DATE: May 12, 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 # 2016-0022
Administrative Review for a Minor Amendment
Site Use: Restaurant
Applicant: Serendipitous, Inc.
Location: 103 North Alfred Street
Zone: KR/King Street Urban Retail

Request

Special Use Permit #2016-0022 is a Minor Amendment request to operate a quick-service and carry out restaurant, known as Bittersweet, at 103 North Alfred Street with approximately 900 square feet. The applicant proposes to reduce its current restaurant footprint, vacating existing space with frontage at 821 King Street and 823 King Street and continuing to operate solely in space at 103 North Alfred Street. The Minor Amendment request also includes the addition of one half hour each day with daily hours of 7:30 am – 10 pm instead of the previously approved 7 am – 9 pm daily schedule. The applicant proposes 12 indoor seats. The applicant also proposes an additional 16 outdoor seats which could be located in an area of encroachment located in front of the Alfred Street storefront and previously approved by City Council in March 2004 under ENC #2003-0011. The applicant proposes menu offerings that include a buffet of hot entrees, sandwiches, bakery items, and beverages, as well as on-premises alcohol sales. Off-premises alcohol sales, previously approved in SUP #2012-0032 in conjunction with Bittersweet's catering operations, shall not occur at this location. The applicant does not propose live entertainment on site.

Background

City Council first approved a restaurant use at 103 North Alfred Street in November 1982 through SUP #1514. Since then, the site has received a number of administrative and City Council approvals for the subsequent expansion and intensification of the restaurant use. In September 1984, City Council approved SUP #1701 for the restaurant known as Bittersweet to expand into the retail space addressed as 823 King Street and a seat increase to allow up to 60 indoor seats. However, this approved expansion never occurred. In October 1997 City Council approved a change of ownership to the current applicant through SUP #1701-A. In June 1997, City Council approved SUP#97-0065 which permitted an expansion into the space addressed as 823 King Street and approval to increase the number of restaurant seats to 60 along with an increase in the hours of operation. SUP #2000-0056 was approved in June 2000 by City Council to expand the days of operation for the restaurant and SUP #2000-0118 was approved by City Council in November 2000 for the physical expansion of the restaurant into the building space addressed as 821 King Street. In March 2004, City Council simultaneously approved SUP

#2003-0123 and ENC #2003-0011 to permit outdoor dining at the location, prior to the establishment of the King Street Outdoor Dining Program. SUP #2011-0013 and SUP #2012-0032 were both administratively approved by staff in April 2011 and May 2012, respectively to extend the hours of operation, increase the number of indoor seats, and allow the sale of alcoholic beverages to those sitting at outdoor seats. In spring 2016, Bittersweet proposed to reduce its size by vacating the space at 821 & 823 King Street, and City Council approved SUP #2016-00011 in April 2016 to permit another restaurant, known as Sweetgreen, to operate at 821 & 823 King Street.

Parking

Section 8-300(B) of the Zoning Ordinance waives the parking requirement for restaurants located in the Central Business District. Therefore 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. In addition, the Old Town Civic Association, Burgess Square Homeowners Association, King Henry Court Civic Association, and the Whales Tail Condominium Association were sent an e-mail with information about the current application. Staff received one public comment requesting clarification on the applicant's future business location.

Staff Action

Staff supports the applicant's request for a restaurant use at 103 North Alfred Street and supports the continued operation of a neighborhood serving restaurant at this location. While the de-intensification of a previously approved use typically does not require administrative approval, the division of one restaurant space into two separate restaurant entities intensified uses at this location and requires administrative review.

Several conditions have been carried forward. Staff has amended Conditions 2 and 4 to reflect the updated number of indoor seats and hours of operation, respectively. Condition 3, regulating the outdoor seats and the area of encroachment was amended to reflect an updated number of outdoor seats in front of the applicant's restaurant. Off-premises alcohol sales, previously approved in Condition 16 in conjunction with the catering operations was removed since the applicant's proposed use at 103 N. Alfred Street no longer includes a catering function. Staff added Condition 22 requiring the proper disposal of waste products, Condition 23 encouraging staff to use public transportation to and from work, and Condition 24 requiring the applicant to provide information on alternative forms of transportation.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: May 12, 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 #2016-0022

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 is granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #1701-A)

2. **CONDITION AMENDED BY STAFF:** The maximum number of seats that may be provided inside the restaurant shall be ~~70~~ 12. (P&Z) ~~(SUP #2012-0032)~~

3. **CONDITION AMENDED BY STAFF:** Outdoor dining shall be consistent with all terms and conditions of encroachment #2003-0011. ~~Twenty four~~ Sixteen outdoor seats may be provided ~~on the west side of the restaurant along~~ in front of 103 North Alfred Street, provided that a clear pedestrian pathway of five (5) feet is maintained. When outside dining facilities are provided, (1) litter shall be picked up as it is generated, and (2) the outside dining area shall be cleaned at the close of each day of operation, (3) the arrangement of tables, chairs and other decorative features shall not obstruct or impair handicap access, emergency egress, or access to fire department connections for the structure. (P&Z) ~~(SUP#2003-0123)~~

4. **CONDITION AMENDED BY STAFF:** The hours during which the business is open to the public shall be limited to ~~7:00~~ 7:30 A.M. to ~~9~~ 10 p.m. daily. ~~The outdoor dining area shall be cleared of all tables and chairs by 8:00 P.M. and the area shall be cleaned and washed by 8:30 P.M.~~ For indoor patrons, meals ordered before the closing hour may be sold, but no new patrons may be admitted and all patrons must leave by one hour after the closing hour. (P&Z) ~~(SUP #2012-0032)~~

5. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #1701)

6. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director. (P&Z)(T&ES) ~~(SUP #97-0065)~~

7. Condition deleted. (P&Z) (SUP #97-0065)

8. **CONDITION AMENDED BY STAFF:** Litter on the site and on public right-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up by the applicant at least twice during the ~~a~~ day, and at the close of the business, and more often if necessary, to prevent an unsightly and unsanitary accumulation on such day that the business is ~~open to the public~~ in operation. (P&Z)(T&ES) ~~(SUP #1701-A)~~

9. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #97-0065)

10. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #97-0065)

11. **CONDITION AMENDED BY STAFF:** 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) ~~(SUP #97-0065)~~

12. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (T&ES) (SUP#2003-0123)

13. **CONDITION AMENDED 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) (P&Z) ~~(SUP#2011-0013)~~

14. Condition deleted. (P&Z)

15. The applicant shall control cooking odors, smoke and any other air pollution from the 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) (SUP #2012-0032)

16. **CONDITION AMENDED BY STAFF:** On-premises alcohol service may be offered for indoor and outdoor consumption. ~~Off-premise alcohol sales shall be limited to catering operations and to the sale of bottles of wine in quantities not less than 750 ml or beer in quantities not less than a four pack, with a minimum cost of $7.00 per bottle or four pack.~~ (P&Z) ~~(SUP #2012-0032)~~

17. 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 Special Use 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 #2012-0032)

18. **CONDITION AMENDED 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) ~~(SUP#2003-0123)~~

19. Condition deleted by staff (SUP#2011-0013)

20. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2011-0013)

21. **CONDITION AMENDED BY STAFF:** The applicant shall direct patrons to the availability of parking at nearby public garages through posting information on the restaurant website and ~~The applicant~~ shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of

suggested parking strategies in the King Street Retail Strategy and/or Old Town Area Parking Study.. (T&ES) ~~(SUP#2011-0013)~~

22. **CONDITION ADDED BY STAFF:** All waste products, including by 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)

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

24. **CONDITION ADDED BY STAFF:** 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)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services
Previous Conditions:

8. Litter on the site and on public right-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up by the applicant at least twice during the ~~a~~ day, and at the close of the business, and more often if necessary, to prevent an unsightly and unsanitary accumulation on such day that the business is ~~open to the public~~ in operation.

11. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.

13. 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.~~

New Conditions:

R-1 All waste products, including by not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state, and federal ordinances or regulations.

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

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 Local Motion at 703-746-4686 or www.alexandriava.gov/LocalMotion for more information about available resources.

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.

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.

Fire Department
No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0022. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 103 North Alfred Street.

Applicant - Signature

19 May 2016
Date

John P Mzar
Applicant – Printed

19 May 2016
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	#2016-0022
Approved by Planning and Zoning:	May 12, 2016
Permission is hereby granted to:	Serendipitous, Inc.
to use the premises located at:	103 North Alfred 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.

5/12/16
Date

Karl Moritz, Director
Department of Planning and Zoning