

Special Use Permit 2023-0006
110 S. Pitt Street, Alexandria VA 22314
Zoned CD, FAR 1.22

Background

I write to provide comments to the Special Permit Use Application submitted by Jahmond Quander for the property located at 110 S. Pitt Street, Alexandria, VA 22314. As an adjacent property owner, I strongly urge the Alexandria Planning Commission to deny the request to expand the special use permit. Expanding use of the outside patio from 40 to 104 patrons will have a substantial negative impact on our community. The staff analysis decreased the number of outdoor patrons by 16 which is acknowledged and appreciated.

Additionally, I would like to inform the Commission that I, as a potentially affected adjacent neighbor, did not receive the required notification under (add section code). My properties, 413 and 415 Prince, a single-family residence and a 4-unit apartment building, share a property line with 110 S. Pitt Street.

As detailed below, I request that you deny this permit request not only because it has severe negative impacts on our community's daily life, but it also violates several provisions of the building code.

Life Safety.

A space that serves food and drink that is 750 square feet and has an occupancy above 50 persons is classified **Assembly A-2** which triggers a Change of Occupancy and requires more stringent code compliance (IBC 303.3) – not just a request to expand an existing special use permit.

The only path of egress for the entire building including the outdoor patio passes through the building via a narrow 'horse path'. The limitations of this single Common Path of Travel determine the allowable occupant load (International Building Code "IBC" 1004.1.1) for Outdoor Areas. The means of egress requirements for the building shall be based on the sum of the occupant loads of the building plus the outdoor areas. (IBC 1004.5). While there is a second exit door from the bar to the street, the second exit serves the upper floor apartments and is directly adjacent to the 'horse path' and therefore doesn't count as egress as it is not 'placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building" (IBC 1007.1.1)

The two right-of-way access paths that connects the patio to S. Royal appear to be private and if they are, cannot be used for public egress. They are also narrow and have locked doors.

With only one exit, travel distances exceeding 250 feet along a long narrow passageway (under 36"), adding occupancy is not permitted. Furthermore, the interior patio space is landlocked and not accessible by emergency vehicles. If a fire or emergency occurred, the occupants would be trapped and if they all tried to escape via the narrow passage, they would block rescue access.

Temporary Tent and Propane Storage.

The photos in the application show that the patio has already been built, furnished, a closed-sided tent installed, and propane heaters and propane storage cylinders exist. Tent safety and

storage of propane cylinders are under the jurisdiction of the fire department. NFPA 1 requires that propane must be 5'-0" from any doorway or opening and can only occur if the space has two means of egress. Propane cylinders shall be located outside of tents and at least 10 feet away from tent openings. No smoking signs shall be posted around propane cylinders.

Tents over 200 sq ft. and with occupancy over 50 people are required to have illuminated Exit lights and emergency lighting. They also **shall not be located within 20 feet of lot lines** and tent dimensions include the support ropes and weights when determining the required distances. Tents require temporary permits to preclude long-term erection and to ensure safety (city guidelines; *tents and membrane structures*).

Has the Fire Marshall inspected and permitted the tent and the propane storage?

Grading and Stormwater Management Plan

From the applicant's photos, it appears that the entire yard was paved with impervious brick, which violates the city's regulations on runoff and stormwater management (see City Code 13-114). There are several issues that need to be considered, such as: (1) when the tent is erected, where is the roof runoff directed; (2) when the patio is hosed off, where does the water go; and (3) was the stormwater flow design permitted by the zoning department.

Parking and Lane Obstruction

While there is a public lot on S. Pitt Street, most visitors park on the street if a spot is available. A restaurant that serves over 280 people will make street parking challenging for permanent residents who mostly only have on-street parking. **A parking management plan was not included in this application.**

S. Pitt Street in front of the restaurant is already a pinch-point because the Alexandria Hotel, uses it as their trash, laundry and loading zone. The street in front of the restaurant serves car-service drop-off, the police station, the courthouse, Le Madeleine restaurant and the parking garage entry and exit. With one traffic lane regularly blocked by service trucks, when the traffic light is Red on King Street, it is already a dangerous traffic situation that is exacerbated by the many pedestrians.

Neighborhood Concerns: Negative Impacts

The proposed patio event space will create noise, odors, fumes, infestations, and significant parking impacts that will negatively impact our community.

The staff report provided clarification that the application did not include stating that the outdoor space is limited to solo musicians without amplification or speakers. The application and report is deficient in providing information on other neighborhood concerns, such as (1) whether the applicant has a rodent control plan as they are serving food on a fully paved surface; (2) the applicant mentions that the event space is 'well-lit with exterior lights' but does not state whether these newly installed exterior lights are on a timer; and (3) whether smoking is allowed in this unenclosed outdoor space or whether it falls under the Alexandria City smoking ban for restaurants is not specified.

While the city has a noise ordinance, this establishment is requesting use of the patio by 104 patrons every day until 10:00pm within 25 feet of existing single-family and 'missing middle' apartments.

Precedent Setting Request

There are no restaurants in the Old and Historic District that have outdoor Assembly seating embedded next to so many residential properties and without adjacency to public space either via an alley, side yard or street. Auggie's is not comparable as it faces directly onto King Street. Taverna Cretekou is in a commercial block, Hotel Alexandria's courtyard is within the building and the waterfront restaurants occupy spaces zoned and designed for their use. The closest precedent is the 'Streateries' (parklets) that are regulated and in public space. None of the comparable properties have capacity for 104 occupants. If the Commission approves the applicant's request, you will be setting a precedent that may allow other commercial uses to expand in a manner that negatively impacts neighborhoods.

Due Diligence and SUP Requirements

The property came on the market with the following recommendation from the listing agent. *"Buyer to perform their own due diligence with the City Department of Planning and Zoning to determine the possibilities."*

More information and analysis are necessary to determine if an increase in occupancy is compliant with the zoning and building codes and compatible to quality-of-life of this neighborhood located in the heart of the Old and Historic Alexandria District. (City Code 5-309 Special Use Permit Considerations).

As of March 20th, 2023, the following information was not included in the application.

1. Adjacent neighbors that share a property line **did not receive the required written notice of the SUP application.**
2. A professional code analysis in collaboration with the city code officials and Fire Marshall has not been completed to determine the legally allowed occupancy with the exit discharge and egress limitations (Assembly Use, Single-Exit, narrow exit corridor width, no emergency vehicle access).
3. A narrative on how the business proposes to operate including use of heaters, tents, amplifications, live entertainment, rodent control, event logistics, etc. was not included in the application. Fortunately, the staff report provides more SUP conditions.
4. A fire safety and evacuation plan for any proposed activity.
5. If the necessary permits/reviews weren't obtained for the patio construction, tent erection and propane storage, will the violations be rectified?

Insufficient data was supplied to support the request and on face value, the proposed Assembly Space is a danger to life and property, **inappropriate, and difficult to regulate.**

Thank you for considering my comments and concerns. I strongly urge a denial or postponement of this request because of the breadth of negative impacts and until the serious code concerns are addressed.

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My properties, 413 and 415 Prince, a single-family residence and a 4-unit apartment building, share a property line with 110 S. Pitt Street.

As detailed below, I request that you deny this permit request not only because it has severe negative impacts on our community's daily life, but it also violates several provisions of the building code.

Life Safety.

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The only path of egress for the entire building including the outdoor patio passes through the building via a narrow 'horse path'. The limitations of this single Common Path of Travel determine the allowable occupant load (International Building Code "IBC" 1004.1.1) for Outdoor Areas. The means of egress requirements for the building shall be based on the sum of the occupant loads of the building plus the outdoor areas. (IBC 1004.5). While there is a second exit door from the bar to the street, the second exit serves the upper floor apartments and is directly adjacent to the 'horse path' and therefore doesn't count as egress as it is not 'placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building' (IBC 1007.1.1)

The two right-of-way access paths that connect the patio to S. Royal are private and cannot be used for public egress. They are also narrow and have locked doors.

With only one exit, travel distances exceeding 250 feet along a long narrow passageway (under 36"), adding occupancy is not permitted. Furthermore, the interior patio space is landlocked and not accessible by emergency vehicles. If a fire or emergency occurred, the occupants would be trapped and if they tried to escape via the narrow passage, they would block rescue access.

Temporary Tent and Propane Storage.

The photos in the application show that the patio has already been built, furnished, a closed-sided tent installed, and propane heaters and propane storage cylinders exist. Tent safety and storage of propane cylinders are under the jurisdiction of the fire department. NFPA 1 requires

that propane must be 5'-0" from any doorway or opening and can only occur if the space has two means of egress. Propane cylinders shall be located outside of tents and at least 10 feet away from tent openings. No smoking signs shall be posted around propane cylinders.

Tents over 200 sq ft. and with occupancy over 50 people are required to have illuminated Exit lights and emergency lighting. They also **shall not be located within 20 feet of lot lines** and tent dimensions include the support ropes and weights when determining the required distances. Tents require temporary permits to preclude long-term erection and to ensure safety (city guidelines; *tents and membrane structures*).

Has the Fire Marshall inspected and permitted the tent and the propane storage?

Grading and Stormwater Management Plan

From the applicant's photos, it appears that the entire yard was paved with impervious brick, which violates the city's regulations on runoff and stormwater management (see City Code 13-114). There are several issues that need to be considered, such as: (1) when the tent is erected, where is the roof runoff directed; (2) when the patio is hosed off, where does the water go; and (3) was the stormwater flow design permitted by the zoning department.

Parking and Lane Obstruction

While there is a public lot on S. Pitt Street, most visitors park on the street if a spot is available. A restaurant that serves over 260 people will make street parking challenging for permanent residents who mostly only have on-street parking. A parking management plan was not included in this application.

S. Pitt Street in front of the restaurant is already a pinch-point because the Alexandria Hotel, uses it as their trash, laundry and loading zone. The street in front of the restaurant serves car-service drop-off, the police station, the courthouse, Le Madeleine restaurant and the parking garage entry and exit. With one traffic lane regularly blocked by service trucks, when the traffic light is Red on King Street, it is already a dangerous traffic situation that is exacerbated by the many pedestrians.

Neighborhood Concerns: Negative Impacts

The proposed patio event space will create noise, odors, fumes, infestations, and significant parking impacts that will negatively impact our community.

The staff report provided clarification that the application did not include stating that the outdoor space is limited to solo musicians without amplification or speakers. The application and report is deficient in providing information on other neighborhood concerns, such as (1) whether the applicant has a rodent control plan as they are serving food on a fully paved surface; (2) the applicant mentions that the event space is 'well-lit with exterior lights' but does not state whether these newly installed exterior lights are on a timer; and (3) whether smoking is allowed in this unenclosed outdoor space or whether it falls under the Alexandria City smoking ban for restaurants is not specified.

While the city has a noise ordinance, this establishment is requesting use of the patio by 104 patrons every day until 10:00pm within 25 feet of existing single-family and 'missing middle' apartments.

Precedent Setting Request

There are no restaurants in the Old and Historic District that have outdoor Assembly seating embedded between many residential properties and without access to public space via an alley or street. Auggie's side yard is not comparable as it sits directly on King Street. Taverna Cretekou is in a commercial block; Hotel Alexandria's courtyard is within the building and the waterfront restaurants occupy spaces zoned and designed for their use. The closest precedent is the 'Streeteries' (parklets) that are regulated and in public space. None of the comparable properties have capacity for 104 occupants. The two other restaurants nearby, Fontaine and Brut have significantly smaller occupancies and limited outdoor, street seating. If the Commission approves the applicant's request, you will be setting a precedent that may allow other commercial uses to expand in a manner that negatively impacts neighborhoods.

Due Diligence and SUP Requirements

The property came on the market with the following recommendation from the listing agent. *"Buyer to perform their own due diligence with the City Department of Planning and Zoning to determine the possibilities."*

More information and analysis are necessary to determine if an increase in occupancy is compliant with the zoning and building codes and compatible to quality-of-life of this neighborhood located in the heart of the Old and Historic Alexandria District. (City Code 5-309 Special Use Permit Considerations).

As a potentially affected adjacent neighbor, I received the required written notification one day past the deadline, March 21, 2023. As of March 20th, 2023, and the following information was not included in the application.

1. A professional code analysis in collaboration with the city code officials and Fire Marshall has not been completed to determine the legally allowed occupancy with the exit discharge and egress limitations (Assembly Use, Single-Exit, narrow exit corridor width, no emergency vehicle access).
2. A narrative on how the business proposes to operate including use of heaters, tents, amplifications, live entertainment, rodent control, event logistics, etc. was not included in the application. Fortunately, the staff report provides more SUP conditions.
3. A fire safety and evacuation plan for any proposed activity.
4. If the necessary permits/reviews weren't obtained for the patio construction, tent erection and propane storage, will the violations be rectified?

As the patio has already been constructed and furnished, and Prime currently advertises seating on the patio for 120 patrons and receptions for 150, the owners have disregarded the City's SUP process. The burden of regulation falls to the residents in the neighborhood.

Insufficient data was supplied to support the request and on face value, the proposed Assembly Space is a danger to life and property, inappropriate, and difficult to regulate.

Thank you for considering my comments and concerns. I strongly urge **a denial or postponement** of this request because of the breadth of negative impacts and until the serious code concerns are addressed.

The pictures below illustrate how S. Pitt is used as a loading zone limiting traffic to one-way.





Samantha Lockwood

From: Ann Horowitz
Sent: Tuesday, March 28, 2023 2:06 PM
To: Samantha Lockwood
Cc: Karl Moritz; Mavis E Stanfield; Nancy Williams
Subject: FW: [EXTERNAL]hearing regarding 110 S Pitt

For the PC email this afternoon.

-----Original Message-----

From: Isin Ludlow <isinludlow@gmail.com>
Sent: Tuesday, March 28, 2023 10:11 AM
To: Ann Horowitz <ann.horowitz@alexandriava.gov>
Cc: Stacey Wharam <stacey@fontainecaffe.com>; George Ludlow <gludlow204@gmail.com>
Subject: [EXTERNAL]hearing regarding 110 S Pitt

[You don't often get email from isinludlow@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Your staff report does not include number of complaint and concerns about this property. Please update your report to include all information regarding this request.

We plan to attend and request full disclosure of all information at the hearing.

Thank you.

Isin Ludlow
703 403 0307

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Samantha Lockwood

From: Nancy Williams
Sent: Tuesday, March 28, 2023 1:52 PM
To: Mavis E Stanfield; Ann Horowitz
Cc: Samantha Lockwood
Subject: 110 N. Pitt Street Comment Received Below (3.28.2023) - FW: [EXTERNAL]Planning Commission Regular Monthly Meeting on 3/30/2023: Comment for SUP2023-0006

-----Original Message-----

From: Joseph Craine <josephmcraine@gmail.com>
Sent: Tuesday, March 28, 2023 12:54 PM
To: Nancy Williams <Nancy.Williams@alexandriava.gov>
Subject: [EXTERNAL]Planning Commission Regular Monthly Meeting on 3/30/2023: Comment for SUP2023-0006

[You don't often get email from josephmcraine@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

We have read the request for SUP2023-0006 at 110 S Pitt St for expanding a special use permit for outdoor seating.

We would like to request that this request be denied.

The restaurant is located on a residential street. Already there has been a noticeable increase in nightly traffic and noise, especially near closing. Patrons leaving the restaurant at night are frequently loud. We fear that an increase in outdoor seating capacity would exacerbate the issue.

We appreciate the presence of neighborhood restaurants with the residential matrix, but these need to be kept manageable. We therefore are requesting the SUP be denied for this purpose.

Thank you.

Joseph Craine
505 Prince St.

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City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 29, 2023

TO: CHAIR NATHAN MACEK
AND MEMBERS OF THE PLANNING COMMISSION

FROM: KARL W. MORITZ, DIRECTOR
DEPARTMENT OF PLANNING & ZONING

SUBJECT: DOCKET ITEM #8 – SUP #2023-00006
110 S. PITT STREET, 1799 PRIME STEAK & SEAFOOD

This memorandum responds to a request from a Planning Commissioner for staff responses to letters submitted in opposition to the SUP amendment request for up to 104 seats at the restaurant, 1799 Prime Steak & Seafood.

Staff responses are outlined according to topic areas posed in the letters:

Required Property Owner Certified Notifications

Staff has confirmed that the applicant fulfilled all obligations according to the zoning ordinance to notice the requisite property owners of this SUP request.

Safety

As stated in the staff analysis, building and fire code officials have met with the applicant to ensure the proper emergency egress requirements would be in place before 104 seats could be placed in the patio area. The applicant can address the code requirements after SUP approval, which represents the usual process steps. Until another point of emergency egress is installed, the applicant understands that he may only set up a maximum of 50 outdoor dining seats.

Patio/Grading and Stormwater Management

A 750 square foot patio was installed when the applicant applied for 40 outdoor seats through administrative SUP. It covers under one-half the rear yard area and is enclosed by walls, but not a roof. The installation of the patio and associated lighting did not require a building permit or SUP. Adjacent property owner notifications are not required when by-right changes are made. As it also did not require a grading plan due to land disturbance under 2,500 square feet, stormwater regulations do not apply. Regarding runoff from stormwater or patio cleaning, the location is within the Combined Sewer System (CSS), meaning that the hose water runoff that enters the nearest street inlet would be routed to the AlexRenew Sanitation Authority.

Temporary Tent and Propane Storage

Although the tent appears in images supplied in the application, the tent is not installed or in use and therefore does not require a fire prevention permit (FPP). During the meeting with the applicant, and as mentioned in the staff report, the Fire Marshal noted proper spacing of the propane heaters which were not in use. The Fire Marshal responded to a complaint on March 23 regarding propane tanks at the rear of the property, found the propane tanks to be compliant and closed the complaint the same day.

Parking and Lane Obstruction

Parking is not required for this use in the Central Business District (CBD) and staff does not require parking management plans for SUPs. The goal of parking management plans is for applicants to demonstrate how parking on the site will be managed through gates, pricing, staffing, or designated parking spaces. Because there is no parking on this site, the need for a parking management plan would not apply. As is customary in the CBD, delivery vehicles, accommodating various businesses, are present along City streets. Residents are encouraged to submit comments to Alex 311 or call the police non-emergency phone number should they notice a situation where traffic flow is hindered.

Incomplete Application

SUP planners deemed the application materials complete prior to docketing of the case. One writer stated, however, that the application did not include references to amplification or live entertainment. This was not necessary for the applicant to bring up as they did not request a change to existing conditions 13 and 9, respectively, which had been approved in previous SUP reviews. Additionally, the writer mentioned that the SUP application did not outline event logistics. SUP applications do not require specific information on event details as this relates to an applicant's personal business choices. Any event that may occur as part of the restaurant operation would be subject to compliance of the SUP conditions and the City Code.

Neighborhood Concerns

The writers submitted related to neighborhood impacts, which staff assessed during the SUP review, determining that SUP conditions and City Code requirements would mitigate the potential for impacts as noted below.

Noise

Based on other outdoor dining areas near residents with a similar number of seats and closing hour, staff confidently recommends approval for 104 seats, as it has not received noise complaints for any of these other outdoor dining areas. Likewise, the applicant has operated with 40 outdoor seats for several months without staff receiving complaints. Condition 13 prohibits external loudspeakers and notes that amplified sound may not be audible beyond the property line. The City Code also regulates undue noise levels.

Trash Storage, Odors, Infestation

The applicant represented in the application that trash would be stored on the property. Condition 21 requires the proper storage of trash so as to not provoke odors and animal infestation. Additionally, property owner maintenance is ensured through the City Code.

Smoking

Regulations and enforcement of smoking fall under the aegis of the City Code.

Live entertainment

City Council added Condition 9 to the restaurant SUP at this location in 2003. It states: “Live music shall be limited to performances by solo musicians providing background music for diners.” Staff was not concerned carrying this condition forward to this report as complaints had not resulted from this activity in the past and Condition 13 and the City Noise Code would control impacts.

Use of Private Alley

One writer expressed opposition to the SUP request partly due to the applicant’s use of the private alley for trash storage and removal and supply deliveries, located between 121 and 123 S. Royal Street. Another letter stated use of an alley adjacent to 117 S. Royal was also not available. The Department of Planning & Zoning (P&Z) staff informed the authors that the use of the alleys represented a private property matter to be addressed between the parties in question. As a private property matter, the SUP does not represent the legal means to restrict access. Additionally, staff does not typically call out delivery locations in SUP conditions for restaurants in the Central Business District as deliveries are conducted adequately from the street. It believes deliveries are appropriately addressed in a similar manner for the 110 S. Pitt Street use.

Staff responses to Alex 311 requests

A few writers claim that several complaints regarding the restaurant were submitted and do not appear in the staff report. All verified complaints relevant to the SUP request, SUP conditions and the Zoning Ordinance are included in this report (i.e. outdoor speakers, preliminary outdoor dining set-up). Because the trash complaint, as it related to an SUP condition, could not be verified as a Zoning Ordinance or SUP violation, it was not recorded in the staff report.

Public comments and complaints are often submitted to the City through Alex 311 and are then distributed to the proper City department to address. These do not always fall into the purview of the Department of Planning & Zoning and, therefore, are not considered part of an SUP review. Zoning inspectors, however, investigate Alex 311 complaints that involve a Zoning Ordinance or SUP violation.

Although not applicable to this SUP review, staff researched all Alex 311 requests from the past two years for this use. Records indicated that City staff members from various departments addressed the concerns and closed the cases. The complaints submitted to Alex 311, that do not represent zoning or SUP violations, are listed here:

Case #220031279: 12/16/222, Property maintenance.

Case #22-00031170: 10/20/2022, Trash overflowing and removing trash through a private alley between 121 and 123 S Royal St. Trash was not found and staff

reiterated to complainant that the use of the private alley was a private property matter to be addressed between private parties.

Case #22-000611: 10/14/2022, Use of private alley. Staff responded via email on 10/17/2022 that this is a private property matter.

Case #22-00025973: 9/1/2022, Music from outdoor speakers. Speakers were not observed.

Case #2022-00024074: 8/16/22, Noise from speakers not verified.

Case #22-00011652: 4/27/22, Litter and illegal dumping.

CMP #2019-01120: 7/11/2019, Brush pile at rear of the property.

Staff continues to recommend approval of SUP #2023-00006 given that it believes the SUP analysis is thorough and the SUP conditions and City Code requirements provide adequate regulation to limit neighborhood impacts.

Timeline of Complaints Raised to The City of Alexandria Regarding 110 S. Pitt Street
In re: SUP Application: SUP2023-00006 / Staff Report

Submitted by: Meaghan Foran to Mavis Stanfield at mavis.stanfield@alexandriava.gov on 3/28/2023 via email
and submitted to Jody Manor at jody.manor@gmail.com on 3/28/2023 via email
and submitted to ann.horowitz@alexandriava.gov on 3/28/2023 via email

To whom it may concern:

I am submitting this timeline of events and supporting documentation in response to the statement in the proposed Staff Report posted on the 3/30/2023 Docket located at https://alexandria.granicus.com/ViewPublisher.php?view_id=57

Statement in Staff Report:

*Between August and September 2022, staff received two complaints from a neighboring residential property owner that exterior loudspeakers were present and playing music in violation of Condition #13 of the Special Use Permit, prohibiting exterior loudspeakers and amplified sound audible outside of the building. One instance was related to a one-time special event, allowed in Section 11-511 of the Zoning Ordinance. A follow-up inspection of SUP conditions noted that an outdoor dining area had been setup and loudspeakers were seen on the exterior of the building. The applicant was informed of the requirement to bring these issues into compliance prior to SUP approval. A subsequent inspection on September 15 confirmed the applicant's compliance with all SUP conditions, including the removal of the loudspeakers. On September 19, 2022, SUP#2022-00073 was administratively approved to allow patio seating to the rear of the property for a maximum of 40 people. **No further complaints were received after this date.** (Emphasis added)*

Timeline of complaints filed by owners/managers at 121 S. Royal regarding 110 S. Pitt Street:

10/14/2022 - Laurie (our shop manager) filed 311 Report #22-00030611 to Planning and Zoning General Comments, Complaints, and Inquiries **regarding use of our alleyway** for deliveries and garbage removal.

Resolution: We were told by the city that because the alleyway is private, they have no authority over the alleyway. This initiated our own research into ownership/easement listings for the alleyway, for which we determined that 110 S. Pitt has no easement or ownership or right to use this alleyway. We communicated this directly via text message to Mr. Quander and in person to Mr. Quander and multiple managers/staff members/vendors at 110 S. Pitt but continued to have issues with them continuing to use the alleyway until a cease and desist letter was sent to them from our attorney in February.

10/20/2022 - Meaghan Foran filed 311 Report #22-00031170 to Plan Review, Permit Processing and Other Code Enforcement Inquiries **regarding improper storage of trash and debris** and reiterating the issue of the trash cans being dragged through our alleyway. This was filed after reviewing the standing SUP and seeing that the trash should have been stored in closed containers. Photos of the trash/refuse violations were emailed to alex311@alexandriava.gov as well.

Resolution: Received an email on 12/16/2022 stating that a Code Case #CMP2022-04821 was created and assigned to the property maintenance division. This is after multiple phone calls to 311 requesting an update on this report. We think it was around November when 110 S. Pitt finally moved the trash out of this section of their yard and stopped using our alleyway for trash removal but they continued using the alley for vendor access.

10/20/2022 - Meaghan Foran filed 311 Report #22-00031184/ 22-00036912 to Plan Review, Permit Processing and Other Code Enforcement Inquiries **regarding that the patio had seating in excess of its approved 40 person maximum**, also noted the installation of a speaker to the patio.

Resolution (ongoing): On 12/16/2022 I received an email from 311 with no Staff Comments or Additional Comments. The email noted that the "Actual Resolution Date" was 12/16/2022. We did not observe any change in seating set up that would indicate that the matter was actually resolved. In fact, 116 S. Pitt installed a very large tent covering the entire flat part of the patio, so it was impossible to see the number of tables or chairs for the duration of the winter.

11/2022 - We installed "Private Property Keep Out" signs on the gate and in the middle of the alley walkway and also re-installed a lock on the gate to prevent entry from the street.

2/2023 - We initiated a Cease and Desist letter from our attorney regarding the continued use of our alley by 116 S. Pitt for vendor access.

3/15/2023 - We read that the restaurant at 116 S. Pitt was applying to expand their SUP seating allowance to 120 people. Meaghan Foran filed a comment with Mavis Stanfield, which is attached to the Staff Report for the 3/30 meeting. This comment detailed the history of trash containment and removal issues that we had with this property along with additional concerns regarding the seating expansion.

3/22/2023 - We received the formal notice of SUP review in the mail. Meaghan Foran called Mavis Stanfield to seek clarification on the SUP process, namely the concern that their current governing SUP (SUP2022-00073) allowing a maximum of 40 person-layout was already being violated, and had been violated for months with no resolution from the city despite complaints. It was noted to Mavis Stanfield by Meaghan that "The current layout as I look at it right now is five columns of three tables per column, each table has four chairs = 60 seats in the lower patio, plus there are four or five four-top cocktail tables in front of the bar = 16 or 20, meaning current seating capacity is 76 or 80. There are additional tables and chairs lined up that aren't set up for

use.” Mavis Stanfield noted that they would send an inspector as the numbers listed did in fact qualify as an SUP violation.

Thus, two persistent and repeated violations were not noted in the Staff Report: 110 S. Pitt Street’s trash storage and the restaurant’s consistent table/chair set up in excess of their designated seating capacity. The alleyway dispute was deemed not within the purview of the city to regulate due to the alleyway being private property. This alleyway is NOT to be considered an emergency exit route for this restaurant.