

DATE: May 21, 2015

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

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0046
Administrative Review for a Change of Ownership
Site Use: Restaurant
Applicant: Hank's Pasta Bar, LLC
Location: 600 Montgomery Street
Zone: CDX/ Commercial Downtown (Old Town North)

Request

Special Use Permit #2105-0046 is a request to change the ownership of a restaurant at 600 Montgomery Street from Bolital, LLC to Hank's Pasta Bar, LLC. The previous restaurant, Villa D'Este, would operate as Hank's Pasta Bar and no additional changes to the operation are planned.

Background

City Council approved SUP #2346 for the operation of a 99-seat restaurant in 1990. The Board of Zoning Appeals approved a 25-space parking variance through BZA #5992 that eliminated the restaurant's parking requirement. Staff administratively approved SUP#96-0096 for a change of ownership to Bolital, LLC on June 11, 1996 and SUP#2010-0046 for the operation of outdoor dining on September 23, 2010. The outdoor dining request was also subject to approval of an encroachment onto the public right-of-way. On October 16, 2010, City Council voted in support of the encroachment, ENC#2010-0006.

A code inspection revealed interior demolition was occurring on the second floor of the property between January and March 2015 without building permit approval. An after-the-fact approval for the work was granted in April 2015.

Parking

The applicant is exempt from providing off-street parking for a 99-seat restaurant due to approval of BZA #5992 which reduced the parking requirement to zero.

Community Outreach

Public Notice has been provided through eNews and the City's website. Additionally, notification of the proposed change of ownership has been sent to Watergate of Alexandria Condominiums, Port Royal Condominium Association, Council of Co-Owners of Alexandria House, Old Town North Community Association, North Old Town Independent Citizen's Civic Association, Canal Place Condominium Association, Portner's Landing Condominiums, Shad Row Homeowners' Association, Canal Way Homeowners' Association, Rivergate Homeowners'

Association, and Tobacco Quay Homeowners' Association. Staff has received no public comments regarding the application.

Staff Action

Staff supports the SUP change of ownership request for a restaurant at 600 Montgomery Street. The proposed restaurant with 99 seats would continue to operate within the parameters previously approved for Villa d'Este. Standard conditions have been carried forward from past SUPs and several have been amended to reflect present-day language. A standard condition has been added, relating to the proper disposal of waste materials, and is included in this report as Condition 30.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: May 21, 2015
Action: Approved



Alex Dambach, Division Chief

- Attachments: 1) Special Use Permit Considerations
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2015-0046

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 2346)
2. Seating shall be provided inside for no more than 89 patrons. The maximum number of outdoor seats permitted at the restaurant shall be 10. (P&Z) (SUP#2010-0046)
3. **CONDITION AMENDED BY STAFF:** The maximum hours of operation for indoor seats shall be between 11:30 a.m. to 11:30 p.m., Sunday to Thursday, and 11:30 to 1:30 a.m., Friday and Saturday, ~~as requested by the applicant.~~ Orders placed before 11:30 p.m., Sunday to Thursday, and before 1:30 a.m., Friday and Saturday, may be served, but no new patrons may be admitted and all patrons must leave by 12:30 a.m., Sunday to Thursday, and by 2:30 a.m., Friday and Saturday. The maximum hours of operation for outdoor seats at the restaurant shall be between 11:30 a.m. and 10:00 p.m., daily. The outdoor dining area shall be closed and cleared of all customers by 10:00 p.m. daily and shall be cleaned and washed at the close of each business day that it is in use. (P&Z) (SUP#2010-0046)
4. No food, beverages, or other material shall be stored outside. (P&CD) (SUP 2346)
5. 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) (SUP#2010-0046)
6. Trash and garbage shall be collected daily when the business is open. (P&CD) (SUP 2346)
7. Condition deleted. (SUP#2010-0046)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP 95-0035)
9. 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) (SUP 95-0035)
10. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. ~~(T&ES) (SUP 95-0035)~~ (P&Z)

11. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (P&Z) (T&ES) (SUP#2010-0046)
12. **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#2010-0046)
13. Condition deleted. (P&Z) (SUP#2010-0046)
14. The applicant shall submit a final outdoor seating plan for review and approval consistent with the King Street Outdoor Dining Guidelines to the satisfaction of the Director of Planning & Zoning. The plan shall depict the design, location, size and space of the dining area, chairs, tables, barriers, umbrellas, planters, wait stations, patio surface and other components to be located within the area, and such additional information as the Director may reasonably require. Barriers used in the outdoor dining area shall incorporate the use of planters. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z) (SUP#2010-0046)
15. Outdoor dining shall be consistent with all terms and conditions of Encroachment #2010-0006. No part of the outdoor dining use, including planters, wait stations, and barriers, shall encroach onto the public right-of-way, except as permitted in Encroachment #2010-0006, unless authorized by an another encroachment ordinance. (P&Z) (SUP#2010-0046)
16. The two trees shown on either edge of the outdoor dining areas on the outdoor dining plan dated September 21, 2010 shall not be removed in connection with the new outdoor dining area and must be preserved. Should either tree be removed in violation of this condition, the Director may require the applicant to provide replacement landscaping at the applicant's expense. (P&Z) (SUP#2010-0046)
17. The applicant shall maintain a minimum 6' wide unobstructed sidewalk. (T&ES) (SUP#2010-0046)
18. **CONDITION AMENDED BY STAFF:** The brick surface material proposed for the encroachment area shall be ~~approved~~ maintained by the Director of Transportation & Environmental Services applicant and shall be flush with the existing sidewalk. (T&ES) (SUP#2010-0046) (P&Z)
19. On-site alcohol service is permitted inside the restaurant and in the outdoor dining area. No off-premises alcohol sales are permitted. (P&Z) (SUP#2010-0046)

20. No delivery service shall operate from the restaurant. (P&Z) (SUP#2010-0046)
21. Live entertainment is permitted at the restaurant as approved in Special Use Permit #95-0035. Dancing shall be restricted to Friday and Saturday nights only and to a maximum of 50 people at any one time. (P&Z) (SUP#2010-0046)
22. 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 methods to prevent underage sales of alcohol. (P&Z) (SUP#2010-0046)
23. The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (P&Z) (SUP#2010-0046)
24. At such time as an organized parking program is adopted by City Council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in that program. (P&Z) (SUP#2010-0046)
25. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z) (T&ES) (SUP#2010-0046)
26. The applicant shall maintain a minimum six-foot wide unobstructed sidewalk along North Saint Asaph Street. (T&ES) (SUP#2010-0046)
27. 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) (SUP#2010-0046)
28. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2010-0046)
29. **CONDITION AMENDED BY STAFF:** The applicant shall contact the Community Relations Unit of the Alexandria Police Department at ~~703-838-4520~~ 703-746-1920 regarding a security survey for the business and robbery readiness training for employees prior to the operation of the business. (P&Z) (~~SUP#2010-0046~~)
30. **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)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0046. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the massage establishment at 600 Montgomery Street.



Applicant – Signature

11 June 15
Date



Applicant – Printed

11 June 15
Date