

City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2024-00085
Approved by Planning and Zoning: January 7, 2025
Permission is hereby granted to: Akeno Old Town, LLC
to use the premises located at: 611 King Street
for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

January 7, 2025

Karl Moritz (by T. LaColla)

Date

Karl Moritz, Director
Department of Planning and Zoning

DATE: January 7, 2025

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

FROM: Mavis Stanfield
Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2024-00085
Administrative Review for a Change of Ownership
Site Use: Restaurant
Applicant: Akeno Old Town, LLC
Location: 611 King Street
Zone: KR/King Street Urban Retail

Request

Special Use Permit #2024-00085 is a request for a change in ownership from Java Grill, LLC to Akeno Old Town, LLC. No additional changes to the current operations are proposed, other than an indoor change of hours of operation, to open at 11 a.m. in the morning instead of 7 a.m., which is no longer regulated through SUPs. The business would shift its menu to sushi offerings.

Background

A restaurant has operated at this site since October 1980 as a grandfathered restaurant for several years. On May 20, 2006, City Council approved SUP #2006-0013 for a special use permit to increase the seating at a restaurant, Bread and Chocolate. In December 2018, special use permit #2018-0105 was approved for a request of a change of ownership from Bread and Chocolate to Java Grill, LLC.

Staff administratively approved SUP #2019-00047 on June 13, 2019 for a minor amendment to an existing restaurant, Java Grill, to expand operation hours from 7 a.m. to 9 p.m. daily, to 7 a.m. to 11 p.m. daily.

Parking

Pursuant to Section 8-300 (B) of the Zoning Ordinance, parking requirements do not apply to restaurants located within the Central Business District.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, Old Town Civic Association was sent an email notification of the current application. Staff has not received any comments from residents or adjacent businesses.

Staff Action

Staff supports the request for a change of ownership, as the tenant space is now vacant and utilizing it as a sushi restaurant will provide additional vibrancy to the immediate neighborhood and additional restaurant offerings to residents and visitors.

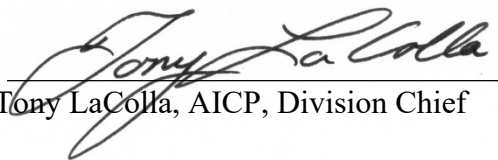
Staff has carried forward previous conditions, deleting, amending, and adding conditions to reflect current standard restaurant language.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: January 7, 2025

Action: Approved



Tony LaColla, AICP, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2024-00085

The owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any other business entity in which the applicant has a controlling interest. (P&Z) (SUP #2006-0013)
2. Condition deleted. (SUP #2019-0047)
3. **CONDITION AMENDED BY STAFF:** The indoor seating shall comply with the statewide building code. ~~capacity is limited to 70 indoor seats, as requested by the applicant.~~ (P&Z) (SUP #2006-0013)
4. 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) (SUP #2006-0013)
5. **CONDITION AMENDED BY STAFF:** 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 and debris shall be allowed to accumulate on site outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (SUP #2006-0013)
6. **CONDITION AMENDED BY STAFF:** Indoor, limited live entertainment shall may be limited to two acoustic, non-amplified performances by one musician, generally a guitarist or violinist, per week offered. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as entertainment. ~~Live entertainment shall be limited to inside the restaurant and is not permitted outside.~~ (P&Z) (SUP #2006-0013)
7. **CONDITION AMENDED BY STAFF:** ~~No motor vehicle d~~ Delivery vehicles are service is permitted and must be parked off-street when not in use. (P&Z) (SUP #2006-0013)
8. **CONDITION AMENDED BY STAFF:** On-site and off-site beer and wine service alcohol is permitted; ~~no off-premise alcohol sales are permitted in compliance with Virginia ABC requirements.~~ (P&Z) (SUP #2006-0013)

9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2006-0013)
10. **CONDITION DELETED BY STAFF:** ~~The hours of operation shall be limited to 7:00 a.m. to 11:00 p.m. daily. (P&Z) (SUP #2006-0013)~~
11. **CONDITION AMENDED BY STAFF:** ~~No food, beverages, or other materials shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP #2006-0013)~~
12. **CONDITION AMENDED BY STAFF:** ~~No Kitchen equipment, including kitchen and cleaning equipment, or other items such as floor mats shall not be cleaned outside, nor shall any cooking residue or other wastes be washed into the streets, alleys, or storm sewers. (P&Z) (SUP #2006-0013)~~
13. No amplified sound shall be audible at the property line. (P&Z) (SUP #2006-0013)
14. The applicant shall require its employees who drive to use off-street parking. (P&Z) (SUP #2006-0013)
15. **CONDITION AMENDED BY STAFF:** ~~The applicant shall control cooking odors and smoke and any other air pollution from operations at the site and prevent them from leaving from the property to prevent them from being or becoming a nuisance to neighboring properties as determined by the Department of Transportation and Environmental Services. (P&Z) (SUP #2006-0013)~~
16. **CONDITION DELETED BY STAFF:** ~~The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees. (P&Z) (Police) (SUP #2006-0013)~~
17. **CONDITION AMENDED BY STAFF:** ~~The Director of Planning and Zoning shall review the special use permit one year after it has been operational for one year, and then again every three years for compliance with all conditions and may shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) or the director has received a request from any person to docket the permit for review, as the result of a complaint that rises to the level of a violation of the permit conditions or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed to offset land use impacts not addressed in the city code. (P&Z) (SUP#2019-0047)~~
18. 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 the underage sales of alcohol. (P&Z) (SUP #2006-0013)

19. The applicant shall participate in any organized program to assist with both employee and customer parking for business that is formed as a result of suggested parking strategies in the King Street Retail Study, at least to the extent already required by this SUP with regard to employee and customer parking. (P&Z) (SUP #2006-0013)
20. All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving boxes, coat racks, storage bins, and closets shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z) (SUP #2018-00105)
21. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z) (SUP #2018-00105)
22. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z) (SUP #2018-00105)
23. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (P&Z) (SUP #2018-00105)
24. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (P&Z)
25. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (P&Z) (SUP #2018-00105)
26. The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar programs if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (P&Z) (SUP #2018-00105)
27. **CONDITION ADDED BY STAFF: Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am (P&Z)**
28. **CONDITION ADDED BY STAFF: All patrons must leave the premises one hour after the closing hour. (P&Z)**

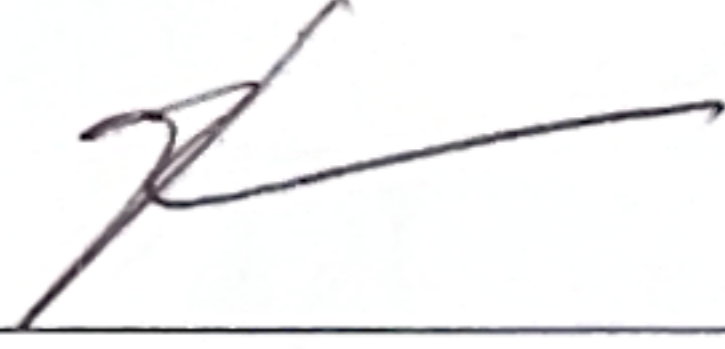
29. **CONDITION ADDED BY STAFF:** The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)

30. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)

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.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2024-00085. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant use at 611 King Street.



Applicant – Signature

1/8/25

Date

Ekkachai Promsiri

Applicant – Printed

Date