

DATE: October 18, 2017

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

FROM: Femi, Adelokun
Department of Planning and Zoning

SUBJECT: Special Use Permit #2017-0107
Administrative Review for a Change of ownership and a Minor Amendment
Site Use: Restaurant
Applicant: AV Resto Group, LLC
Location: 103 North Alfred Street
Zone: KR / King Street Urban Retail

Request

Special Use Permit #2017-0107 is a Change of Ownership and Minor Amendment request to an existing restaurant, known as Bittersweet, at 103 North Alfred Street with approximately 900 square feet. The Minor Amendment request includes daily hours of 7:30 a.m. – 12 a.m. instead of the previously approved 7:30 a.m. – 10 p.m., daily schedule. The applicant also proposes 23 indoor seats, in lieu of the previously approved 12, with four employees per shift. The applicant proposes to offer sandwiches and cocktails. The applicant does not propose live entertainment on site.

Background

Since 1982, the site has received a number of administrative and City Council approvals for the subsequent expansion and intensification of the restaurant use. Most recently, 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 for the indoor and outdoor seating.

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 and West Old Town Citizen's 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 change of ownership and minor amendment at 103 North Alfred Street and supports the continued operation of a neighborhood serving restaurant at this location.

Several conditions have been carried forward from SUP #2016-0022. Staff has amended Conditions 2 and 4 to reflect the updated number of indoor seats and hours of operation respectively. Staff added condition 25 to ensure applicant complies with the city's noise control code and condition 26 which requires all solid waste to be collected at least once a week with specific details regarding collection hours and collection area.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: October 18, 2017
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 #2017-0107

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 ~~12~~ 23. (P&Z) (SUP#2016-0022)
3. Outdoor dining shall be consistent with all terms and conditions of encroachment #2003-0011. Sixteen outdoor seats may be provided 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 #2016-0022)
4. **CONDITION AMENDED BY STAFF:** The indoor dining operating hours during which the business is open to the public shall be limited to 7:30 A.M. to 10 p.m. 12 a.m. daily. The outdoor dining hours shall be limited to 7:30 a.m., to 11 p.m., daily, and all customers shall be cleared from the outdoor dining area by 11 p.m., daily. 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 #2016-0022)
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~~ stored inside or in sealed containers which that do not allow odors to escape, invasion by animals, or leaking. 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. 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)
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~~ each day that the business is open to the public in operation. (P&Z)(T&ES)
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 or wash water be washed into the streets, alleys or storm sewers. (T&ES)
12. **CONDITION AMENDED BY STAFF:** The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (T&ES)
13. The applicant shall require its employees who drive to use off-street parking. (T&ES) (P&Z) (SUP #2016-0022)
14. Condition deleted. (P&Z) (SUP #2016-0022)
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. On-premises alcohol service may be offered for indoor and outdoor consumption. (P&Z) (SUP #2016-0022)
17. **CONDITION AMENDED BY STAFF:** 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 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. 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 #2016-0022)
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 and 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 recommendations. (T&ES)

22. 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) (SUP #2016-0022)
23. **CONDITION AMENDED 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~~ Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
24. **CONDITION AMENDED 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 Go Alex at goalex@alexandriava.gov for more information about available resources (T&ES)
25. **CONDITION ADDED BY STAFF:** 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)
26. **CONDITION ADDED BY STAFF:** 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)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-2 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-3 If used cooking oil is stored outside, the drum shall be kept securely closed with a bung 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-4 The applicant shall direct patrons to the availability of parking at nearby public garages and 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 (Old Town Area Parking Study). (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) (SUP2016-00022)
- C-2 A building permit, plan review and inspections are required for alterations listed in application. Verification of the occupant load will need to be provided to determine if the 23 indoor seats are allowed under the Virginia rehabilitation code.

Health Department

No comments received.

Parks and Recreation:

No comments received.

Police Department:

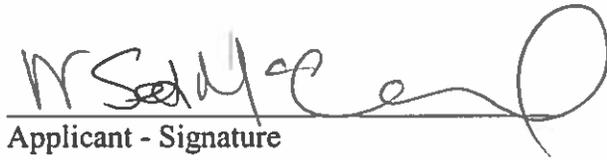
No comments received.

Fire Department

No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2017-0107. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 103 North Alfred Street.


Applicant - Signature

10-20-2017
Date

William Seth McClelland
Applicant - Printed

10-20-2017
Date