



*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 #2019-0060

Approved by Planning and Zoning: August 2, 2019

Permission is hereby granted to: WS 110 South Pitt, LLC

to use the premises located at: 110 South Pitt 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.

8/2/2019  
Date

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



DATE: August 2, 2019

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

FROM: Max Ewart, Planner I, Land Use Services  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2019-0060  
Administrative Review for a Change of Ownership  
Site Use: Restaurant  
Applicant: WS 110 Pitt, LLC  
Location: 110 S. Pitt Street  
Zone: CD/Commercial Downtown Zone

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**Request**

Special Use Permit #2019-0060 is a request for a change of ownership to operate a restaurant at 110 S. Pitt Street, previously known as Restaurant Eve, from Eat Good Food, LLC to WS 110 Pitt, LLC. The applicant does not propose any changes to the operation and would operate it under the conditions of the previously approved Special Use Permit #2006-0037.

The previously approved operational details include:

**Hours of Operation:**

Indoor

Sunday through Thursday: 11 a.m. – 11:30 p.m.

Friday and Saturday: 11 – 12:30 a.m.

**Seating:**

138 indoor seats

**Alcohol:**

On-premises alcohol sales are permitted

**Live Entertainment:**

Solo artists limited to background music

**Noise:**

Minimal noise is expected.

**Odors:**

Minimal odors from a restaurant are expected.

**Background**

Various restaurants have operated at this location since City Council approved SUP#1096 for a restaurant on the first floor of the building. In 1994, City Council approved SUP#1096-A for a change of ownership and amendment to the conditions of the Special Use Permit to allow for additional seats, extended hours of operation, on-premises alcohol sales and live entertainment. In 2003, the restaurant began operating under the name Restaurant Eve after staff administratively approved a change of ownership through SUP#2003-0056. Most recently, City Council approved

SUP#2006-0037 to enclose an existing outdoor dining area and a modification of the zone transition setback.

Although the tenant space has been vacant since May 2018 it has been marketed as potential restaurant space since the location became vacant. The restaurant use, therefore, is not considered as abandoned and an SUP change of ownership request from SUP#2006-0037 remains valid. No violations of the Special Use Permit conditions have been reported within the last five years.

**Parking**

The subject property is located in the Central Business District. Section 8-300(B) of the Zoning Ordinance does not require restaurants in the CBD to provide 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 was sent an email notification of the current application. Staff did not receive any comments regarding the application.

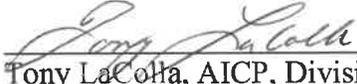
**Staff Action**

Staff supports the applicant's request for a change of ownership at 110 South Pitt Street. The restaurant would fill a commercial space that has been vacant for over a year and offers another restaurant option in the Central Business District. Staff has carried over conditions from the previously approved Special Use Permit, updating those that are no longer relevant. Staff has also amended and added conditions to represent present-day standard condition language for restaurant uses.

Staff hereby approves this special use permit request.

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

Date: August 2, 2019  
Action: Approved

  
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Tony LaColla, AICP, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent

### CONDITIONS OF SPECIAL USE PERMIT #2019-0060

The applicant 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) (SUP 1096-A)
2. Seating shall be provided inside for no more than 138 patrons. (P&Z) (SUP 1096-A)
3. The hours of operation for indoor service shall be limited to 11:00 A.M. to 11:30 P.M., Sunday through Thursday, and to 11:00 A.M. to 12:30 A.M. Friday and Saturday. Outdoor service shall cease by 10:00 P.M. (PC) (SUP 1096-A)
4. No food, beverages, or other material shall be stored outside. (P&Z) (SUP 1096-A)
5. ~~**CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION #21** Trash and garbage shall be stored inside or 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 and debris shall be allowed to accumulate on site outside of those containers. (P&Z)~~
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP 1096-A)
7. Litter on the site and on the 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) (SUP 1096-A)
8. All containers and food wrapping materials used for carry out orders shall be marked to indicate the name of the establishment in order to trace the source of litter. (P&Z) (SUP 1096-A)
9. Live music shall be limited to performances by solo musicians providing background music for diners. (City Council) (SUP#2003-0056)
10. **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) (P&Z) (SUP 1096-A)~~
11. 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 Study, at least to the extent that was required as part of the Park Alexandria program. (P&Z) (SUP 1096-A)

12. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees to use off street parking through the provision of information about nearby garages on advertising and on the restaurant's website. (PC) (P&Z) (SUP-1096-A)
13. Loudspeakers shall be prohibited from the exterior of the building. No music or amplified sound shall be audible outside the building. No amplified sound shall be audible at the property line. (P&Z) (T&ES)
14. On site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z) (SUP#2003-0056)
15. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP2006-0037)
16. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees.~~ (Police) (SUP#2003-0056)
17. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITIONS #24 AND #25:** ~~The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities.~~ (P&Z) (SUP2006-0037)
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) (SUP2006-0037)
19. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval.~~ (T&ES)
20. **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) (SUP2006-0037)

21. **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. 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)
22. **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)
23. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z)
24. **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](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (P&Z)
25. **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](mailto:goalex@alexandriava.gov) for more information about available resources. (P&Z)
26. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
27. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
28. **CONDITION ADDED 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)
29. **CONDITION ADDED BY STAFF:** 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)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0060. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant at 110 South Pitt Street.

  
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Applicant – Signature

8/5/19  
\_\_\_\_\_  
Date

Kelly Hofmann  
\_\_\_\_\_  
Applicant – Printed

8/5/19  
\_\_\_\_\_  
Date