collected in a dumpster behind the building which is emptied once a week.

The request also includes a change of ownership from Nick and Frank Constantino to Joricris Espiritu. The applicant has resided at the rooming house for three years and would continue to live there as the owner. He also works for the Pines of Florence Restaurant, located on the first floor of 1300 King Street.

PARKING

Pursuant to Section 8-200(A)(3) of the Zoning Ordinance, rooming houses must provide one space for each four guest rooms, although the City Council has the option to determine that more parking spaces are necessary for a rooming house. The rooming house would be required to provide three parking spaces for twelve rooms. Three parking spaces, located on the parcel, were also approved in SUP98-0174 for the use.

ZONING/MASTER PLAN DESIGNATION

The subject properties are located in the KR/King Street Retail Zone. Section 6-702(B)(l) of the Zoning Ordinance allows a rooming house in the KR zone only with a special use permit. According to Section 7-1400, the subject use requires Special Use Permit approval since rooming house SUPs are valid for only five years and the last SUP approved in 1999 is technically invalid. The requested change of ownership could have been administratively approved, however, given the SUP requirement, both proposals are combined for Planning Commission and City Council consideration.

The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff supports the applicant's request to operate a rooming house at 1300 and 1304 King Street. The establishment has provided affordable housing for twelve individuals in the City for several decades. It is characterized as a rooming house with a history of stable tenancy, Code and Zoning compliance, and a lack of neighborhood complaints. The provision for three parking spaces would be sufficient since few tenants own cars. In addition, staff supports the change of ownership from Nick and Frank Constantino to Joricris Espiritu, who not only would operate the rooming house, but also would monitor the facility as a full-time resident.

Staff has added conditions to ensure resident safety and cleanliness on the premises. Smoke detectors are required in each sleeping room as stated in Condition 4. If provided, regular laundering of linens and towels is specified in Condition 5 and the general maintenance of the property is mandated in Condition 6. Potential neighborhood impacts would be mitigated through the applicant's monitoring of the property for public nuisances (Condition 7) and litter (Condition 9).

Nonetheless, this SUP would no longer authorize the applicant's rooming house use after October 16, 2020 given the five year limitation for rooming house SUPs, which is also stated in Condition 12. The rooming house owner at that time may apply for an SUP to request approval of the use for an additional five years.

Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit for the continuation of a rooming house and an affordable housing option at 1300 and 1304 King Street

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

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)
2. The operator, who shall be the owner of the premises, shall at all times reside at the subject premises. (P&Z)
3. No more than six individuals may permanently reside at 1300 King Street and no more than six individuals may permanently reside at 1304 King Street at any one time. (P&Z)
4. The number of bedrooms in 1300 King Street shall be limited to six and the number of bedrooms in 1304 King Street shall be limited to six. (P&Z)
5. Every sleeping room shall have a smoke detector, which shall be part of a hard wired smoke detector system. (P&Z)
6. The operator of the rooming house shall change bed linens and towels, if supplied by the operator, at least once each week and each time prior to the letting of any room to any occupant, and shall maintain all other supplied bedding in a clean and sanitary manner. (P&Z)
7. The operator of the rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and shall keep the rooming house and all parts thereof, including the premises on which it is located, free of any accumulation of dirt, filth, rubbish and garbage, and effectively protected against vermin infestation. (P&Z)
8. The applicant shall be responsible for the peace and good order of the premises, and shall at all times see that the premises does not become a public or common nuisance by reason, among others, of the congregation of disorderly persons, inebriates, or persons using or selling controlled substances. (P&Z)
9. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
10. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least once during the day and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)

11. The rooming house shall be inspected by the Code, Fire, and Zoning departments on an annual basis to determine if the facility is in compliance with the conditions of the special use permit and conforms to the Uniform Statewide Building Code and the Fire Prevention Code. (P&Z)
12. Special Use Permit 2015-0080 shall expire on October 16, 2020. (P&Z)
13. The Director of Planning and Zoning shall review the Special Use Permit one year after approval, 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)

STAFF: Alex Dambach, Division Chief, Land Use Regulatory Services,
Department of Planning and Zoning;
Ann Horowitz, Urban Planner.

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.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-2 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least once during the day and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
- C-1 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-2 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 City Council 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)

Code Enforcement:

No comments received

Health:

Hotel/Motels

- 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 the Multi-Agency Permit Center. Construction plans shall be submitted and approved by the Health Department prior to construction. There is a \$40.00 plan review fee payable to the Alexandria Health Department.

- C-3 Construction plans shall comply with State Code 35.1, Hotels, Restaurants, Summer Camps and Campgrounds. Construction plans shall include equipment specification sheets including hot water information.

Parks and Recreation:

No comments received

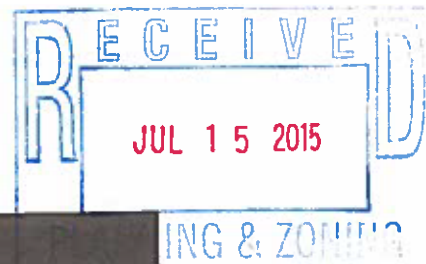
Police Department:

No comments received



APPLICATION

SPECIAL USE PERMIT



SPECIAL USE PERMIT # 2015-0080

PROPERTY LOCATION: 1300/1304 King St., ALEXANDRIA, VA 22314

TAX MAP REFERENCE: 064.03 -12-10 ZONE: KR

APPLICANT:

Name: JORICRIS ESPERITU

Address: 1300 KING ST., ALEXANDRIA, VA 22314

PROPOSED USE: ROOMING HOUSE

☒ **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

JORICRIS ESPERITU
Print Name of Applicant or Agent

1300 King St.
Mailing/Street Address

ALEXANDRIA, VA 22314
City and State Zip Code

J. Esperitu 07/13/15
Signature Date

240-394-0896 703-549-1825
Telephone # Fax #

NECONSTANTINO@COX.NET
Email address

ACTION-PLANNING COMMISSION: _____ DATE: _____

ACTION-CITY COUNCIL: _____ DATE: _____

SUP # 2015-0080

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 1300 KING STREET, ALOZANARIA hereby
(Property Address)
grant the applicant authorization to apply for the _____ use as
(use)
describe in this application.

Name: MICHAEL KAIN, 1310 KING STREET LLC Phone: 202-387-0606
Please Print SA. 501
Address: 1601 CONNECTICUT AVE N.W. Email: MICHAEL@KAINASSOCIATES.COM
WASHINGTON, DC 20009
Signature: [Signature] Date: 7/7/15

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

☒ Required floor plan and plot/site plan attached.
☐ Requesting a waiver. See attached written request.

2. The applicant is the (check one):

☐ Owner
☐ Contract Purchaser
☒ Lessee or
☐ Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

KAIN FAMILY L.P. - 50%
KING STREET FOUR BAN, LLC - 50%

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. TORICRIS ESPERITU	1300 KING ST. ALEXANDRIA, VA 22314	100% (INDIVIDUAL)
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1300/1304 KING ST. ALEX., VA 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. 1310, LLC	1601 CONNECTICUT AVE, NW SUITE 5 WASHINGTON, DC 20064	100%
2. KAIN FAMILY, LP	Above ↑	50% of 1310, LLC
3. KING ST. FOUR BALL, LLC	Above ↑	50% of 1310, LLC

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity and "None" in the corresponding fields).

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. TORICRIS ESPERITU	NA	NA
2. 1310, LLC	NA	NA
3. KAIN FAMILY, LP KING ST. FOUR BALL, LLC	NA	NA

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

7/13/15 TORICRIS ESPERITU
Date Printed Name Signature

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia? NA

☐ **Yes.** Provide proof of current City business license

☐ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

I plan to operate a Rooming house that was established in 1964 and has been in continuous operation for 51 years. There are 2 sides to the rooming house with each side having 6 individual rooms and 2 bathrooms with showers (Total 12 rooms and 4 bathrooms). The hallways and bathrooms are serviced daily and I will continue to do so. These are sleeping rooms with no cooking facilities. For tenants who do not have furniture, I will provide a bed and new linens. I will also provide cleaning supplies. I will provide a dumpster behind the building for trash that will be emptied weekly. Parking on site will be provided for 3 vehicles. I will continue to provide a smoke detector for each room and 2 for each hallway. I will check all smoke detectors monthly and replace batteries as needed. I will continue to have tenants endorse a lease for a period of 4 months. I have lived on the premises for 3 years and will continue to do so.

USE CHARACTERISTICS

4. The proposed special use permit request is for (check one):

- ☐ a new use requiring a special use permit,
☐ an expansion or change to an existing use without a special use permit,
☐ an expansion or change to an existing use with a special use permit,

☒ other. Please describe: Change of business ownership (New lessee)

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect?

Specify time period (i.e., day, hour, or shift).

12 Tenants (1 per room) Operated 24 hours
per day.

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

I will provide all services myself

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

365 per year

Hours:

24 hours per day

7. Please describe any potential noise emanating from the proposed use.

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

TELEVISION OR RADIO

B. How will the noise be controlled?

I will address any noise complaints
with the appropriate tenant.

8. Describe any potential odors emanating from the proposed use and plans to control them:

Odors will be controlled through daily cleaning of hallways and bathrooms. I will provide cleaning supplies for each tenant that does not have their own.

9. Please provide information regarding trash and litter generated by the use.

- A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

Food wrappers or personal items.

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

VARIES PER PERSON.

- C. How often will trash be collected?

Tenants CAN empty their trash into the on site dumpster AS often as needed. The dumpster is emptied weekly.

- D. How will you prevent littering on the property, streets and nearby properties?

By providing the trash service described above.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

[] Yes.

☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

WE DO NOT HANDLE ANY ORGANIC
COMPOUNDS

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?

NA WE WILL TAKE APPROPRIATE
MEASURES TO INSURE THE SAFETY
OF NEARBY RESIDENTS

ALCOHOL SALES

13.

- A. Will the proposed use include the sale of beer, wine, or mixed drinks?

☐ Yes ☒ No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

3 Standard spaces
 _____ Compact spaces
 _____ Handicapped accessible spaces.
 _____ Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A _____

Does the application meet the requirement?

☐ Yes ☐ No

B. Where is required parking located? (check one)

☒ on-site

☐ off-site

If the required parking will be located off-site, where will it be located?

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

☐ Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are available for the use? N/A

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where are off-street loading facilities located? NA
THERE ARE NO OFF STREET LOADING FACILITIES
- C. During what hours of the day do you expect loading/unloading operations to occur?
NA WE DO NOT EXPECT LOADING OR UNLOADING OPERATIONS
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
NA THERE WILL BE NO LOADING OR UNLOADING OPERATIONS
16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?
NA THE STREET ACCESS IS ADEQUATE

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No
 Do you propose to construct an addition to the building? ☐ Yes ☒ No
 How large will the addition be? _____ square feet.
18. What will the total area occupied by the proposed use be?
2,471 sq. ft. (existing) + 0 sq. ft. (addition if any) = 2,471 sq. ft. (total)
19. The proposed use is located in: (check one)
☒ a stand alone building
☐ a house located in a residential zone
☐ a warehouse
☐ a shopping center. Please provide name of the center: _____
☐ an office building. Please provide name of the building: _____
☐ other. Please describe: _____

End of Application

Aerial View
1300 King St., Alexandria, VA

alleyway

King St.

Rooming House
Side 2

Rooming House Side 1

Rooming House Entrance

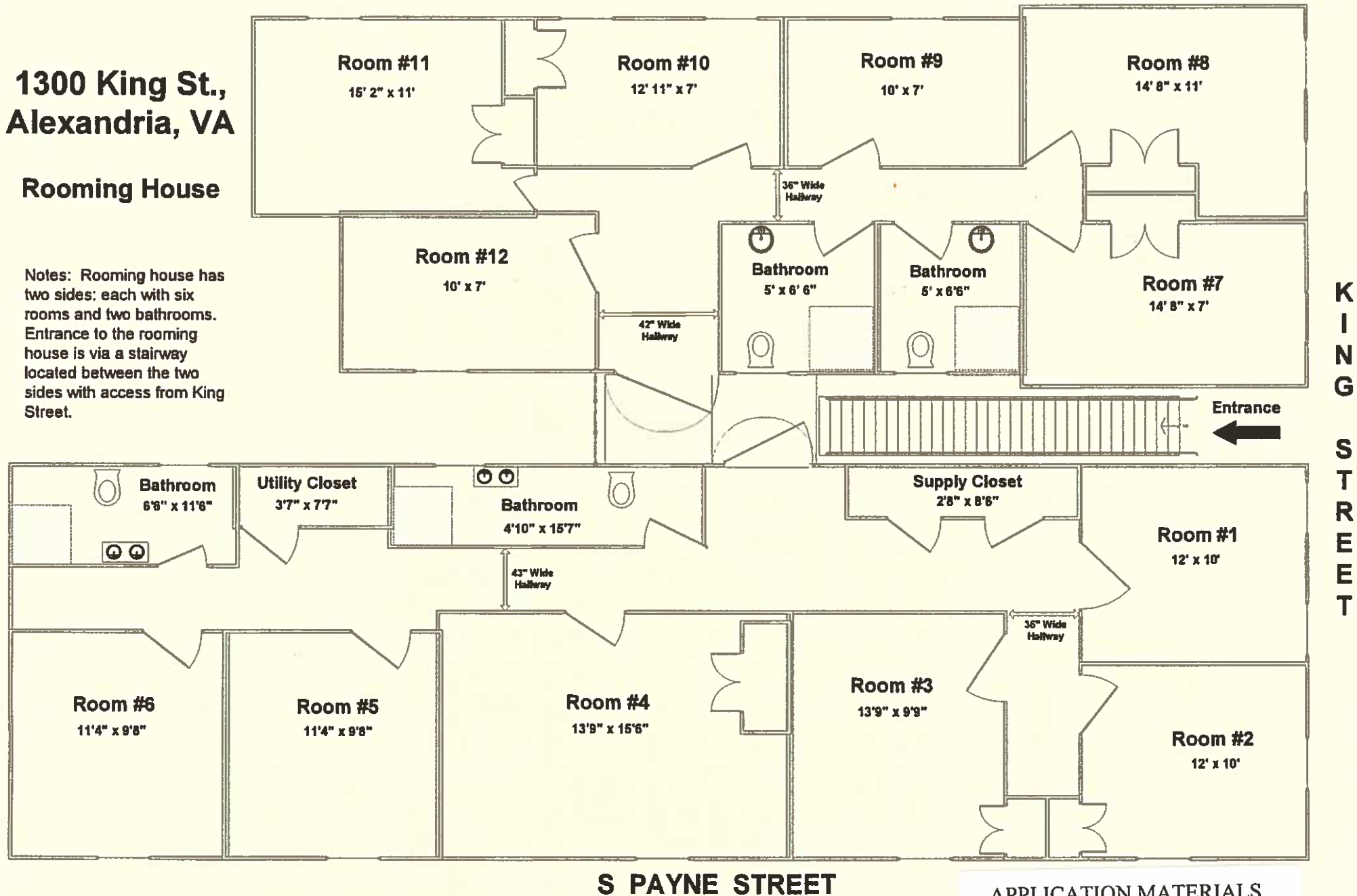
1300 King St., Alexandria

S. Payne St.

**1300 King St.,
Alexandria, VA**

Rooming House

Notes: Rooming house has two sides: each with six rooms and two bathrooms. Entrance to the rooming house is via a stairway located between the two sides with access from King Street.



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S PAYNE STREET

APPLICATION MATERIALS
SUP2015-00080
1300/1304 King St
7/13/2015

August 6, 2015

City of Alexandria
301 King Street
Alexandria, VA 223141

Dear Sir/Madame,

I am writing in support of the special use application being submitted by Mr. Constantino for the boarding house on the second floor of 1300 King Street. I have known Mr. Constantino for many years, as well as several of the individuals who currently live at 1300 King. I am also part owner, and manager of several properties in the 1200 and 1300 block of King Street, and can say that the boarding house has never been an issue for the many decades that it has been in existence. Should you have any questions I can be reached at 703-606-3560. Thank you for your support of this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'William D. Cammack', is written over a horizontal line.

William D. Cammack
Cloverdale, LLC

WILLIAM J. REAP COMPANY, INC.

REAL ESTATE MANAGEMENT-BROKERAGE-LEASING
TELEPHONE (703) 892-4966

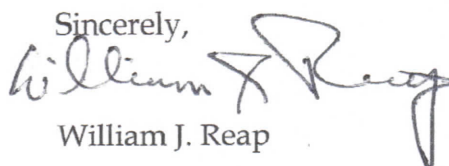
August 11, 2015

To Whom It May Concern,

I am writing to express my support of Joricris Espiritu and ask that he be allowed to continue to operate the buildings at 1300-1304 King as a rooming house. I have managed and lease property on King Street, many of which are located in the 1200 and 1300 blocks of King Street, since 1980 and I do not recall there ever being any problems with any of the residential tenants from these buildings. We have never received any complaints from any of our tenants regarding this property nor have we heard anything negative about any of the residential tenants. The property appears to be well kept and cleaning and professionally run and operated.

The twelve residential rental units in these properties offer safe and affordable rentals to several retired individuals, some who have rented at this location for over 13 years, that otherwise could not afford to live in Alexandria due to the high rental rates.

As long as the property continues to be run and managed as it has been for the past 35 years, I see no reason that it should not be allowed to continue as a rooming house. We hope that the property will be allowed to continue operating as a rooming house.

Sincerely,

William J. Reap

SUP2015-0080
1300/1304 King St
Additional Materials 9/14/15

Docket Item #28
SPECIAL USE PERMIT #95-0032

Planning Commission Meeting
May 2, 1995

ISSUE: Consideration of a request for a special use permit for additional dining on the lower level of the building.

APPLICANT: Wannawuth Damronchai

LOCATION: 300 King Street

ZONE: CD/Commercial Downtown

CITY COUNCIL ACTION, MAY 13, 1995: Approved the Planning Commission recommendation and approved the request, subject to compliance with all applicable codes, ordinances and staff recommendations, with the understanding that it is for 120 seats and with the hours stipulated by the Planning Commission.

PLANNING COMMISSION ACTION, MAY 2, 1995: On a motion by Mr. Ragland, seconded by Mr. Wagner, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Mr. George Suttar spoke on behalf of the applicant.

Mr. Larry Robinson, Old Town Civic Association, spoke in support of the application with staff's recommended conditions. If the staff recommendations were not adopted, Old Town Civic would object to approval of the permit.

Ms. Serita Schock, Captains Row, also spoke regarding the application.

STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. Seating shall be provided for no more than 120 patrons. No bar seats or bar standing area shall be allowed. (P&Z)
3. No outside dining facilities shall be located on the premises. (P&Z)
4. No live entertainment shall be provided at the restaurant. (P&Z)
5. The hours of operation shall be limited to between 11:00 A.M. and 11 P.M., Sunday through Thursday, and 11:00 A.M and Midnight, Friday and Saturday. (P&Z)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
7. There shall be no service of alcoholic beverages to standing persons. (P&Z)
8. There shall be no sale of alcoholic beverages for off-premises consumption. (P&Z)
9. No food, beverages, or other material shall be stored outside. (P&Z)
10. Trash and garbage shall be stored inside or in a dumpster. (P&Z)
11. Trash and garbage shall be collected every day that service is available. (P&Z)

12. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)

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13. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
14. No amplified sound shall be audible at the property line. (P&Z)
15. The applicant shall provide free off-street parking for employees who drive to work and require all employees who drive to use off-street parking. (P&Z)
16. The applicant shall (a) provide a cash subsidy equivalent to the cost of parking to patrons who present a parking ticket from one of the off-street parking establishments in Old Town, as proposed by the applicant; (b) advertise such parking subsidies by posting notice at its restaurant and including such notice in any advertising; and (c) urge patrons who drive to park in one of the off-street parking establishments. (P&Z)
17. On each anniversary of the approval of the special use permit, the applicant shall provide to the Director of Planning and Zoning a copy of (1) the materials advertising such off-street parking, and (2) a report concerning the utilization of off-street parking subsidies by the restaurant's patrons. (P&Z)
18. Lighting in the bar and restrooms is to be increased to at least 20 foot-candles. (Health Dept.)
19. Lighting in the dining areas and in dry food storage areas is to be increased to at least 10 foot-candles. (Health Dept.)

20. Ventilation in the downstairs customer sitting areas should be improved to eliminate dampness and the musty odors. (Health Dept.)

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21. 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, (b) the director has received a request from any person to docket the permit for review, 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)

Staff Note: Meals ordered before the closing hour may be served, 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)

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.

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DISCUSSION:

1. The applicant, Wannamuth Damronchai, is requesting approval of an expansion of the restaurant known as Le Chateau Steak Plus at 300 King Street. Specifically, he proposes to expand into a previously used basement room to offer lower priced fare and to operate later in the evenings.
2. The subject property is one lot of record with 40 feet of frontage along King Street, 51.5 feet of frontage along Fairfax Street, and an area of 2,060 square feet. A three-story building constructed in 1880 occupies the lot. The lot has no off-street parking.
3. A restaurant has operated at this site since 1975, prior to the requirement that restaurants obtain a special use permit. When in 1980 Bamiyan II opened at the subject location, a special use permit was not necessary because of the grandfathered status of its predecessor. Similarly, when Damronchai purchased the restaurant in 1994, the operation's grandfathered status obviated the need for a special use permit.
4. Under Section 11-509 of the zoning ordinance, the expansion or intensification of a special use is permitted only if a special use permit is approved, regardless of whether a special use permit has been previously granted. The applicant's proposal will add additional seats and a bar area to the restaurant, will physically enlarge the space the restaurant occupies, and will stay open later in the evening.
5. Specifically, the current proposal is to reopen a long unused basement room, which has 28 seats at tables and 12 stools at a bar and to extend the hours of operation. The existing operation contains 120 seats and occupies the first and second floors of the building.
6. According to staff's 1993 restaurant survey, the hours of operation at the restaurant have historically been from 11:30 A.M. to 10:30 P.M., Monday through Saturday, and 5:00 P.M. to 10:00 P.M. Sunday.

The following is comparison of the hours of operation currently allowed and the proposed hours of operation:

<u>Current</u>	<u>Proposed</u>
Mon.-Sat. 11:30 AM-10:30 PM	Mon.-Sat. 11:00 AM-1:30 AM
Sun. 5:00 PM-10:00 PM	Sun. 11:00 AM-1:30 PM

7. The applicant states that the late hours are necessary to make the restaurant economically feasible and to provide a convenient location for late diners.
8. Currently, there are four employees at the restaurant. The applicant expects to hire two more employees to handle the additional business generated by opening the basement room.
9. On November 13, 1993, the City Council amended the Old Town Small Area Plan's goals and adopted policies for evaluating new and expanding restaurants. The applicant proposes to address the five major issues outlined in the restaurant policy as follows:

Criteria 1: Available Off-Street Parking for Patrons.

The applicant proposes to offer reimbursement for one hour of parking in cash or to deduct the price of one hour of parking from the dinner check, when a patron presents his garage ticket.

Criteria 2: Parking Management Plan.

According to the applicant, current employees all carpool together and park in the Market Square Garage. Three of the four restaurant employees are family members and all live in the same neighborhood. Additional employees hired to handle the expansion will also be members of the family, and will also be required to car pool together and park in the Market Square Garage.

Criteria 3: Patrons and Employees at Late Night Hours:

It is the applicant's wish to remain open until 1:30 A.M., daily, serving both dinners and alcohol.

Criteria 4: Alcohol Consumption.

The applicant predicts a low ratio of alcohol consumption to food.

Criteria 5: Litter.

The applicant's proposal is for a full service restaurant without carry-out service, which will generate very little litter.

10. Zoning: The subject property is zoned CD/Commercial Downtown and is in the Old and Historic Alexandria District. Section 4-503(W) of the zoning ordinance permits restaurants only with a special use permit in the CD zone.
11. Master Plan: The property is in the Old Town Small Area Plan.

STAFF ANALYSIS:

The applicant has requested 1) permission to open its lower level for lower cost dining in an attempt to broaden its food offerings, and 2) later hours of operation.

Staff believes the request to offer lower cost fare in its lower level is reasonable, but sees no reason why it is necessary to expand the number of seats in the restaurant since the restaurant is clearly not filling the seats it currently has. Staff sees no reason why the applicant cannot simply use some of the seats currently on the second floor of the restaurant for its basement facility.

Staff is concerned that the proposal for the basement area could be an attempt to create a new late night drinking facility since the proposal features a large bar. Since the restaurant has never had late night hours (beyond 10:30 p.m.) and since one of the goals of the Old Town restaurant policy is to limit new late night drinking

establishments, staff cannot support the hours requested. Staff recommends that the hours be limited to 11:00 p.m. during the week and midnight on Saturday and Sunday. These hours should be adequate to serve an eating, as opposed to a drinking establishment.

Even if the applicant denies that it is his intention to create a late night drinking establishment, the restaurant could change hands to an operator interested in attracting a rowdier clientele.

Therefore, staff recommends approval of the application only with the conditions that limit the number of additional seats and also limit the hours of operation.

STAFF: Sheldon Lynn, Director, Department of Planning and Zoning;
Elizabeth Wilcox, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or storm sewers.

F-1 The interior sanitary sewer waste lines appear to be leaking into the area of the proposed expansion. Notify Health Department.

Code Enforcement:

F-1 Application shows that the proposed expansion of the existing restaurant will be occupying a basement space. A site visit revealed that this space is a sprinklered windowless story served by two existing means of egress, one of which may be deficient in some aspects. The existing arrangement of this basement space, with a bar and booth seating, shows its previous use was the same

as the proposed use. The applicant is proposing to increase the occupant load of the facility, within the meaning of the 1993 Uniform Statewide Building Code (USBC §§ 105.1.(2), 115.3, 117.1.2 and 303.4). In addition, installation of any commercial kitchen equipment in the basement will subject the project to additional requirements of the 1993 USBC (USBC §§ 105.1.(2), 105.1.(3), 115.3, 117.1.2, 2801.2 and M-501.0 through M-509.2).

- F-2 The submitted documents are insufficient to determine compliance with the USBC requirements for a restaurant. Dimensioned floor plans are necessary, drawn to scale, showing the available access, egress, mechanical equipment, electrical and fire protection systems, exhaust provisions and plumbing facilities that will serve the new restaurant space, as well as information on the type of construction, area of the tenant space expansion, the uses of adjoining spaces in the building and the extent of current sprinkler coverage of the building.

- C-1 Any construction work shall be done in accordance with the 1993 USBC requirements for Use Group A-3 (USBC §303.4).

- C-2 Alterations to the existing structure and/or installation of equipment therein require a building permit (USBC §105.1). Four sets of plans bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the building permit application (USBC §105.5). The plans must be dimensioned, drawn to scale and include proposed architectural layout, access and egress provisions, construction details, any additional kitchen equipment, other fire protection, electrical and mechanical equipment layout and schematics, plumbing systems and fixtures, all in sufficient detail to ascertain compliance with all

applicable code sections.

- C-3 The exit stair leading directly from the rear of the basement to South Fairfax Street shall be unlocked and approved panic hardware shall be installed both at the basement door and exit discharge door (USBC § 1017.4.2), unless exempted by virtue of limited occupant load.
- C-4 The exit stair leading from the front of the basement to King Street shall be enclosed in 1-hour rated construction (USBC § 1014.11), unless an equivalent alternative arrangement is provided for the discharge of this exit stair, that complies with USBC § 1020.0.
- C-3 Certification is required from the owner or owner's agent that the building has been inspected by a licensed asbestos inspector for the presence of asbestos (USBC §105.10), indicating the appropriate action to take if any asbestos is found.
- C-4 The applicant must obtain a Certificate of Occupancy for the new basement space, from the building official, prior to occupying the premises as a restaurant (USBC §115.1).
- C-5 A seating and table layout for the basement, complete with dimensions, showing aisle and aisle accessway clear widths, shall be submitted to the building official for review and approval, prior to occupancy (USBC §§ 1012.2 through 1012.2.7).
- C-6 The basement seating area of the restaurant shall have its new occupant load approved and posted conspicuously, using occupant load signs approved and issued by the building and/or fire official (USBC § 1003.3).
- C-7 The basement expansion space is required to be sprinklered (USBC §§ 904.3 and 904.10). The existing sprinkler system must be evaluated for compliance with current requirements

for Use Group A-3 in a windowless basement.

- C-8 Unless equivalent services for persons with disabilities are rendered on the first floor, accessibility to the basement for persons with disabilities must be provided, including but not limited to access to the premises, seating and toilet facilities (USBC § 1101.3.(2)).

Health Department:

This facility is currently under Health Department Permit #01-0292 issued to Wannawuta Damrongchai.

- R-1 Lighting in the bar and restrooms is to be increased to at least 20 foot-candles.
- R-2 Lighting in the dining areas and in dry food storage areas is to be increased to at least 10 foot-candles.
- R-3 Ventilation in the downstairs customer sitting areas should be improved to eliminate dampness and the musty odors.

Police Department:

- F-1 Security survey for business.

Reported Incidents For 300 King Street
January 1, 1994 Through December 31, 1994

Prop Stolen Rec/Poss	4
Sex Offenses	1
Liquor Laws	1
Drunkenness	5
Other except traffic	2
TOTAL	13