

DATE: August 13, 2014

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2013-0052
Administrative Review for New Use
Site Use: Outdoor Dining
Applicant: All States Cafeteria Inc. d/b/a Laporta's Restaurant
Location: 1600 Duke Street
Zone: OCM(100) / Office Commercial Medium (100)

Request

Special Use Permit #2013-0059 is a request to add outdoor dining seats to an existing 150-seat restaurant located on the ground-level of a multi-story office building at 1600 Duke Street. The applicant expects to offer 20 outdoor dining seats on a new patio adjacent to the restaurant on the west side of the office building. A new door would be added to the west side of the building to better access the patio from the inside of the restaurant. The applicant is requesting hours of operation of 11 a.m. to 12 midnight, matching those approved for the indoor portion of the restaurant. No other changes to the existing SUP conditions are proposed. The applicant plans to continue to serve primarily American cuisine with an emphasis on seafood and pasta under the trade name of "Laporta's."

Background

The subject tenant space is located in the eastern-most building of a four-building complex, known as Duke Street Square, approved as part of Site Plan #83-0024. City Council granted SUP#1861 to the current applicant in January 1986 for the operation of the main restaurant. It has operated without any SUP-related changes since that time.

The applicant submitted this SUP request in July 2013. As part of its initial review, City staff determined that an amendment to Site Plan #83-0024 would be required to allow the changes to the site, namely the new patio installation and the removal of landscaping, planned as part of the outdoor dining proposal. The applicant has pursued site plan amendment approval over the last year, and obtained final approval on June 9, 2014.

Although staff did receive two signage complaints, one each in 1997 and 1998, staff has no record of SUP-related complaints or violations in the approximately 28 years the business has been in operation.

Parking

The subject property is located within the King Street Transit Parking District. Restaurants measuring less than 10,000 square feet of space and located in office buildings within the District are exempt from parking requirements pursuant to Section 8-300(B) of the Zoning Ordinance. No parking is therefore required for either the existing restaurant or for the new outdoor dining. The applicant has informed staff that patrons can use some of the parking spaces in the on-site garage on a first-come/first-served basis on weekdays, and that additional garage spaces become available for customer use on nights and weekends.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, an email with information about the request was sent to the Upper King Street Neighborhood, 1600 Prince Street Condominium, and Royalton and the King Street Metro Condominium Associations. Staff has not received any comments from the public regarding this request.

Staff Action

Staff supports the applicant's request to add outdoor dining seats to its restaurant, which has operated in Alexandria for nearly 30 years without any SUP violations. The outdoor seats may increase the visibility of the business and sustain its success. It may also help to enliven this section of Duke Street, which features several ground-level office uses and generally experiences less pedestrian activity than nearby King and Daingerfield Streets.

Several conditions from the 1986 SUP have been amended for consistency with modern condition language and carried forward into this report. Condition #3 has been updated allow the 20 outdoor seats and to include additional outdoor dining-related standard language. Certain conditions no longer regularly used today have been deleted (Conditions #9, #11 and #12). Staff has also added several new conditions (Conditions #13-28) that are standard for restaurant SUP approvals today but were not routine in 1986. The conditions address matters such as odors, employee training, public transportation, and a required one-year review. Condition #17 prohibits food deliveries to customers, except for pedestrian, bicycle or scooter deliveries, because deliveries using cars or trucks have not been a feature at the restaurant in the past. Condition #18 has been crafted to limit the type of live entertainment at the restaurant to the jazz musicians or similar performances that have been a long-standing feature of the restaurant.

Staff hereby approves the Special Use Permit.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 8/13/2014
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2013-0052

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. **CONDITION AMENDED BY STAFF:** ~~That~~ The permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest only. (P&Z) (SUP#1861)
2. **CONDITION AMENDED BY STAFF:** ~~That seating be provided inside for no more than 150 patrons. The maximum number of seats that may be provided inside the restaurant shall be 150.~~ (P&Z) (SUP#1861)
3. Condition deleted by City Council (CC)(SUP#1861)
4. **CONDITION AMENDED BY STAFF:** ~~That~~ The hours during which the business is open to the public shall be restricted to between 7 a.m. and 12 midnight Monday through Saturday and between 11 a.m. and 10 p.m. Sunday. For indoor seats, meals ordered before 12 midnight may be served, but no new patrons may be admitted after 12 midnight Monday-Saturday and 10 p.m. Sunday and no new alcohol may be served, and all patrons must leave no later than 1 a.m. Monday-Saturday and 11 p.m. Sunday. (P&Z) (SUP#1861)
5. **CONDITION AMENDED BY STAFF:** ~~That~~ No food, beverages, or other material shall be stored outside. (P&Z) (SUP#1861)
6. **CONDITION AMENDED BY STAFF:** ~~That trash and garbage be stored inside or in a dumpster. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director.~~ (P&Z) (T&ES) (SUP#1861)
7. **CONDITION AMENDED BY STAFF:** ~~That~~ Trash and garbage shall be collected daily when the business is open. (P&Z) (SUP#1861)
8. **CONDITION AMENDED BY STAFF:** ~~That~~ At least two trash containers shall be located in the parking area for the use of patrons; the containers shall not be permitted to overflow, and the areas around them kept clean. (P&Z) (SUP#1861)
9. **CONDITION DELETED BY STAFF:** ~~That one standard City trash container be furnished to the City of Alexandria for installation by City on the adjacent public right-of-way.~~ (P&Z) (SUP#1861)
10. **CONDITION AMENDED BY STAFF:** ~~That litter on the site and on public rights of way and spaces adjacent to or within 75 feet of the premises be picked up at least twice a day, and more often if necessary, to prevent an unsightly and~~

- ~~insanitary accumulation, on each day that the business is open to the public. 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) (SUP#1861)~~
11. **CONDITION DELETED BY STAFF:** ~~That the parking lot lighting be upgraded to new City standard (minimum of one lumen), if it does not currently meet this standard. (T&ES) (SUP#1861)~~
 12. **CONDITION DELETED BY STAFF:** ~~That the Special Use permit effective date be coincidental with the issuance of the Certificate of Occupancy. (Code Administration) (SUP#1861)~~
 13. **CONDITION ADDED BY STAFF:** The maximum number of outdoor seats at the restaurant shall be 20 and are permitted in addition to the indoor seats. (P&Z)
 14. **CONDITION ADDED BY STAFF:** No live entertainment may be permitted in the outdoor seating area. Outdoor seating areas shall not include advertising signage, including on umbrellas. The outdoor dining area shall be cleared of customers by 12 midnight Monday-Saturday and 10 p.m. Sunday and washed at the close of each business day that it is in use. (P&Z)
 15. **CONDITION ADDED BY STAFF:** Outdoor dining, including all its components such as planters, wait stations, and barriers shall not encroach onto the public right of way unless authorized by an encroachment ordinance. (P&Z)
 16. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation at the entrance of the business. (P&Z)
 17. **CONDITION ADDED BY STAFF:** No delivery service of food to customers shall operate from the restaurant except for pedestrian, bicycle, or motorized scooter deliveries. (P&Z)
 18. **CONDITION ADDED BY STAFF:** Live entertainment in the form of jazz musicians or similar performances may be permitted at the indoor portion of 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. (P&Z)
 19. **CONDITION ADDED BY STAFF:** 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)

20. **CONDITION ADDED BY STAFF:** Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
21. **CONDITION ADDED BY STAFF:** 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. (T&ES)
22. **CONDITION ADDED BY STAFF:** 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. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
24. **CONDITION ADDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
25. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
26. **CONDITION ADDED BY STAFF:** The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security survey for the business and robbery readiness training for all employees. (P&Z)
27. **CONDITION ADDED 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, 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 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 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. (T&ES)
- R-3 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-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-6 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. (TES)
- R-7 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (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 City Council 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)

Code Enforcement:

F-1 No comments received

Health Department:

F-1 The applicant shall submit plans for the outdoor dining area to the Alexandria Health Department for review.

Parks and Recreation

F-1 No comments received

Police Department

F-1 No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2013-0052. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1600 Duke Street.

Applicant - Signature

Date

Applicant – Printed

Date