

DATE: October 28, 2022

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

FROM: Patrick Silva, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2022-00074
Administrative Review for Minor Amendment and Change of Ownership
Site Use: Hotel and Restaurant with Outdoor Dining
Applicant: EAHG Alexandria TRS, LLC
Location: 625 First Street
Zone: CD/Commercial Downtown

Request

Special Use Permit #2022-00074 is a request for a Change of Ownership to transfer Special Use Permit ownership of the hotel and restaurant at 625 First Street from HI Alexandria Lessee, LLC to EAHG Alexandria TRS, LLC and a Minor Amendment to amend approved Special Use Permit #2018-00074 to add the ability for the restaurant to operate 40 seats of outdoor dining. The outdoor dining area will be located on private property along First Street in front of the building located at the subject site. The outdoor dining area will operate during the hours of 6 a.m. to 11 p.m., daily. No other changes are proposed.

Background

In November 1957, City Council first approved Special Use Permit #286 for a hotel use to operate at the subject site. In November 1978, City Council approved Special Use Permit #1190 permitting the construction and operation of an additional 54-room motel and a 200-seat restaurant with a 75-seat cocktail lounge. In September 1981, staff released Site Plan #78-00038 for a new four-story addition to the existing hotel. In April 1985, City Council approved Special Use Permit #1780 for an expansion to the existing hotel use located at the site. In November 1985, staff released Site Plan #1985-00021 for the construction of the expansion approved as part of Special Use Permit #1780. In October 1987, City Council approved Special Use Permit #2049 to operate a health club as part of the hotel. In October 1997, City Council approved Special Use Permit #1997-00127 to the First Street Limited Partnership by Charles Henry Smith for the continued operation of a hotel with an internal restaurant. In September 1998, staff administratively approved Special Use Permit #1998-00046 for a change of ownership from Charles Henry Smith to AGH Leasing LP. In September 1999, City Council approved Special Use Permit #1999-00082 for a parking reduction and change of ownership from AGH Leasing LP to Meristar Hospitality Operating Partner. In February 2008, staff administratively approved Special Use Permit #2007-00096 for a change of ownership from Meristar Hospitality Operating Partner to Carr 625 First Street, LLC. In August 2018, staff administratively approved Special Use Permit #2018-00075 for a change of ownership from Carr 625 First Street, LLC to HI Alexandria Lessee, LLC. Most recently, in June 2022, staff administratively approved Development Site Plan #2021-00018 for a Minor Site Plan amendment

to relocate driveway entrance and exit points as well as redevelop existing landscape and patio spaces located at the subject site.

Parking

Pursuant to Section 8-200 (A)(17)(a)(i) of the Zoning Ordinance, a hotel use located inside of the City's Enhanced Transit Area is required to provide a minimum of 0.2 spaces per guest room. The hotel contains 179 guest rooms. In addition, pursuant to Section 8-200 (A)(17)(a)(i) of the Zoning Ordinance, a restaurant use located inside of the City's Enhanced Transit Area is required to provide a minimum of 1.0 spaces per 1,000 square feet of gross floor area. The restaurant use occupies 7,995 square feet of floor area. In addition, the outdoor dining area includes 40 seats, 20 of which are exempt from additional parking requirements per Section 8-200(A)(17)(c) of the Zoning Ordinance. Per Section 8-200(A)(17)(c) of the Zoning Ordinance, "*The area occupied by each seat over 20 shall be calculated as 15 square feet per seat.*". Thus, for parking calculation purposes, the remaining 20 seats would count as 300 square feet. Based on 179 guest rooms in the hotel use, 7,995 square feet of floor area the restaurant use occupies, and 300 feet of outdoor dining area, the applicant would be required to provide a minimum of 45 off-street parking spaces for the proposed use. However, pursuant to Condition #7 of the existing Special Use Permit approval, the applicant shall maintain a minimum of 148 off-street parking spaces at all times for guests and users of the hotel. The applicant meets this requirement via the 148 off-street parking spaces provided at the both the underground garage and surface parking lot located at the subject site.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. Staff also informed the Old Town Civic Association about the current application. Staff has not received any comments from community groups, residents, or adjacent businesses regarding this application.

Staff Action

Staff supports the applicant's request for a change of ownership and the minor amendment to add outdoor dining at this location. It will serve to further activate the pedestrian-level streetscape in front of the commercial building located at 625 First Street and is located in an area where several other restaurants with outdoor dining currently operate without any issues.

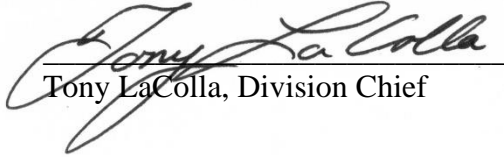
However, several Special Use Permit conditions have been added to reflect current standard conditions for restaurant and outdoor dining uses in the City. These include the addition of Conditions #35, #36, #37, #38, #39, #40, #41, #42, #43, and #44. This also includes the deletion of Condition #25, which was an inadvertent duplication of Condition #11. Finally, Conditions #23 and #26 have been amended to bring them into compliance with current standard Special Use Permit conditions for restaurant uses.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: October 28, 2022

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 #2022-00074

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. (SUP1997-00127) (P&Z)
2. Condition deleted.
3. The applicant shall maintain lighting that is a minimum of 2.0 foot-candles in the parking lots and garage. (SUP1997-00127) (P&Z)
4. The applicant shall maintain white walls in the garage. (SUP2018-00074) (P&Z)
5. The applicant shall maintain controlled access into the garage. (SUP2018-00074) (P&Z)
6. The applicant shall maintain emergency buttons in the garage. (SUP2018-00074) (P&Z)
7. The applicant shall maintain a minimum of 148 off street parking spaces at all times for guests and users of the hotel. (P&Z) (SUP1999-00082)
8. Condition deleted.
9. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (SUP2018-00074) (P&Z) (T&ES)
10. The applicant shall control 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 and Environmental Services. (T&ES) (SUP2007-00096)
11. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (SUP2007-00096)
12. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519- 3486 ext.132. (T&ES) (SUP2007-00096)

13. 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) (SUP2007-00096)
14. Condition deleted.
15. Condition deleted.
16. Condition deleted.
17. All exterior entrances into the facility, other than the lobby entrance, should be equipped with automatic door closers and locks. (Police) (SUP2007-00096)
18. Ensure that, during the nighttime hours, all remote and/or unattended entrances are locked. This should not conflict with fire and emergency exit requirements. (Police) (SUP2007-00096)
19. Remote or unattended exterior entrances into the facility should be monitored or recorded by a video surveillance system. (Police) (SUP2007-00096)
20. Condition deleted.
21. For the safety of the persons using the proposed garage, it is recommended that the lighting for the parking garage be a minimum of 5.0 foot-candle minimum maintained. (Police) (SUP2007-00096)
22. It is recommended that the applicant meet the lighting standard set by Transportation & Environmental Services. The Alexandria Lighting Standard set by T&ES for “office and multi-family” parking area and walkway uniformity is 1.0 foot-candle minimum maintained. Lighting for the common areas and sidewalks should also be 2.0 foot-candle minimum maintained. The lightings should be consistently uniformed throughout the parking lot and on the periphery. (Police) (SUP2007-00096)
23. **CONDITION AMENDED BY STAFF:** ~~On site alcohol service is permitted; no and off-premises alcohol sales are permitted in compliance with Virginia ABC requirements for consumption off site.~~ (P&Z) (SUP2007-00096)
24. Condition deleted.
25. **CONDITION DELETED 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) (SUP2018-00074)
26. **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) (~~SUP2018-00074~~)

27. 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) (SUP2018-00074)
28. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP2018-00074)
29. 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. (P&Z) (SUP2018-00074)
30. 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. (P&Z) (SUP2018-00074)
31. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z) (SUP2018-00074)
32. 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) (SUP2018-00074)
33. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z) (SUP2018-00074)
34. 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) (SUP2018-00074)
35. **CONDITION ADDED BY STAFF:** The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z)

36. **CONDITION ADDED BY STAFF:** The number of outdoor seats shall be 40 and shall not encroach into the public right-of-way. (P&Z)
37. **CONDITION ADDED BY STAFF:** Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)
38. **CONDITION ADDED BY STAFF:** Indoor limited, live entertainment may be offered and must comply with the City's noise ordinance. 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. (P&Z)
39. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
40. **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)
41. **CONDITION ADDED BY STAFF:** 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)
42. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. (P&Z)
43. **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. (P&Z)
44. **CONDITION ADDED BY STAFF:** The outdoor dining areas shall be cleaned and washed at the close of each business day that they are in use. (P&Z)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

No comments.

Code Enforcement:

No comments.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans for Food Facilities shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria- fee must be paid separate from any other departmental fees.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C-4 Construction plans for Hotels/Motels shall be submitted to the Health Department located at 4480 King Street and the Multi-Agency Permit Center. Construction plans shall be submitted and approved by the Health Department prior to construction. There is a \$40.00 plan review fee payable to the Alexandria Health Department.
- C-5 Construction plans shall comply with State Code 35.1, Hotels, Restaurants, Summer Camps and Campgrounds. Construction plans shall include equipment specification sheets including hot water information.
- C-6 A Food Protection Manager shall be on-duty during all operating hours.
- C-7 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-8 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-9 Facilities engaging in the following processes may be required to submit a HACCP plan

and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Parks and Recreation:

F-1 Confirm that outdoor dining is on applicant's property and not City open space/ROW

Police Department:

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 #2022-00074. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 625 First Street.

Kathleen m ragg
Applicant - Signature

11/3/22
Date

Applicant – Printed

Date