DATE: March 22, 2016

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

FROM: Sara Brandt-Vorel, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit # 2016-0003
Administrative Review for a New Use
Site Use: Restaurant
Applicant: PTO Seafood, LLC
Location: 333 John Carlyle Street
Zone: CDD #1: Duke Street Coordinated Development District

Request

Special Use Permit #2016-0003 is a request to operate a full-service restaurant at 333 John Carlyle Street of approximately 3,000 square feet. The applicant proposes to operate a full-service seafood restaurant with several features including a full-service bar, dining room, outdoor patio seating, and an oyster bar. The bar would feature beer, wine, and mixed-drinks for on-premises sales only. Limited, non-amplified entertainment is proposed for indoor use only. The applicant proposes the following details for indoor and outdoor seating.

Indoor Seating:
Number of Seats: 99
Hours of Operation: 11 a.m. – 12 a.m. Midnight, daily.

Outdoor Seating:
Number of Seats: 50
Hours of Operation: 11 a.m. – 10 p.m., daily – when seasonally appropriate.

Background

The Carlyle Master Plan was first approved by SUP #2253 in 1990 and has gone through subsequent amendments as the site has been developed. Specifically, City Council approved SUP #2253 for the development of a mixed-use development with retail, office, residential, hotel, and amenity uses. In June 1996, City Council approved SUP #96-0089 to amend the development plan for the subject building, known as Carlyle Block C to reallocate previously approved retail uses to office and residential uses. The subject building, located at 333 John Carlyle Street, was built under site plan SIT #97-0032.

In September 2003, City Council approved SUP #2003-0070 for the operation of a deli-type restaurant. Staff administratively approved SUP #2005-0058 for a change of ownership in September 2005, followed by a second change of ownership approval through SUP #2007-0038 in June 2007. However, by the end of 2012 the restaurant use had closed and the site remained

vacant. In April 2012, City Council approved SUP #2012-0006, which became the governing document for uses in the Carlyle Area, Conditions in the SUP permits restaurants, as proposed herein, by Administrative SUP.

Parking

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant use requires one parking space for every four seats. A restaurant with 149 seats would therefore be required to provide 38 off-street parking spaces. The parking requirements for the subject building were specified in the Transportation Management Plan (Special Use Permit #2254) and the restaurant parking requirements would be met in the on-site parking garage.

In addition to meeting the parking requirements through the on-site garage, the applicant has leased five parking spaces for managerial staff. To encourage patron parking at the on-site garage, the applicant has secured free access to the garage from 5 p.m. through restaurant closing during the week, and all-day during weekends. Prior to 5 p.m. weekdays, restaurant patrons will pay an hourly fee to park in the garage. At times when the garage is not staffed by building security, after 7 p.m. weekdays and all-day on weekends, the applicant will engage a private security service to assist patrons with access to the garage.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Carlyle-Eisenhower Civic Association, the Carlyle Towers Condo Unit Owners Association, and the Royalton at the King Street Metro Condominiums were sent an e-mail with information about the current application. Staff received no public comments.

Staff Action

Staff supports the applicant's request for a restaurant use at 333 John Carlyle Street. The proposal is consistent with development goals to provide ground-floor retail activity in the Carlyle neighborhood. In addition, the full-service restaurant provides increased dining options for an area which has become characterized by fast-casual lunch and dinner options. As a unique, full-service restaurant option, the restaurant may also promote activity in the Carlyle area during evening and weekend hours.

The Carlyle Retail Amendment, SUP #2012-0006 allows administrative approval of full-service restaurants in the Carlyle area, and staff has carried forward requirements of restaurant approval under Condition #2 regulating restaurant activity. Standard conditions with regard to signage, staff training, noise and SUP review were included in Conditions #4, #6, #8, #20 and #22 respectively. Alcohol sales at the site are limited to on-premises sales, as stated in Condition #5. Deliveries to the site, along with loading and unloading activities are regulated by Condition #7 which state the hours when those activities are allowed and an approved loading dock for the use. Staff has included Conditions #11 - #17 to encourage off-street parking among patrons and employees through the establishment of an employee transportation program in Condition #11; the posting of garage information to patrons in Condition #12; information on alternative transportation options in Condition #13; off-street parking requirements under Condition #15; the installation of signage to promote the garage in Condition #16; and the ongoing leasing of five off-street parking spaces for employees as Condition #17.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: March 22, 2016
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2016-0003

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 business or entity in which the applicant has a controlling interest. (P&Z)

2. Seating shall be provided for no more than 99 indoor patrons and 50 outdoor patrons. Outdoor seating is subject to the following:
   - (a) Outdoor seating shall not encroach upon the City right-of-way or the public sidewalk access easement area.
   - (c) The outside dining area shall be cleaned at the close of each day of operation.
   - (d) Any outdoor seating areas, including umbrellas, shall not include advertising signage.
   - (e) An unobstructed pathway with a minimum of eight feet shall be provided at all times.
   - (f) No live entertainment shall be permitted in the outdoor seating area.
   - (g) Outdoor seating shall be cleared of all diners by 12 a.m., daily, and the area shall be cleaned and washed by 12:30 a.m. (P&Z)

3. The hours of operation shall be limited to 11 a.m. to 12 a.m., midnight, daily. Meals ordered before 12 midnight may be served, but no new patrons may be admitted and no alcoholic beverages may be served after 12 midnight, and all patrons must leave by 1 a.m. (P&Z)

4. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)

5. No off-premises sale of alcoholic beverages shall be permitted. On premises alcohol sales are allowed. (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 to prevent the underage sale of alcohol.(P&Z)

7. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. Delivery to the business shall not take place between the hours of 7:00 a.m. and 9:30 a.m., or between 4:00 p.m. and 6:00 p.m., Monday through Friday. Loading shall occur at the building loading dock located in the alleyway behind the building.(P&Z) (T&ES)

8. Limited, non-amplified entertainment is allowed inside the building. (P&Z)

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)

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)

11. The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact Local Motion at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)

12. The applicant will encourage patrons to utilize off-street parking options through the provision of information about the on-site garage, including the hours it is free to patrons, on the restaurant's website. (T&ES)

13. 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 Local Motion at 703-746-4686 or www.alexandriava.gov/LocalMotion for more information about available resources. (T&ES)

14. At such time as an organized parking program is adopted by city council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in the program. (T&ES)

15. The applicant shall require its employees who drive to work to use off-street parking. (T&ES)

16. The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (T&ES)

17. The applicant shall maintain an up-to-date parking agreement for five (5) off-street parking spaces for employees during business hours to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (T&ES) (P&Z)

18. 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. (T&ES)

19. 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)

20. The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.(T&ES)

21. The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services. (T&ES)

22. The Director of Planning and Zoning shall review the special use permit one year after approval 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 a 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 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

R-2 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-3 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-4 The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact Local Motion at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)

R-5 The applicant will encourage patrons to utilize off-street parking options through the provision of information about the on-site garage, including the hours it is free to patrons, on the restaurant's website. (T&ES)

R-6 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 Local Motion at 703-746-4686 or www.alexandriava.gov/LocalMotion for more information about available resources. (T&ES)

R-7 At such time as an organized parking program is adopted by city council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in the program.

R-8 The applicant shall require its employees who drive to work to use off-street parking.

R-9 The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking.

R-10 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.

R-11 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.

R-12 The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.

R-13 The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.

F-1 Provide a copy of the agreement reserving 5 spaces for restaurant personnel during the day. (T&ES)

F-2 Provide a copy of the agreement allowing free parking in the garage after 5 pm. (T&ES)

City Code Requirements:

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)

Fire Department

C-1 A new fire prevention permit is required for this occupancy condition – assembly.

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 4480 King Street 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.

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.

.

Parks and Recreation:
No comments received.

Police Department:
No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0003. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 333 John Carlyle Street.

Applicant - Signature

3.22.16
Date

Michael Anderson
Applicant – Printed

Date

City of Alexandria, Virginia
Department of Planning & Zoning

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	#2016-0003
Approved by Planning and Zoning:	March 22, 2016
Permission is hereby granted to:	PTO Seafood, LLC
to use the premises located at:	333 John Carlyle 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.

3/22/16
Date

Karl Moritz/AD
Karl Moritz, Director
Department of Planning and Zoning