



DATE: January 14, 2019

TO: Tony LaColla, Division Chief, Land Use Services  
Department of Planning and Zoning

FROM: Cara DeVecchio, Non-development Case Unit Intern, Land Use Services  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-0115  
Administrative Review for a New Use  
Site Use: Restaurant  
Proposed Business Name: Toastique  
Applicant: Fresh Eats, LLC  
Location: 1605 King Street  
Zone: KR/King Street Retail

---

### Request

Special Use Permit #2018-0115 is a request to operate a new restaurant with 21 seats indoors and 10 seats outdoors at 1605 King Street. The applicant will request separate approval of the ten outdoor seats through the King Street Outdoor Dining Program. The proposed fast-casual, healthy food restaurant would offer a menu primarily consisting of toasts and other fresh options such as salads and smoothies. The applicant does not propose alcohol service, deliveries from the restaurant or live-entertainment. Proposed hours of operation are 5 a.m. to 12 a.m. daily. The applicant expects to schedule between three to six employees per shift.

Elements of the restaurant proposal include:

Proposed Hours of Operation: 5 a.m.-12 a.m. daily.

Proposed Seating: 21 indoor seats, 10 outdoor seats, 31 total.

Type of Service: Full-service restaurant with dine-in seating.

Delivery: No delivery proposed.

Alcohol: No on-premises alcohol sales proposed.

Noise: Minimal noise, typical with restaurant operations is expected.

Odors: Minimal odors from a restaurant use are addressed through proper ventilation.

Trash/Litter: All trash receptacles will be emptied into dumpsters located behind the proposed restaurant. Dumpsters would be emptied every other day, or as needed.

**Parking**

The applicant's proposed restaurant is located within the Central Business District and Section 8-300(B) of the Zoning Ordinance waives the parking requirement for restaurants located within the Central Business District.

**Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Old Town Civic Association was notified of the new restaurant application. Staff received a resident comment that a restaurant was not suitable at this location as it would compete with existing businesses and that employee parking would impact the neighborhood. Two additional area business owners expressed concerns that a new restaurant would negatively impact the profitability of existing businesses. Staff responded to the commenters that the purview of an SUP is limited to quality of life impacts and does not comment on economic viability or impacts.

**Staff Action**

Staff supports the applicant's request for a new restaurant use at 1605 King Street and finds the restaurant would bring a new healthy food concept to the area which would likely encourage additional activity to the tenant space, previously occupied by a commercial printer. Staff has also evaluated the applicant's restaurant request in the context of the Old Town Restaurant Policy and finds the restaurant complies with policy goals of protecting the existing quality of life of the neighborhood.

Parking: While the applicant's proposed restaurant is located on King Street, staff finds that many restaurant patrons would likely use alternative forms of transportation to reach the restaurant such as the King Street Metro, the Dash bus, Metrorail buses, Bike Share, and the King Street Trolley. Nonetheless, staff has included standard conditions to limit the potential parking impacts such as Condition #21 requiring the applicant to promote public transportation and explore an employee transportation benefits program and Condition #22 which requires the applicant to provide information on alternative forms of transportation to reach the restaurant. All employees must also use off-street parking when at work as required through Condition #20.

Litter: The applicant will utilize a local trash removal service to remove trash every other day, or as needed, from an onsite dumpster. The applicant has also indicated staff will regularly patrol the site to remove any litter. However, staff has included Condition #17 requiring all waste products be disposed of according to local, state and federal regulations and Condition #24 requiring the applicant to monitor the site and remove trash twice a day.

Alcohol and Late Hours: The applicant is not proposing on-premises alcohol sales. The applicant requested 12 a.m., midnight closing time and staff finds this reasonable. Condition #2 limits the potential of late night activity as it requires all orders to be placed by the closing hour and all patrons must depart within one hour of the closing hour. Staff has also approved an opening time

of 5 a.m., which is consistent with neighborhood standards and seen as a commonly approved opening time for other restaurants that serve breakfast located along King Street. Condition #5 was also included which requires all staff to be trained upon the conditions of the Special Use Permit.

Diversity of Uses: The staff finds an active restaurant use would be a positive amenity for the neighborhood and community. The proposed restaurant would occupy a tenant space that has been vacant since the building was renovated earlier in 2018.

Staff hereby approves the Special Use Permit request.

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

Date: January 14, 2019  
Action: Approved



---

Tony LaColla, Division Chief

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

### **CONDITIONS OF SPECIAL USE PERMIT #2018-0115**

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&Z)
2. The hours of operation for indoor dining shall be limited to between 5 a.m. and 12 a.m. daily. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The restaurant shall have 21 indoor seats. (P&Z)
5. 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. (P&Z)
6. No food, beverages, or other material shall be stored outside. (P&Z)
7. On-premises alcohol service is not permitted. (P&Z)
8. Food delivery operated and managed by the applicant shall not be permitted. (P&Z)
9. Live entertainment shall not be permitted. (P&Z)
10. All windows shall remain transparent. 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)
11. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
12. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
13. If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung -- a secure stopper that seals the drum) when not receiving used oil. The drum shall be placed on secondary containment, and situated under cover to prevent rainwater from falling on it. (T&ES)

14. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
15. 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)
16. 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)
17. 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)
18. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
19. 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. (T&ES)
20. The applicant shall require its employees who drive to work to use off-street parking. (T&ES)
21. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
22. 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 Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information on establishing an employee transportation benefits program. (T&ES)
23. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)
24. 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 open to the public. (T&ES)

25. The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (T&ES)
  
26. 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)

#### **IV. 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 (a secure stopper that seals the drum) 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 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor 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)
- R-5 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-6 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-7 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-8 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-9 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. (T&ES)

- R-10 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. (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](mailto: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)
- C-3 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)

Fire Department:

No comments received.

Code Enforcement:

No comments received.

Health Department:

No comments received.

Recreation, Parks and Cultural Activities:

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 #2018-0115. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant use at 1605 King Street.



Applicant – Signature

1/25/19

Date

Anna Perait

Applicant – Printed

1/25/19

Date