

*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 SUP #2017-0075  
Approved by Planning and Zoning: August 10, 2017  
Permission is hereby granted to: Old Town Trattoria  
to use the premises located at: 305 South Washington 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.

August 10, 2017  
Date

  
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Karl Moritz, Director  
Department of Planning and Zoning

DATE: August 10, 2017

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

FROM: Madeleine Sims, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2017-0075  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: Old Town Trattoria  
Location: 305 South Washington Street  
Zone: CD / Commercial Downtown

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### **Request**

Special Use Permit #2017-0075 is a request to change ownership of an existing restaurant from the current SUP holder, Trattoria de Franco, to Old Town Trattoria, the applicant. No changes to the operation are proposed.

### **Background**

The subject restaurant has operated since 1972, before the need for a Special Use Permit. In 1986, City Council approved SUP #1898, allowing the grandfathered restaurant to add eight outdoor dining seats. Later that year, City Council approved SUP # 1898-A allowing the restaurant to expand 68 indoor seats. Years later, in 1992, City Council approved SUP #1898-B an amendment to extend the closing hour until 1 a.m. from 12 a.m., midnight. In 1993, the subject restaurant was formally reviewed by City Council under SUP #1898-C where the restaurant was found to be operating within the previously established conditions.

The subject restaurant has been in violation of its Special Use Permit and Code on many separate occasions. In 2011, 2012, 2013, and 2017 the subject restaurant was found in violation of the city's Zoning Ordinance regulating signs, and all signs found in violation were removed. A 2015 zoning inspection revealed violations of Conditions #2 and #3, all pertaining to seating. In 2017, the restaurant was inspected on multiple occasions and violations were noted and abated for Conditions #2, #3, #11, and #16 of SUP #1898-C, as well as cited by the Code Administration regarding property maintenance.

### **Parking**

In 1986, City Council approved SUP #1898-A, which introduced a parking requirement for the newly added seats. At that time, City Council added a condition that allowed the applicant to only provide these spaces from 5 p.m. to 12 a.m., daily at 325 South Washington. The applicant has provided an updated agreement, dated July 20, 2017, to maintain 17 parking spaces at 325 South Washington Street. The restaurant therefore meets the required parking set forth in SUP #1898-A

**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 Rosemont Citizens' Association were sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses.

**Staff Action**

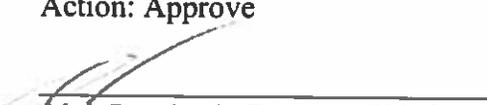
Staff does not object to the change of ownership request. The change of ownership is unlikely to cause the development of new impacts however, staff has updated conditions to reflect current standards regarding trash (Condition #22, #23, #27), outdoor dining (Condition #20), noise (#24), and pollution (Conditions #29, #30, #31). Staff has amended Condition #14 (parking) to reflect only the address of the required parking.

Staff hereby approves the Special Use Permit request.

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

Date: 08/10/2017

Action: Approve

  
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Alex Dambach, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2017-0075**

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 corporation in which the applicant has a controlling interest. (P&CD)(SUP#1898-B)
2. **CONDITION AMENDED BY STAFF:** Indoor seating shall be provided for no more than 118 patrons. (P&CD)(SUP#1898-B)
3. Outside dining facilities shall have no more than eight (8) seats, as requested by the applicant. (P&CD)(SUP#1898-B)
4. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITIONS 6 AND 20:** Litter shall be picked as it is generated, and the outside dining area shall be scrubbed and washed down at the close of each day of operation. (P&CD) (T&ES) (SUP#1898-B)
5. The outside dining area shall not have carry-out service. (P&CD) (T&ES) (SUP#1898-B)
6. **CONDITION AMENDED BY STAFF:** The Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet on each side of the outside dining area of the premises shall be cleared of litter on a daily basis 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&CD)(T&ES)(SUP#1898-B)
7. No lights in the outside dining area shall interfere with traffic or pedestrians using the street. (P&CD)(T&ES)(SUP#1898-B)
8. No food, beverages, or other materials shall be stored outside. (T&ES) (P&CD)(SUP#1898-B)
9. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION 21:** Trash and garbage shall be stored inside or in a dumpster. (P&CD) (T&ES) (SUP#1898-B)
10. Trash and garbage shall be collected daily, Monday through Saturday. (T&ES) (P&CD)(SUP#1898-B)
11. A sign shall be posted denoting that no food or drinks are to be carried out of the outside dining area into any adjacent street right-of-way. (T&ES) (P&CD) (SUP#1898-B)
12. **CONDITION SATISFIED AND DELETED:** The applicant shall install an automatic sprinkler system. (P&CD) (SUP#1898-B)

13. **CONDITION AMENDED BY STAFF:** The applicant shall provide seventeen (17) parking spaces at 325 South Washington Street. (P&CD) (SUP#1898-B) (P&Z)
14. **CONDITION AMENDED BY STAFF:** The parking lot at the Nancy Fleming Shop at 325 South Washington Street shall be used by restaurant patrons daily from 5:00 p.m. to 12:00 midnight. (CC) (SUP#1898-B)
15. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION 17:** ~~The hours of operation shall be limited to 10:00 a.m. to 1:00 a.m., seven (7) days a week. (P&CD)(SUP#1898-B)~~
16. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION 24:** ~~There shall be no amplified sound outside. (P&CD) (SUP#1898-B)~~
17. **CONDITION AMENDED BY STAFF:** The hours of operation for the restaurant shall be 10 a.m. to 1 a.m. Meals ordered before the closing hour can be served but no new patrons shall be admitted and no alcoholic beverages shall be served after the closing hour, and all patrons shall be out by one hour after the closing hour. (P&CD)(SUP#1898-B) (P&Z)
18. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION 25:** ~~By October 1, 1992, employers shall provide and require their employees to use off street parking. (P&CD)(SUP#1898-B)~~
19. **CONDITION ADDED BY STAFF:** 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)
20. **CONDITION ADDED BY STAFF:** The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z)
21. **CONDITION ADDED BY STAFF:** Outdoor dining, including all its components, such as planters and barriers shall not encroach on the public right-of-way unless authorized by an encroachment ordinance. (P&Z)
22. **CONDITION ADDED BY STAFF:** 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. (P&Z)
23. **CONDITION ADDED 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 closed containers which do not allow invasion by animals. No trash or debris shall be allowed to

- accumulate on site outside of those containers. (P&Z)
24. **CONDITION ADDED 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 sounds shall be audible at the property line. (P&Z)
  25. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
  26. **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)
  27. **CONDITION ADDED BY STAFF:** 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. (P&Z)
  28. **CONDITION ADDED BY STAFF:** Supply deliveries, loading and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (P&Z)
  29. **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. (P&Z)
  30. **CONDITION ADDED 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. (P&Z)
  31. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
  32. **CONDITION ADDED BY STAFF:** Chemicals, detergents, cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
  33. **CONDITION ADDED BY STAFF:** 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. (P&Z)
  34. **CONDITION ADDED BY STAFF:** The design of the outdoor dining areas and all its components must comply with the King Street Outdoor Dining guidelines or acquire BAR approval. Any outdoor seating areas, including umbrellas, shall not include advertising signage. The applicant shall submit illustrations and specifications to the Director of Planning & Zoning for review and approval. (P&Z)

35. **CONDITION ADDED BY STAFF:** Indoor live entertainment shall be permitted to the extent that no amplified sound is audible outside the 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. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. No live entertainment shall be permitted in the outdoor dining area. (P&Z)
36. **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 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)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2017-0075. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 305 South Washington Street.



Applicant - Signature

8/15/17

Date

MICHAEL STEWART

Applicant - Printed

8/15/17

Date