

DATE: March 16, 2023

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

FROM: Mavis Stanfield, Land Use Services
Department of Planning and Zoning

SUBJECT: Special Use Permit #2023-00005
Administrative Review for a Change of Ownership
Site Use: Restaurant with outdoor dining
Applicant: Franco Abbruzzetti
Location: 305 South Washington Street
Zone: CD/Commercial Downtown

Request

Special Use Permit (SUP) #2023-00005 is a request for a change in ownership from Michael Strutton to Franco Abbruzzetti for a restaurant with 20 outdoor dining seats. No other changes are proposed, and all other SUP conditions shall remain the same. The business will continue to operate as Trattoria da Franco, an Italian restaurant.

Background

The subject restaurant has operated since 1972, before the need for a Special Use Permit. In 1986, City Council approved SUP #1898, allowing the grandfathered restaurant to intensify and add eight outdoor dining seats in a 120-square foot section in front of the southern half of the subject site, approved as an encroachment (Figure 1). Later that year, City Council approved SUP #1898-A, which introduced a parking requirement for the newly added seats. At that time, City Council added a condition that allowed the applicant to only provide these parking spaces from 5 p.m. to 12 a.m., daily at 325 South Washington. SUP #1898-A also allowed the restaurant to expand to 68 indoor seats. In 1992, City Council approved SUP #1898-B as an amendment to extend the closing hour from 12 a.m. to 1 a.m. In 1993, the subject restaurant was formally reviewed by City Council under SUP #1898-C where the restaurant was found to be operating within the previously established conditions. On August 10, 2017, SUP #2017-0075 was approved for a change in ownership, from Trattoria Da Franco to Old Town Trattoria. On July 12, 2019, SUP #2019-0020 was approved for a minor amendment to change the hours of operation and the number of outdoor seats. The hours of operation expanded from 10 a.m. to 1 a.m., daily to 8 a.m. to 1 a.m., daily. The number of outdoor seats was increased from eight to 20.

Although the subject restaurant had been in violation of its Special Use Permit and Building Code requirements between 2011 to 2017, only one violation has been reported in the last five years. In 2018, a zoning inspection revealed a violation of Condition #3 for the number of outdoor dining seats. The seats were removed, and the applicant submitted SUP #2019-0020 to request the addition of outdoor dining seats.

On February 24, 2023, an SUP zoning inspection was conducted related to this request that revealed outdoor seating for the restaurant in an area of the sidewalk north of the entrance that is not part of the encroachment approved with SUP #1898. On February 28, 2023, a follow-up inspection revealed that the tables and chairs in the unapproved area of the sidewalk had been removed. The applicant indicated he would seek approval of another encroachment to provide seating on the north side of the entrance. The use was found to be in compliance with the conditions of the previous SUP #2019-0020.

Parking

The property is in the enhanced transit area. Therefore, the 5,586 square foot restaurant must provide a minimum of six spaces, based on Section 8-200(17)(A)(a) of the zoning ordinance, which requires a minimum of one space per 1,000 square feet and a maximum of three spaces per 1,000 square feet of floor area. The first 20 seats of outdoor dining are waived subject to Section 8-200(A)(17)(c).

The parking requirements are met through an agreement that was provided to staff in July 2017 which maintains 17 parking spaces at 325 South Washington Street, as required by Conditions #10 and #11.

Community Outreach

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

Staff Action

Staff supports the applicant's request for a change in ownership. Staff has carried forward the previous SUP conditions from the 2019 SUP approval and has amended a few conditions to reflect current standard language, such as the fact that the number of indoor seats is regulated by the building code and not the SUP. Additional standard conditions have been added to require posting of hours of operation and the provision of alcohol in accordance with Virginia ABC requirements.

Staff hereby approves the Special Permit request.

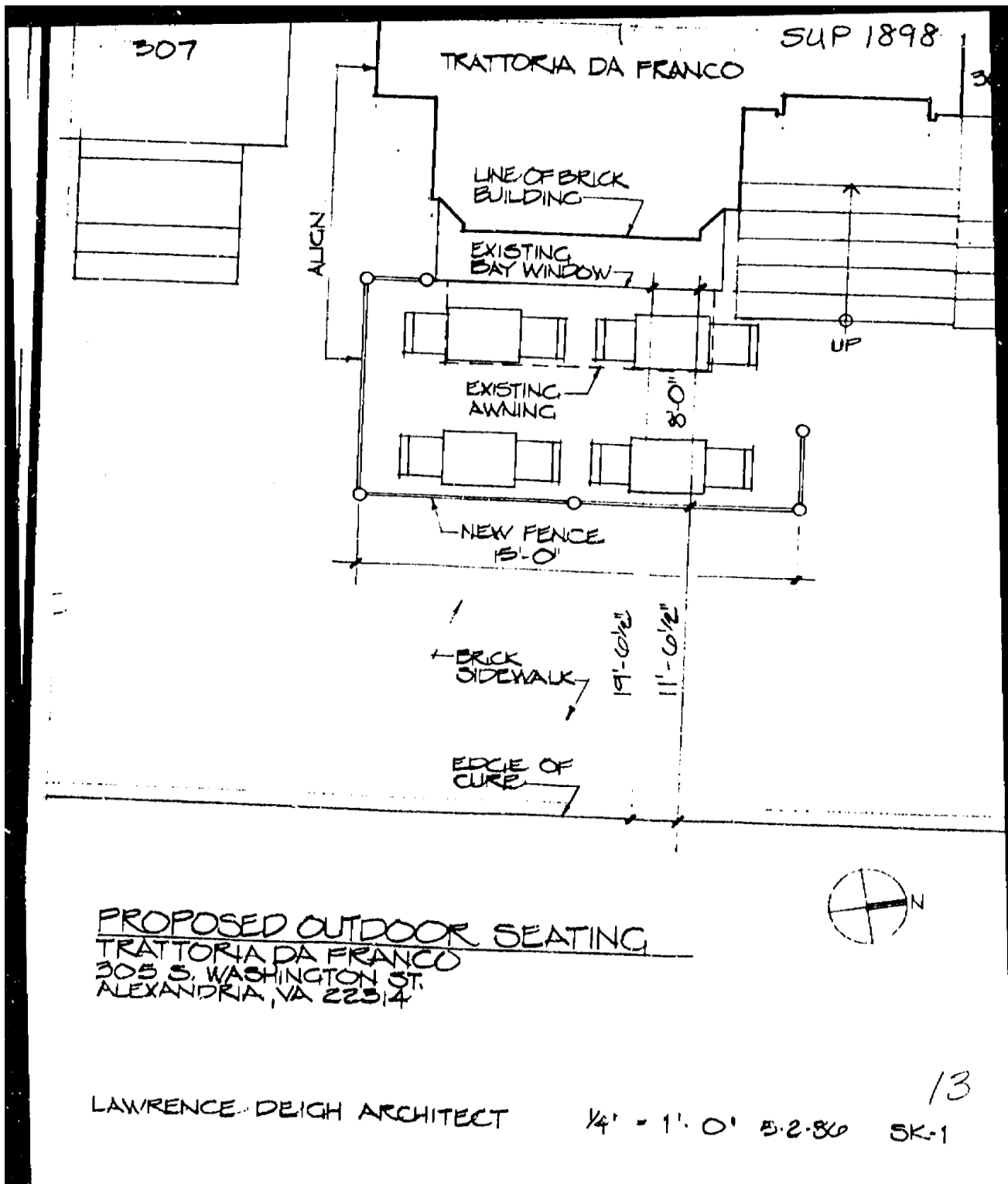
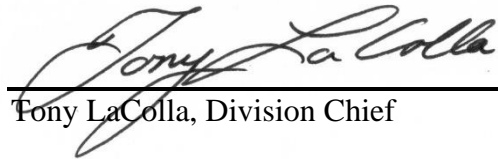


Figure 1 - Permitted Outdoor Dining Area (SUP #1898)

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: March 16, 2023

Action: Approved



Tony LaColla, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2023-00005

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

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&CD) (SUP #1898-B)
2. **CONDITION AMENDED BY STAFF:** Indoor seating ~~shall be provided for no more than 118 patrons~~ shall comply with the state building code. ~~(P&CD) (P&Z) (SUP #2017-0075)~~
3. Outside dining facilities shall have no more than 20 seats, as requested by the applicant. The outdoor dining area is restricted to the area noted in Figure 1 of this report. (P&Z) (SUP#2019-0020)
4. **CONDITION DELETED BY STAFF:** ~~The outside dining area shall not have carry out service. (P&CD) (T&ES) (SUP #1898-B)~~
5. 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&CD) (T&ES) (SUP #2917-0075)
6. No lights in the outside dining area shall interfere with traffic or pedestrians using the street. (P&CD) (T&ES) (SUP #1898-B)
7. No food, beverages, or other materials shall be stored outside. (T&ES) (P&CD) (SUP #1898-B)
8. Trash and garbage shall be collected daily, Monday through Saturday. (T&ES) (P&CD) (SUP #1898-B)
9. **CONDITION DELETED BY STAFF:** ~~A sign shall be posted denoting that no food or drinks are to be carried out of the outside dining area into any adjacent street right of way. (T&ES) (P&CD) (SUP #1898-B)~~
10. The applicant shall provide six parking spaces at 325 South Washington Street. (P&Z) (SUP#2019-0020)

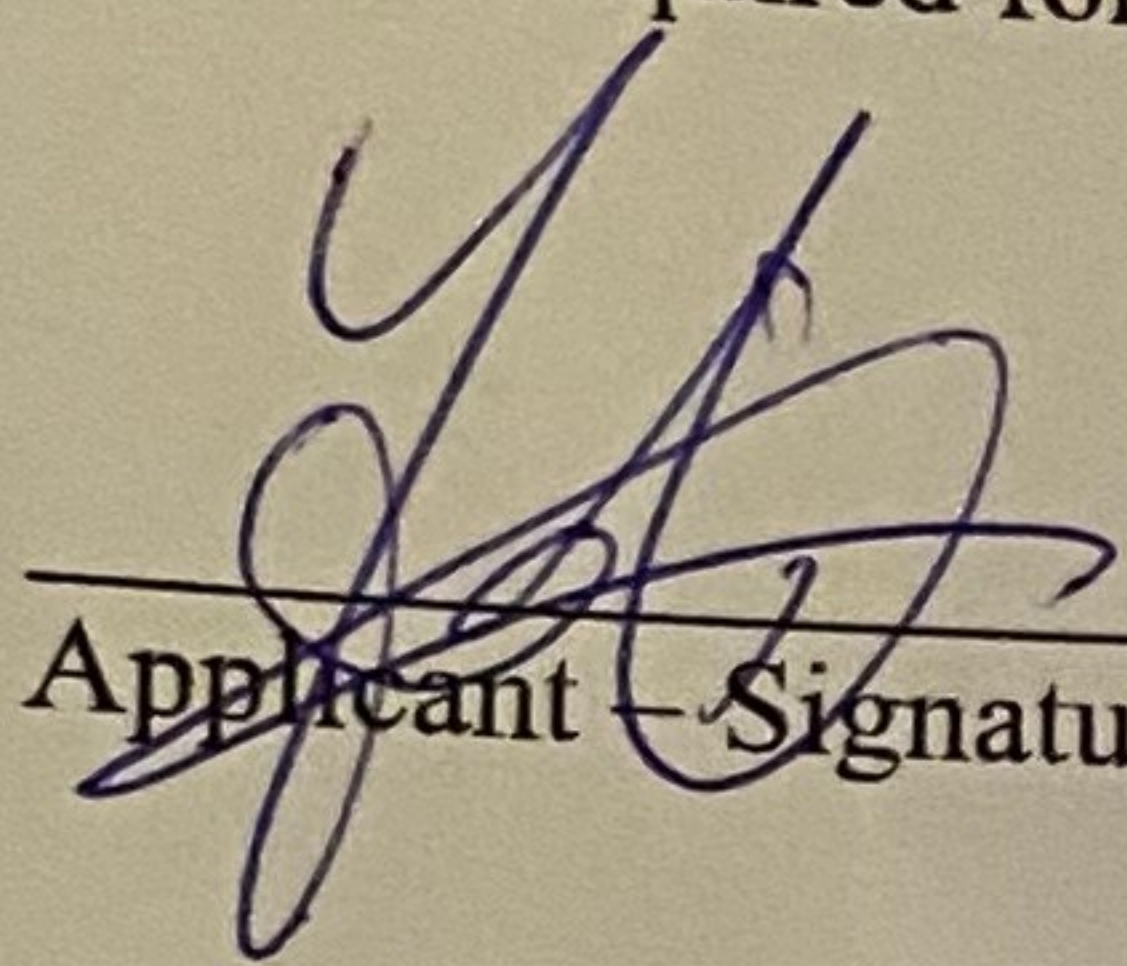
11. The parking lot at 325 South Washington Street shall be used by restaurant patrons daily from 5:00 p.m. to 12:00, midnight. (CC) (SUP #2017-0075)
12. **CONDITION AMENDED BY STAFF:** The hours of operation for the outdoor seating of the restaurant shall be 8 a.m. to ~~4 a.m.~~ 11 p.m.. Meals ordered before the closing hour can be served but no new patrons shall be admitted, and no alcoholic beverages shall be served after the closing hour, and all patrons shall be out by one hour after the closing hour. (P&Z) (~~SUP#2019-0020~~)
13. 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 #2017-0075)
14. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z) (SUP #2017-0075)
15. Outdoor dining, including all its components, such as planters and barriers shall not encroach on the public right-of-way unless authorized by an encroachment ordinance. (P&Z) (SUP #2017-0075)
16. Trash and garbage shall be stored inside or placed in sealed containers that which do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES) (SUP#2019-0020)
17. **CONDITION AMENDED BY STAFF:** ~~The use must comply with the City's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and n~~ No amplified sounds shall be audible at the property line. (T&ES) (~~SUP #2017-0075~~)
18. The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP #2017-0075)
19. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements and on how to prevent underage sales of alcohol. (P&Z) (SUP #2017-0075)

20. 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) (T&ES) (SUP #2017-0075)
21. Supply deliveries, loading and unloading activities shall not occur between 11 p.m. and 7 a.m. (P&Z) (T&ES) (SUP #2017-0075)
22. 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. (P&Z) (T&ES) (SUP #2017-0075)
23. 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. (P&Z) (T&ES) (SUP #2017-0075)
24. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z) (T&ES) (SUP #2017-0075)
25. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z) (T&ES) (SUP #2017-0075)
26. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (P&Z) (T&ES) (SUP#2019-0020)
27. **CONDITION AMENDED BY STAFF:** The design of the outdoor dining areas and all its components must comply with the ~~King Street City Outdoor Dining Design~~ guidelines, ~~or acquire BAR approval. Any outdoor seating areas, including umbrellas, shall not include advertising signage. The applicant shall submit illustrations and specifications to the Director of Planning & Zoning for review and approval.~~ (P&Z) (SUP #2017-0075)
28. Indoor live entertainment shall be permitted to the extent that no amplified sound is audible outside the restaurant. 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. No live entertainment shall be permitted in the outdoor dining area. (P&Z) (T&ES) (SUP #2017-0075)

29. **CONDITION AMENDED BY STAFF:** 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) (~~SUP#2019-0020~~)
30. 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) (SUP#2019-0020)
31. 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) (SUP#2019-0020)
32. 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) (SUP#2019-0020)
33. **CONDITION ADDED BY STAFF:** _The applicant shall post the hours of operation at the entrance of the business. (P&Z)
34. **CONDITION ADDED BY STAFF:** On and off premises alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00005. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant use at 305 South Washington Street.



Applicant - Signature

3-20-2023.
Date

Franco Abbuzzetti
Applicant - Printed

3-20-2023.
Date