

DATE: November 1, 2022

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

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

SUBJECT: Special Use Permit #2022-00083
Administrative Review for New Use
Site Use: Restaurant
Applicant: Cynthia Higgins
Location: 206, 208, 210 Queen Street
Zone: CD, commercial downtown zone

Request

Special Use Permit #2021-00012 is a request to operate a restaurant at 206, 208 and 210 Queen Street. The applicant, Cynthia Higgins, is requesting permission to operate a full-service restaurant with a maximum capacity of 120 seats with a bar area and separate rooms for private parties. The restaurant will operate seven days a week between the hours of 11 a.m. and 10:30 p.m., Sunday through Thursday and 11 a.m. to 12 a.m. on Friday and Saturday. The applicant anticipates serving approximately 300 to 400 visitors a day and staff about 11 to 13 employees per shift. The restaurant will occupy 2800 square feet of space and will offer indoor dining, carryout and delivery services.

Background

The three addresses of the application have been combined as one restaurant for years. According to Real Estate Assessments, the portions of the building associated with the 206 and 208 Queen Street addresses were constructed in 1880; the 210 portion was built in 1900.

The restaurant use was first established in 1982 in the 208 and 210 portions of the current building. This building was included in the 1984 “Restaurant Survey” of the City, which granted the property grandfathered status, as the use was established prior to the requirement for an SUP. On December 19, 1983, the City Council approved SUP #1620 to add seats.

On September 15, 1990, the City Council approved SUP 1620-A to expand the building associated with the 208 and 210 Queen Street addresses; 206 Queen Street was operating as a retail sales establishment. This SUP expired, and SUP 1620-B was a reapplication of the expansion, which was later withdrawn.

On September 18, 1993, the City Council approved SUP 1620-C to expand the two buildings at 208 and 210 and to add the restaurant use at 206 for a total of 156 seats across the three addresses.

A restaurant use has operated at these addresses continuously since that date, until being recently vacated. With the approval of this SUP, any previous nonconforming status conveyed by the “restaurant Survey” for 208 and 210 Queen Street and SUP 1620-C for 206 Queen Street is superseded.

Parking

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

Community Outreach

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. Notice was also sent via email to the Old Town Civic Association. Staff has not received any comments to cause docketing of the new use request.


Staff Action

Staff supports the applicant’s request to continue the operation of a restaurant use at 206, 208 and 210 Queen Street. This full-service restaurant is not expected to produce a significant impact as this type of use has operated at this site without complaints for decades. Standard restaurant conditions are included in this staff report for the restaurant to ensure compatibility with the surrounding community.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: November 1, 2022
Action: Approved



Tony LaColla, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2022-00083

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 business or entity in which the applicant has controlling interest. (P&Z)
2. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all Special Use Permit provisions and requirements. (P&Z)
3. All patrons must leave the premises one hour after the closing hour. (P&Z)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z)
6. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z)
7. On and off premises alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z)
8. Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)
9. Indoor limited, live entertainment may be offered and must comply with the City's noise ordinance. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment.
10. 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)
11. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
12. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to

escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. (P&Z) (T&ES)

13. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
14. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
15. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
16. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
17. No vehicles associated with this business shall be permitted to idle for more than 10 minutes when parked. (T&ES)
18. The use must comply with the city's noise ordinance. No amplified sound shall be audible at the property line after 11:00 pm. (T&ES)
19. 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)
20. The applicant shall require its employees who drive to use off-street parking. (T&ES)
21. 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 establishing an employee transportation benefits program. (T&ES)
22. 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. (T&ES)
23. The applicant shall encourage patrons to park off-street through the provision of

information about nearby garages or lots in the business' advertising and website. (T&ES)

24. The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (TES)
25. The applicant shall maintain an up-to-date parking agreement with HB Parking at 300 N Lee Street for off-street parking spaces available for use during business hours to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. Evidence of the parking agreement shall be provided during regular SUP inspections. (T&ES)
26. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review, as the result of a complaint that rises to the level of a violation of the permit conditions or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

Conditions:

- R-1 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-2 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. (P&Z) (T&ES)
- R-3 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-4 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-5 All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-6 Supply deliveries, loading, and unloading activities shall not occur between the hours of 1:00pm and 7:00am. (T&ES)
- R-7 No vehicles associated with this business shall be permitted to idle for more than 10 minutes when parked. (T&ES)
- R-8 The use must comply with the city's noise ordinance. No amplified sound shall be audible at the property line after 11:00 pm. (T&ES)
- R-9 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-10 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-11 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-12 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional

material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)

- R-13 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)
- R-14 The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (TES)
- R-15 The applicant shall maintain an up-to-date parking agreement with HB Parking at 300 N Lee Street for off-street parking spaces available for use during business hours to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. Evidence of the parking agreement shall be provided during regular SUP inspections. (T&ES)

City Code Requirements:

- C- 1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- C - 2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, 3Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C – 3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code Enforcement:

No comment.

Health Department:

No comment.

Parks and Recreation:

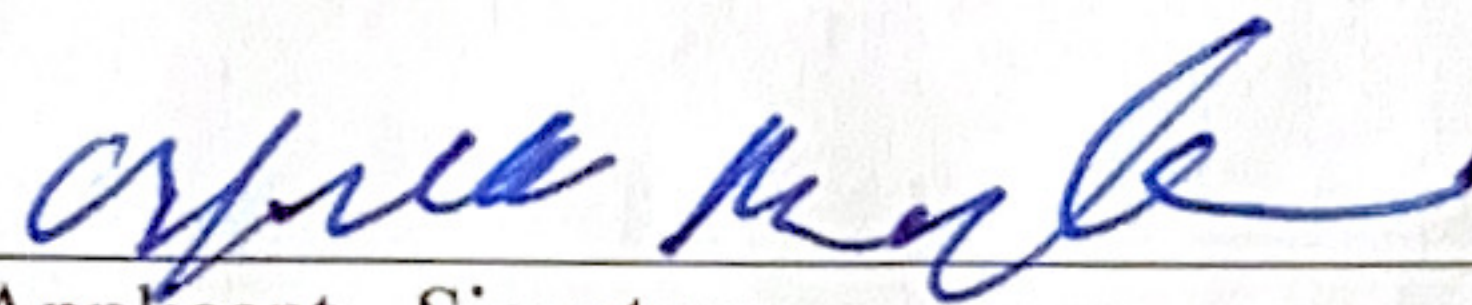
No comment.

Police Department:
No comment.

Fire:
No comment.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-00083. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 206, 208, 210 Queen Street.


Applicant - Signature

11-4-2022
Date

CYNTHIA HIGGINS
Applicant - Printed

11-4-2022
Date