



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 #2019-0020
Approved by Planning and Zoning: July 12, 2019
Permission is hereby granted to: Michael Strutton
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.

7/12/19
Date

Karl Moritz (by DTP)
Karl Moritz, Director
Department of Planning and Zoning

DATE: July 12, 2019

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

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

SUBJECT: Special Use Permit #2019-0020
Administrative Review for a Minor Amendment
Site Use: Restaurant
Applicant: Michael Strutton
Location: 305 South Washington Street
Zone: CD/Commercial Downtown

Request

Special Use Permit (SUP) #2019-0020 is an administrative request for a minor amendment to change the hours of operation and the number of outdoor seats. The current hours of operation are 10 a.m. to 1 a.m., daily and the proposed hours are 8 a.m. to 1 a.m., daily. The current number of outdoor seats is eight and the proposed number is 20. No other changes are proposed and all other SUP conditions shall remain the same. The business will continue to operate as Old Town Trattoria, a small Italian restaurant.

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 intensify and add eight outdoor dining seats in a 120-square foot section in front of the southern half of the subject site, approved as an encroachment. Later that year, 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. SUP #1898-A also allowed the restaurant to expand to 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. In 2018, a zoning inspection revealed a violation of Condition #3 for number of outdoor dining seats. The seats were removed and the applicant submitted this SUP request to add outdoor dining seats.

Parking

As the parking standards for restaurants were revised in February 2018, the 5,586 square foot restaurant would be required to provide six spaces, according to Section 8-200(17)(a)(i) of the zoning ordinance.

The previous owner provided an agreement in July 2017 which maintained 17 parking spaces at 325 South Washington Street, as required by Conditions #10 and #11.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on site. In addition, the Old Town Civic Association and Rosemont Citizens' Association were sent an email with information about the current application. Staff has not received any comments from residents or adjacent businesses.

Staff Action

Staff supports the applicant's request for a minor amendment to increase operating hours two hours a day and the number of outdoor seats to 20 in the 120-square foot encroachment area designated for outdoor dining in SUP #1898 (Figure 1). This will allow for more flexibility in the restaurant's operations and allow for more customers to enjoy this space. Staff has carried forward previous SUP conditions and amended conditions to reflect current language standards. Condition #10 was amended to reflect the current parking requirements. Additional conditions have been added to reflect the City's Go Alex transportation program.

Staff hereby approves the Special Use Permit request.

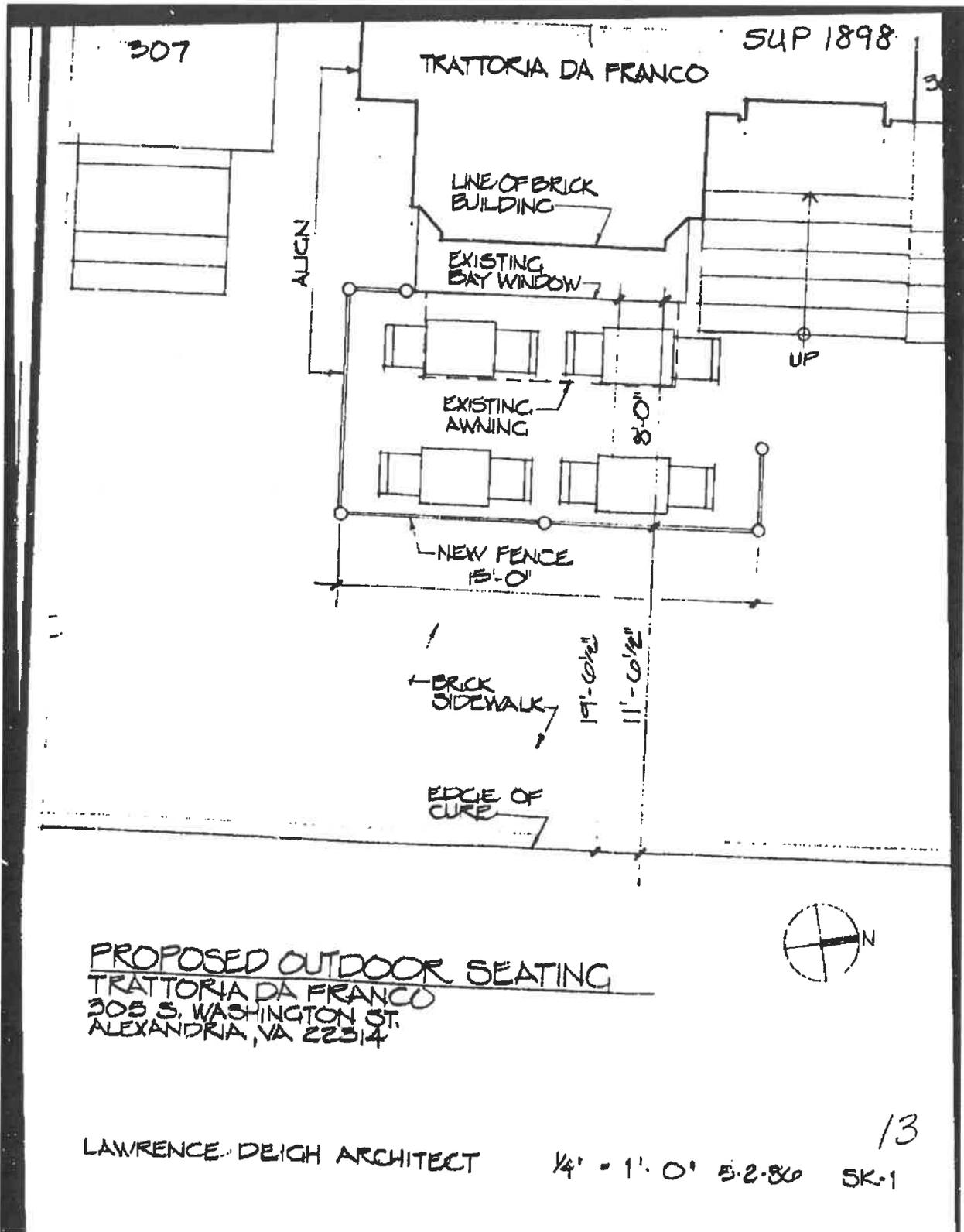


Figure 1 - Permitted Outdoor Dining Area (SUP #1898)

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: July 12, 2019

Action: Approved



Tony LaColla, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2019-0020

The 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. Indoor seating shall be provided for no more than 118 patrons. (P&CD) (SUP #2017-0075)
3. **CONDITION AMENDED BY STAFF:** Outside dining facilities shall have no more than 8 seats, as requested by the applicant. The outdoor dining area is restricted to the area noted in Figure 1 of this report. (P&Z) (~~SUP #2017-0075~~)
4. The outside dining area shall not have carry-out service. (P&CD) (T&ES) (SUP #1898-B)
5. 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&CD) (T&ES) (SUP #2917-0075)
6. No lights in the outside dining area shall interfere with traffic or pedestrians using the street. (P&CD) (T&ES) (SUP #1898-B)
7. No food, beverages, or other materials shall be stored outside. (T&ES) (P&CD) (SUP #1898-B)
8. Trash and garbage shall be collected daily, Monday through Saturday. (T&ES) (P&CD) (SUP #1898-B)
9. 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)
10. **CONDITION AMENDED BY STAFF:** The applicant shall provide ~~17~~ six parking spaces at 325 South Washington Street. (P&Z) (~~SUP #2017-0075~~)
11. The parking lot at 325 South Washington Street shall be used by restaurant patrons daily from 5:00 p.m. to 12:00, midnight. (CC) (SUP #2017-0075)
12. **CONDITION AMENDED BY STAFF:** The hours of operation for the restaurant shall be ~~10 a.m.~~ 8 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&Z) (SUP #2017-0075)

13. 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) (SUP #2017-0075)
14. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z) (SUP #2017-0075)
15. 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) (SUP #2017-0075)
16. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be stored inside or placed in sealed containers that ~~which~~ do not allow odors to escape, ~~and shall be stored inside or in enclosed containers which do not allow~~ invasion by animals, or leaking. No trash or debris shall be allowed to accumulate ~~on-site~~ 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) (SUP #2017-0075)
17. 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) (SUP #2017-0075)
18. The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP #2017-0075)
19. 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 #2017-0075)
20. 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) (T&ES) (SUP #2017-0075)

21. Supply deliveries, loading and unloading activities shall not occur between 11 p.m. and 7 a.m. (P&Z) (T&ES) (SUP #2017-0075)
22. 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) (T&ES) (SUP #2017-0075)
23. 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) (T&ES) (SUP #2017-0075)
24. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z) (T&ES) (SUP #2017-0075)
25. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z) (T&ES) (SUP #2017-0075)
26. **CONDITION AMENDED BY STAFF:** 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. (P&Z) (T&ES) (SUP #2017-0075)
27. 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) (SUP #2017-0075)
28. 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) (T&ES) (SUP #2017-0075)
29. **CONDITION AMENDED 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) (SUP #2017-0075)

30. **CONDITION ADDED BY STAFF:** 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 for information on establishing an employee transportation benefits program. (T&ES)
31. **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 Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
32. **CONDITION ADDED BY STAFF:** 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)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The outside dining area shall not have carry-out service. (P&CD) (T&ES) (SUP2017-00075)

- R-2 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&CD) (T&ES) (SUP2017-00075)

- R-3 No lights in the outside dining area shall interfere with traffic or pedestrians using the street. (P&CD) (T&ES) (SUP2017-00075)

- R-4 No food, beverages, or other materials shall be stored outside. (T&ES) (P&CD) (SUP2017-00075)

- R-5 Trash and garbage shall be collected daily, Monday through Saturday. (T&ES) (P&CD) (SUP2017-00075)

- R-6 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) (SUP2017-00075)

- R-7 Trash and garbage shall be stored inside or placed 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-8 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) (T&ES)

- R-9 The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (T&ES)

- R-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. (P&Z) (T&ES)

- R-11 Supply deliveries, loading and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (P&Z) (T&ES)

- R-12 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) (T&ES)
- R-13 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) (T&ES)
- R-14 Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z) (T&ES)
- R-15 Chemicals, detergents or cleaners stored outside of the building shall be kept in an enclosure with a roof. (P&Z) (T&ES)
- R-16 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. (P&Z) (T&ES)
- R-17 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) (T&ES)

- R-18 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 for information on establishing an employee transportation benefits program. (T&ES)
- R-19 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 for more information about available resources. (T&ES)
- R-20 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)
- R-21 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)
- 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)
- 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)

Code Enforcement:

No comments received.

Health Department:

No comments received.

Parks and Recreation:

No comments received.

Police:

No comments received.

Fire:

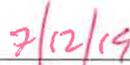
No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0020. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant use at 305 South Washington Street.



Applicant – Signature



Date



Applicant – Printed



Date