

DATE: June 7, 2023

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

FROM: Mavis Stanfield, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2023-00032
Administrative Review for Special Use Permit for a New Use
Site Use: Restaurant and Outdoor Dining
Applicant: Marsha D. Banks-Herold
Location: 1320 Prince Street
Zone: CL/Commercial Low

Request

Special Use Permit (SUP) #2023-00032 is a new use request to operate a restaurant and outdoor dining at 1320 Prince Street. The applicant proposes a total of 62 seats, 50 indoors and 12 outdoors. The proposed hours of operation are Sunday, 7 a.m. to 5 p.m., Monday through Wednesday, 6 a.m. to 9 p.m., Thursday and Friday, 6 a.m. to 10 p.m., and 7 a.m. to 10 p.m. on Saturday. The applicant expects to serve up to approximately 150 patrons per day and will employ up to five staff persons at a time. The outdoor dining is proposed to be located in an open area at the rear of the property. The applicant, trading as Connect and Sip Café, will operate a premium coffee shop serving small plates, pastries, coffee, tea, smoothies, juice and a variety of grab and go food items.

Background

Real estate assessment records indicate the building was constructed as an office in 1922. Building permits indicate that in 1978 the use converted from retail to office. In 1986, a building permit was issued for a medical office.

On November 11, 2018, SUP #2018-0099 was approved for a restaurant with 12 seats of outdoor dining for Whitney and Jason Langone. This use was never established, and the SUP expired in 2020.

Parking

According 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 at the site. In addition, the Old Town Civic Association received notification of the SUP request. Staff received three letters of opposition early on and one more near the last day of the public comment period.

In response to the letters of opposition, the applicant, who owns the abutting Pies Fitness yoga studio business, offered to arrange a meeting with the members of the community who expressed opposition to her application. A meeting was held on Tuesday, May 30th, with some of those who expressed opposition as well as supporters from the local community attending the meeting. The primary concerns expressed at this meeting were the 12 outdoor seats and the closing hours of operation, which vary from 9 p.m. to 10 p.m. Staff recommended consistent hours daily to close at 10 p.m. The applicant explained that the café hours for the outdoor area, were a necessary part of the business operation. She distributed her business card and explained that they could call her directly if there is ever a noise disturbance.

Later in the week, the applicant met with the owners of the adjacent property on West Street, and explained what she had conveyed at the previous meeting and gave them her card and encouraged them to communicate with her at any time they were disturbed by noise.

Staff also received an email from the Old Town Civic Association, which expressed the same concerns as the earlier emails staff received, and noted that the application indicates that deliveries would take place through the rear driveway, which appeared to be blocked by a fence on the application diagram. The Association wanted to ensure that the public sidewalk is not blocked by vehicles unloading. The applicant responded that the driveway is deep enough so that the sidewalks will not be blocked and that the fence has been removed.

Lastly, staff received 15 emails from members of the local community in support of Ms. Banks-Harolds' application. As those in opposition appeared to be satisfied with the applicant's statements and availability should issues arise⁷ and given the significant level of support, staff proceeded with the issuing of this SUP.

Staff Action

Staff supports the applicant's request for a restaurant at this location. Staff believes that the addition of a small restaurant will be an asset to the immediate area, offering residential and commercial neighbors' convenient access to a neighborhood restaurant.

As noted above, in 2018 staff approved an administrative SUP at this location which later expired. The current applicant is proposing an identical arrangement of tables and hours of operation that had previously been approved for this property. Staff has proposed allowing daily hours of operation to 10 p.m., where a request through an administrative process could go as late as 11 p.m.

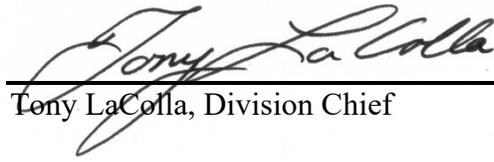
Other standards conditions have been included that address issues such as odors, storage of trash, utilization of public transportation, sanitation, and indoor limited live entertainment. The maximum of 12 outdoor dining seats is stated in Condition #5.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: June 7, 2023

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 #2023-0032

The new 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. The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z)
3. The hours of operation for outdoor dining shall be limited to between 6 a.m. and 10 p.m., daily. The outdoor dining area shall be closed and cleared of all customers by 10 p.m. The outdoor seating area shall not include signage on umbrellas. (P&Z)
4. The outdoor dining areas shall be cleaned and washed at the close of each business day that they are in use. (P&Z)
5. The number of outdoor seats shall not exceed 12 and shall not encroach into the public right-of-way. (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. Litter on the site and on the 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)
8. 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. (P&Z)
9. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
10. The applicant shall require its employees to use off street parking. (T&ES)
11. On and off-premise alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z)
12. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property becoming a nuisance to

neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)

13. 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)
14. Trash and garbage shall be stored inside or in sealed containers which do not allow odors to escape, invasion by animals, or leaking. No trash or 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. (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 11:00 p.m. and 7:00 a.m. (T&ES)
17. 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)
18. 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. The business shall contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
19. 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)
20. 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. (T&ES)
21. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
22. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
23. 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)

24. 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)
25. All patrons must leave the premises one hour after the closing hour. (P&Z)
26. Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)
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 and Environmental Services

- R-1 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-2 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-3 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-4 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)
- R-5 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-6 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-7 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)
- R-8 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 P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-9 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-10 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-11 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-12 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- 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, Chapter 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

No comments received.

Fire

- C-1 Due to total occupant load exceeding 50, owner/applicant shall apply for a fire prevention permit for assembly use.
- C-2 Ensure the outdoor dining area gate has the required exiting hardware for assembly use.

Health

Food Facilities

- 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 4850 Mark Center Dr and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria- fee must be paid separate from any other departmental fees.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C-4 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Police

No comments received.

Recreation, Parks and Cultural Activities

No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00032. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant and outdoor seating at 1320 Prince Street.

Marsha D. Banks-Harold
Applicant – Signature

06/08/2023
Date

Marsha D. Banks-Harold
Applicant – Printed

06/08/2023
Date