

*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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## **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 #2024-00017

Approved by Planning and Zoning: March 27, 2024

Permission is hereby granted to: Hyndford Street Hospitality

to use the premises located at: 101 N Union 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.

March 27, 2024

Date

*Karl Moritz* (by T. LaColla)

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Karl Moritz, Director  
Department of Planning and Zoning

DATE: March 27, 2024

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

FROM: Mavis Stanfield, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2024-00017  
Administrative Review for a Minor Amendment  
Site Use: Restaurant  
Applicant: Hyndford Street Hospitality LLC  
Location: 101 N. Union Street  
Zone: KR/King Street Retail

**Request**

Special Use Permit #2024-0017 is a minor amendment to SUP #2022-00098 to add a maximum of 12 seats of outdoor dining on private property to an existing restaurant. The seats would be located in front of the restaurant's entrance on private property and the area would be delineated by planters and a rope barrier, as depicted in Figure 1.

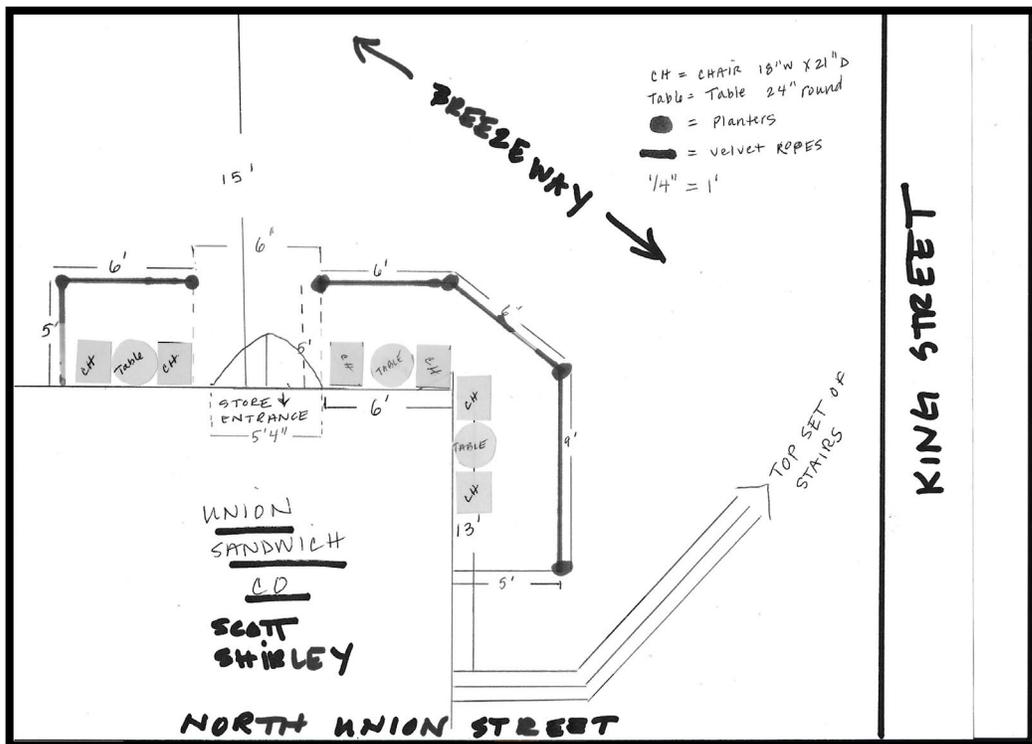


Figure 1

## **Background**

The restaurant is located in a three-story office and commercial building located at 101 N. Union Street which was constructed in 1986. Retail tenants are located on the bottom floor facing an arcade that provides pedestrian access between the corner of King and Union Streets and the waterfront. Office uses are located immediately above the first-floor retail.

On March 1, 2011, City Council approved Special Use Permit #2010-0088 to allow a restaurant, which at that time consisted of a frozen yogurt shop, to operate at the subject property. The previous tenant was a retail art gallery.

On March 16, 2018, Special Use Permit #2018-0011 was approved administratively to change the ownership of the existing restaurant from Blue Zen VA, Inc. to New Blue Zen VA, Inc. for continued operation of a frozen yogurt shop.

On December 22, 2022, staff administratively approved SUP #2022-00098 to change the ownership of the restaurant from Blue Zen VA to Hyndford Street Hospitality, LLC. The restaurant also changed from a frozen yogurt shop to a sandwich shop. Since the change of ownership and changing to a sandwich shop in early 2023, there have been no complaints associated with the restaurant at this location.

## **Parking**

The subject property is located within the Central Business District (CBD). According to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are not subject to parking requirements.

## **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 a written notification of the current application. Staff has not received any comments from residents or adjacent businesses.

## **Staff Action**

Staff supports the request to add outdoor seating to the existing restaurant. The number of outdoor seats is limited to 12 and would be covered by the arcade walkway on private property in front of the restaurant.

Special Use Permit conditions have been carried forward from Special Use Permit #2022-00098. However, a number of conditions have been amended or added to reflect current condition language. Condition #3 has been amended to reflect changes in outdoor dining regulations that require SUP approval only for outdoor dining on private property citywide; Condition #6 has been amended to allow delivery services; and Condition #15 has been amended to add clarity to the prohibition of waste streams into storm sewers. Condition #28 has been added to limit the number of outdoor seats to 12 and to regulate the layout of the

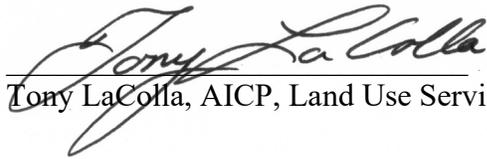
outdoor seating as noted in Figure 1. Condition #29 has been added to address storage of used cooking grease; Condition #30 has been added to address storage of chemicals and solvents; and Condition #31 has been added to require cleaning of the outdoor dining area in a manner that does not result in discharge to streets, alleys or sewers.

Because of the temporary status of the tables, chairs, planters and rope, Board of Architectural Review is not required.

Staff hereby approves the Special Use Permit request.

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

Date: March 27, 2024  
Action: Approved



Tony LaColla, AICP, Land Use Services Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2024-00017**

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) (SUP2010-0088)
2. Condition deleted by staff. (SUP 2022-00098)
3. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats at the restaurant shall comply with the state building code. ~~Additional outdoor seating may be provided on the premises subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program.~~ (P&Z) (SUP2010-0088) (SUP 2022-00098)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP2010-0088)
5. 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) (SUP2010-0088) (SUP 2022-00098)
6. **CONDITION AMENDED BY STAFF:** ~~No d Delivery service shall be available from the restaurant vehicles are permitted and must be parked off street when not in use.~~ (P&Z) (SUP2010-0088)
7. On and off premises alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z) (SUP2010-0088) (SUP 2022-00098)
8. All patrons must leave by one hour after the closing hour. (P&Z) (SUP2010-0088) (SUP 2022-00098)
9. 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) (SUP2010-0088)
10. No food, beverages, or other material shall be stored outside with the exception of materials specified in other conditions. (P&Z) (SUP2010-0088) (SUP 2018-0011)
11. 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 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. (P&Z) (SUP2010-0088) (SUP 2022-00098)
12. No amplified sounds shall be audible at the property line. (P&Z) (T&ES) (SUP2010-0088) (SUP 2022-00098) (SUP 2022-00098)
  13. The applicant shall require its employees who drive to use off-street parking. (PC) (P&Z)(T&ES) (SUP2010-0088)(SUP 2018-0011)
  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. (T&ES) (SUP2010-0088) (SUP 2022-00098)
  15. **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 e~~ No cooking residue or other wastes shall be washed into the streets, alleys, sidewalks or into storm sewers. (T&ES) (~~SUP 2018-0011~~)
  16. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them leaving the property or from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP 2022-00098)
  17. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2010-0088)
  18. 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) (SUP2010-0088)
  19. Condition deleted by staff (SUP #2022-00098)
  20. Condition deleted by staff: (SUP #2022-00098)
  21. **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 2022-00098~~)

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](mailto:goalex@alexandriava.gov) for more information about available resources. (P&Z) (2018-0011)
23. 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) (2018-0011)
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](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (P&Z) (2018-0011)
25. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z) (SUP 2022-00098)
26. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (P&Z) (SUP 2022-00098)
27. 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. (P&Z) (SUP 2022-00098)
28. **CONDITION ADDED BY STAFF: The number of outdoor seats shall not exceed 12 and shall not encroach into the public right-of-way. The outdoor seating shall comply with the layout provided in Figure 1 of this report. (P&Z)**
29. **CONDITION ADDED BY STAFF: Used cooking grease drums/containers should be stored outside of the RPA if practicable. Lids must always remain closed on waste grease drums/containers and spills cleaned up by mopping or dry methods that do not produce a discharge to the gutter, storm or combined inlets. (T&ES)**
30. **CONDITION ADDED BY STAFF: Chemicals, solvents, cleaning agents, etc. shall not be stored outside. (T&ES)**

31. **CONDITION ADDED BY STAFF: Cleaning of outside dining areas shall not result in a discharge that drains to streets, alleys, or sewers. (T&ES)**
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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.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
- R-2 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. (T&ES)
- R-3 No amplified sounds shall be audible at the property line. (T&ES)
- R-4 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them leaving the property or from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-5 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-6 The use must comply with the city's noise ordinance. (T&ES/OEQ)
- R-7 Used cooking grease drums/containers should be stored outside of the RPA if practicable. Lids must always remain closed on waste grease drums/containers and spills cleaned up by mopping or dry methods that do not produce a discharge to the gutter, storm or combined inlets.

- R-8 Chemicals, solvents, cleaning agents, etc. shall not be stored outside.
- R-9 Cleaning of outside dining areas shall not result in a discharge that drains to streets, alleys, or sewers.
- 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](mailto: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 Enforcement:

No comments received.

Recreation, Parks, and Cultural Activities:

No comments received.

Police Department:

No comments received.

Health Department:

- 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., 4<sup>th</sup> Floor 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.
- C-8. Starting on 1/1/2023, The Virginia Department of Agriculture and Consumer Services (VDACS) is the point of contact for the following type of establishments: grocery stores, convenience stores, ice cream stores, wine shops, or bakeries. The divisions of Food Safety can offer further guidance. Please use the following contact information:

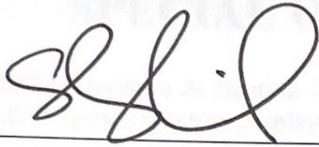
Fire Department:

- F-1 On a scaled plan clearly provide aisle width and distance from stairs to exit building with the dimensions of the outdoor seating area. Include area to be roped off for the outdoor dining with location and size for exiting area.

SUP2024-00017  
101 N. Union Street

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2024-0017. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant and outdoor dining at 101 North Union Street.



Applicant - Signature

3/27/24

Date

SCOTT SHIVELY

Applicant - Printed

3/27/24

Date

Permittee is hereby granted to

Use the premises located at

for the following purpose:

101 N Union Street

see attached report

see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by the City Council. The Department of Planning and Zoning will periodically inspect the premises 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 the permit to be subject for review by City Council for possible revocation.

March 1, 2024

Karl Moritz (by T. LaCalle)

Date

Karl Moritz, Director

Department of Planning and Zoning