

DATE: February 13, 2023

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

FROM: Patrick Silva, Urban Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2022-00118  
Administrative Review for New Use  
Site Use: Restaurant with Outdoor Dining  
Applicant: Tatte Holdings, LLC  
Location: 515 King Street, Suite 102  
Zone: KR/King Street Urban Retail

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**Request**

Special Use Permit #2022-00118 is a request to operate an approximately 4,081 square foot restaurant, known as Tatte Bakery, at 515 King Street, Suite 102. The restaurant will specialize in coffee and tea items, baked goods, as well as casual breakfast and lunch fair. The restaurant will offer dine-in service during the proposed operational hours of 7 a.m. to 8 p.m., daily. The restaurant will include 124 indoor seats and 16 outdoor seats located on private property. The applicant also proposes five additional outdoor seats on the sidewalk in the public right of way, which will be reviewed under a separate permit via the King Street Outdoor Dining Program. The restaurant will serve approximately 400 customers daily and will be staffed by 20 employees per shift with two shifts daily. The restaurant will not offer alcohol sales, live entertainment or applicant operated delivery services.

**Background**

The 22,627 square foot, four-story commercial building located at 515 King Street was approved by the Planning Commission in July 1965 when they approved Site Plan #65-00053, resulting in the construction of the existing building in 1966. Since that time the commercial tenant space at 515 King Street, Suite 102 has been occupied by numerous retail shopping and personal service establishments with a SunTrust Bank having been the most recent tenant before ending their lease in 2022. The site currently plays host to a number of office uses on its upper three floors. The restaurant at the center of the current request would be the first restaurant to be established in the commercial tenant space at 515 King Street, Suite 102.

**Parking**

The applicant’s proposed restaurant is located within the Central Business District and Section 8-300(B) of the Zoning Ordinance waives the parking requirement for restaurants located within the Central Business District. As such, the applicant is not required to provide off-street parking.

**Community Outreach**

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. Staff also informed the Old Town Civic Association about the current application. Staff has received no comments regarding this application.

**Staff Action**

Staff supports the applicant’s request for a restaurant at this location. It will serve to activate a long-term vacant commercial space in the building located at 515 King Street in an area where many other restaurants currently operate without any issues. A restaurant and outdoor dining use at this site, in place of the previous bank use, would increase pedestrian street traffic and overall street vibrancy.

In order to mitigate potential issues relating to noise, environmental impacts, and other general restaurant operations, standard Special Use Permit conditions for restaurant approvals have been added to this approval.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: February 13, 2023  
Action: Approve

  
Tony LaColla, Land Use Services Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2022-00118**

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&Z)
2. All patrons must leave the premises one hour after the closing hour. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z)
5. The number of outdoor seats on private property shall be 16 and shall not encroach into the public right-of-way. Any additional outdoor seating in the public right-of-way shall be reviewed under a separate King Street Outdoor Dining Program permit. (P&Z)
6. 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)
7. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z)
8. On and off premises alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z)
9. Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)
10. 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.
11. 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)

12. Exterior washing of the building shall not be completed using any kind of detergents. (T&ES)
13. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
14. 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)
15. The applicant shall require its employees who drive to use off-street parking. (T&ES)
16. 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](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
17. 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](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
18. 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)
19. 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)
20. 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. 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) (T&ES)
21. 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)
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. (T&ES)
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. (T&ES)

24. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
25. No amplified sound shall be audible at the property line after 11:00 pm. (T&ES)
26. 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)
27. 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:

- R-1 Exterior washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-2 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-3 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](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
- R-4 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](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
- R-5 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-6 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-7 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-8 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-9 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-10 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-11 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-12 No amplified sound shall be audible at the property line after 11:00 pm. (T&ES)
- R-13 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)

Code Enforcement:

- C-1 Applicant will need to ensure that the back door could be used as means of unobstructed egress and safely exit to a public way.

Health Department:

No comments received

Parks and Recreation:

No comments received

Police Department:

No comments received

Fire:

- C-1 Reported occupant load will require that applicant obtain a fire prevention permit for assembly use.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-00118. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 515 King Street.

<hr/>	<u>2/16/23</u>
Applicant - Signature	Date
<u>Robert Brendan Boyle</u>	<u>2/16/23</u>
Applicant – Printed	Date