



Special Use Permit #2023-00006
110 South Pitt Street
1799 Prime Steak & Seafood

Application	General Data	
Public hearing and consideration of a request for additional outdoor dining seats at an existing restaurant (amending SUP#2022-00073)	Planning Commission Hearing:	March 30, 2023
	City Council Hearing:	April 15, 2023
Address: 110 South Pitt Street	Zone:	CD/Commercial downtown
Applicant: Jahmond Quander	Small Area Plan:	Old Town Small Area Plan

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers

Mavis Stanfield, Urban Planner, mavis.stanfield@alexandriava.gov

Ann Horowitz, Principal Planner, ann.horowitz@alexandriava.gov

PLANNING COMMISSION ACTION, March 30, 2023: On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission moved to recommend approval of Special Use Permit #2023-00006 with all applicable codes, ordinances and the staff recommendations, as presented in the staff report. The motion carried on a vote 6-0 with Commissioner Ramirez absent.

Reason: The Planning Commission agreed with the staff recommendation.

Discussion:

Commissioner Manor recognized there could be issues related to deliveries and trash on the property and staff responded that deliveries are not typically conditioned in the CBD, as on-street areas and loading zones are used, and that Condition #21 covers trash maintenance.

Vice Chair McMahon asked staff about the next steps if the SUP application was approved. Staff noted that the SUP is the first step in the process and Code requirements would be addressed at a later stage. If approved, the applicant would need to create an additional means of emergency access to allow for 51-104 seats, working with Code staff and the Fire Marshal to create this. A building permit and occupancy permit would also be involved.

Commissioner Manor asked if the proposed egress would be from South Pitt Street and if it would require BAR approval. Staff affirmed the South Pitt Street access as an option and BAR approval would be required if exterior changes were made that were visible from the public right-of-way.

Commissioner Lyle stated that she is in favor of outdoor dining and that it will continue to be important for restaurants. She has visited the restaurant many times and has never felt unsafe. She asked if a one month deferral would be advisable to provide additional information on the Code issues raised by the speakers. Chair Macek responded that he did not believe additional information was needed for the commission to arrive at a land use decision. Staff confirmed that approval of an SUP precedes the fulfillment of Code requirements.

Commissioner Brown noted that the staff memorandum provided the commission and the neighbors with detailed information on City processes and requirements. He suggested that staff may wish to offer the opportunity for mediation to the parties involved.

Chair Macek spoke in support of the request and urged the applicant and the speakers to work together to find common ground to resolve issues related to the private property matter.

Speakers:

Ashley Wilson, 415 Prince Street, spoke in opposition to the application. She believed that there were safety issues related to occupancy for more than 50 people in the outdoor dining area and expressed concerns about stormwater run-off from the patio.

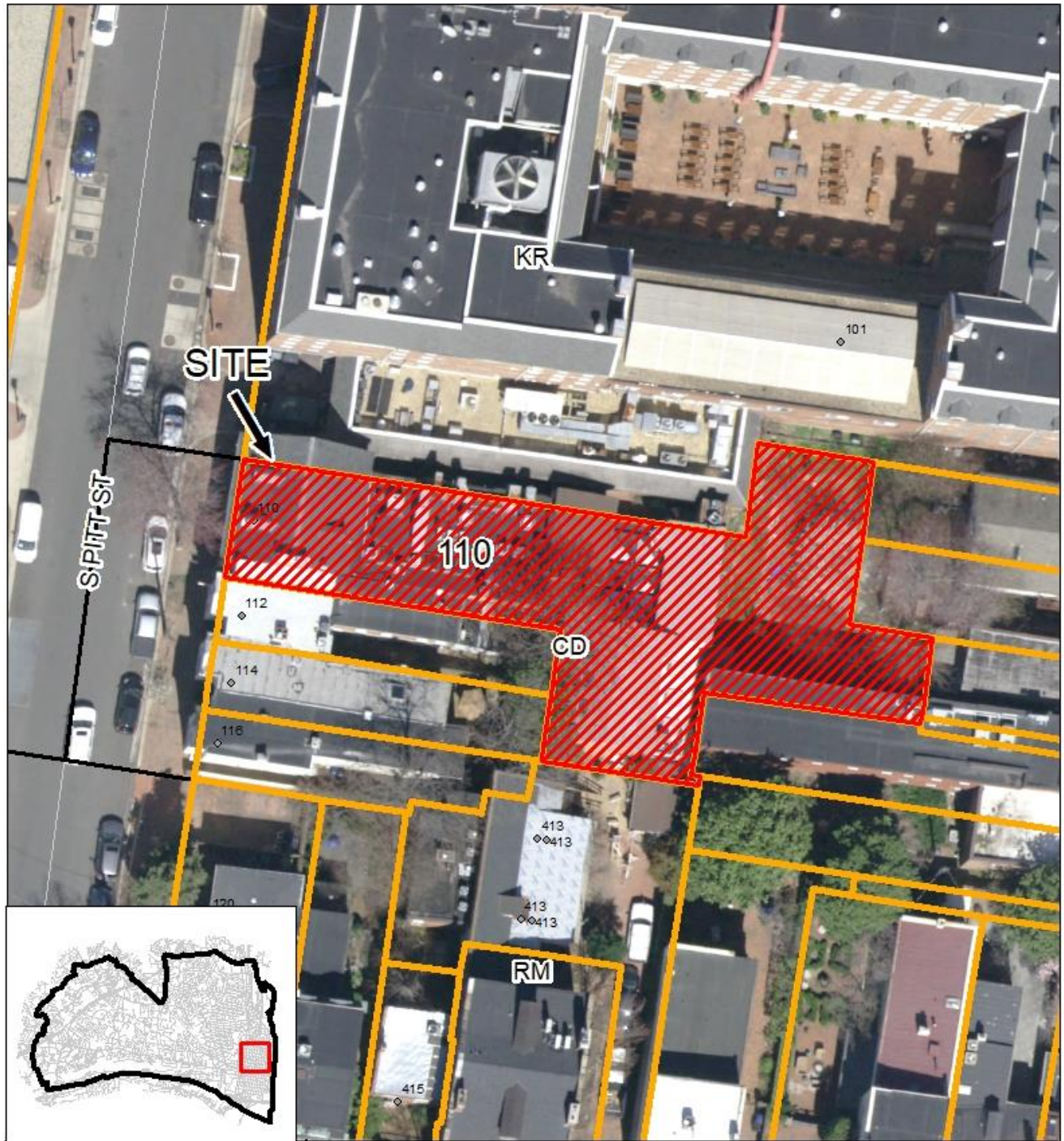
Megan Foran, 121 South Royal Street, spoke in opposition to the application. She stated that the staff report did not adequately address her Alex 311 calls and expressed concerns that the applicant had installed speakers and outdoor tables and chairs prior to SUP approvals.

Scott Shaw, 221 South Pitt Street, spoke in support of the application. He stated that the community needs to work together to support one another. Because the subject property had been vacant for a lengthy period, he was grateful the applicant took on the renovation and has been so successful, which also resulted in additional meals taxes for the City.

Isin Ludlow, 117 South Royal Street, spoke in opposition to the application, due to emergency egress concerns. She stated that the patio area is landlocked and inaccessible from narrow alleys to South Royal Street.

Wesley Jeffries, 117 South Royal Street, spoke in opposition to the application, stating that the restaurant appears overcrowded and unsafe.

Jahmond Quander, applicant, stated he had made significant improvements to the property. Trash is stored on the side of his building and is picked up five times a week to avoid rodent infestation. He stated that when he purchased the property, the back yard was full of dead trees and brush, which he cleaned up, improved with pavers, and now looks forward to the expansion of outdoor dining in this area.



Special Use Permit #2023-00006
110 South Pitt Street



0 15 30 60 Feet

I. DISCUSSION

The applicant, Jahmond Quander, requests SUP approval to expand outdoor seating at 110 South Pitt Street from 40 seats to 104 seats.

SITE DESCRIPTION

The subject property is one lot of record with 33 feet of frontage on S. Pitt Street, 185 feet of depth and a total lot area of 8,193 square feet. The site is developed with a three-story commercial building, where the 1799 Prime Steak and Seafood restaurant currently occupies the first floor. The second and third floors are developed with four apartments, only one of which is currently occupied, according to the applicant. The building has a gross floor area of 10,112 square feet, with no basement.



The existing patio enclosure is a 30 by approximately 63-foot area at the back of the restaurant for 40 people. The patio area is fenced to the rear, where it faces businesses that front South Royal Street to the east. The patio is separated by a retaining wall, located approximately eight feet from the building. A bar is located in the area between the building and the retaining wall, and the table seating is located between the retaining wall and the fence to the east. Two alleys are located on the north and south sides of the patio area that extend to South Royal Street.

The surrounding area is occupied by a mix of commercial and residential uses. Immediately to the north is the Alexandrian hotel. Immediately to the south is a small office building, and residential uses further south. To the east and west are commercial uses, consisting of a mix of office and retail uses. It is significant to note that all of the buildings on South Royal that face the patio associated with 110 South Pitt are developed with retail/restaurant uses on the ground floor and apartments above. The nearest of these buildings is located approximately 28 feet from the patio dining area.

BACKGROUND

The building located at the subject site was constructed in the early 1900's. Various restaurants have operated at this location since the time that City Council first approved Special Use Permit #1096 for the operation of a restaurant on the first floor of the building in December of 1974. In June 1994, City Council approved Special Use Permit #1096-A for a change of ownership and an amendment to the conditions to allow for additional seats, extended hours of operation, on-premises alcohol sales and live entertainment at the Santa Fe East restaurant. In June 1995, City Council approved Special Use Permit #1995-00058 for a change of ownership of Santa Fe East.

In 2003, the restaurant began operating under the name Restaurant Eve after staff administratively approved a change of ownership through Special Use Permit #2003-00056. In 2006, City Council approved Special Use Permit #2006-00037 to allow the owner to enclose an existing outdoor dining area and for a modification of the zone transition setback. In August 2019, staff administratively approved Special Use Permit #2019-00060 for a change of ownership from Eat Good Food, LLC to WS 110 Pitt, LLC, which never began to operate a restaurant at the site. More recently, in June 2022, staff administratively approved Special Use Permit #2022-00036 for a change of ownership from WS 110 Pitt, LLC. to Jahmond Quander who began to operate the restaurant under the name 1799 Prime Steak & Seafood.

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.

PROPOSAL

The applicant proposes an increase to the outdoor dining from 40 seats to 104 seats, as depicted on the floorplan submitted with the application (see Figure 1 below, which shows the area of the lot used for outdoor dining). The outdoor hours of operation would be reduced from Sunday, 10 a.m. to 10 p.m., Monday through Thursday, 11 a.m. to 10 p.m. and Friday and Saturday, 11 a.m. to 11 p.m., to 11 a.m. and 10 p.m., daily. The number of employees would increase by one, from nine to ten. No other changes are proposed. According to the applicant, the additional 64 seats can be accommodated by the existing patio.

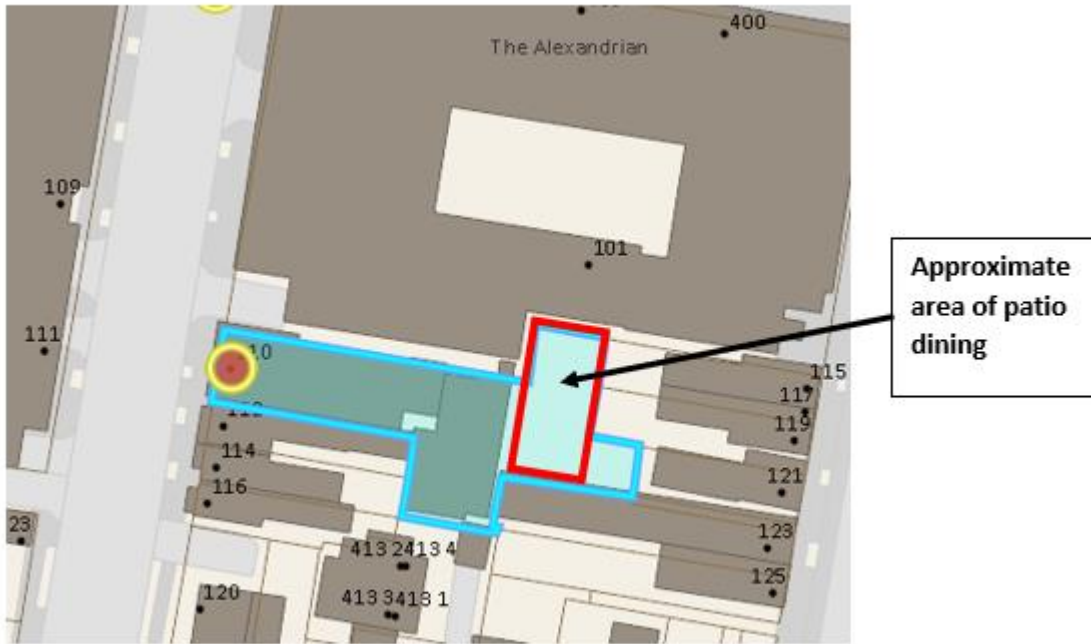


Figure 1

PARKING

The subject property is located within the Central Business District (CBD). Pursuant to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are exempt from parking requirements.

ZONING/MASTER PLAN DESIGNATION

The property is located within the Old Town Small Area Plan. The current development of the property is consistent with the land use goals of the plan as amended by the King Street Retail Strategy Plan, which calls for retail and permitted ground floor uses, including restaurants, with residential use above the ground floor.

Sect. 11-513(M)(3) allows administrative special use permit approval for up to 40 outdoor seats; any number greater than 40 requires a full hearing special use permit.

The restaurant and outdoor dining uses are also located in the City's Old and Historic District. Any exterior work or signage will require review and approval by the Board of Architectural Review (BAR).

II. STAFF ANALYSIS

Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit request. An analysis of existing restaurants with similar numbers of seats near residences indicates that, when properly managed, these uses can coexist with residential uses harmoniously.

There are two examples of when an analogous number of outdoor seats near residences has been approved in the past few years with minimal impact. On September 15, 2018, City Council approved SUP 2018-00060 for Augie's Mussel House, located at 1106 King Street, which permits a maximum of 86 seats on the side of the restaurant building. This SUP permits hours of operation to extend to 1 a.m. Thursday through Saturday and to 11 p.m. for the rest of the week. There have been no noise violations associated with this property, which is eleven feet from the nearest residential property.

Likewise, City Council approved SUP 2019-00004 on April 13, 2019, for the Gardens, located at 1503 Mount Vernon Avenue, which permits a maximum of 100 outdoor seats, with the option of an increase to 120 seats with administrative SUP approval. The limitation for hours of operation are the same as for this application, which is 10 p.m. This restaurant has not received any violations in response to noise from diners and is 45 feet from the nearest residential property.

Staff is supportive of the applicant's request to increase the number of outdoor dining seats because of this location within the City's downtown core and the unlikelihood of noise of the outdoor dining area to be audible above the existing background noises common in this dense, urban area. With the prohibition of loudspeakers in Condition 13, which was the source of previous complaints, staff believes that the proposed increase in outdoor seating is reasonable and would not result in negative impacts. All conditions from the previous SUP approved in September 2022 have been carried forward and one condition, Condition 35, was added, requiring the 10 p.m. outdoor area daily closure.

Although staff recommends approval of 104 seats, citing a lack of land use impacts, should this SUP be approved, the applicant will then need to satisfy building and fire code emergency egress requirements to allow for outdoor seating over 50. On February 23, 2023, staff from P&Z, Code and the Fire Marshal's office met with the applicant on-site to discuss the patio layout and code compliance with respect to emergency egress. At the time of this meeting, it was unclear whether the required number of emergency exits could be provided under the current conditions. The applicant was advised that a scaled floorplan would be required, and all emergency exits identified or installed if necessary prior to obtaining a certificate of occupancy for the total requested 104 seat increase.

Subject to the conditions stated in Section III of this report, staff recommends approval of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

CONDITIONS OF SPECIAL USE PERMIT # 2023-00006

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&Z) (SUP 1096-A)
2. The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z) (SUP2022-00036)
3. Condition deleted by Staff.
4. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP2022-00036)
5. Condition deleted by staff.
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. Condition deleted by staff.
9. Live music shall be limited to performances by solo musicians providing background music for diners. (City Council) (SUP#2003-00056)
10. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (P&Z) (SUP2019-00060)
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. The applicant shall require its employees to use off street parking. (P&Z) (SUP2022-00036)
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) (SUP2019-00060)
14. On and off-premise alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z) (SUP2022-00036)
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) (SUP2006-00037)
16. Condition deleted by staff.
17. Condition deleted by staff.
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) (SUP2006-00037)
19. Condition deleted by staff.
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) (~~SUP 2022-00073~~)
21. Trash and garbage shall be stored inside or in sealed containers which do not allow odors to escape, 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 Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (SUP2022-00036)

22. 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) (SUP2019-00060)
23. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am.
24. 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) (SUP2019-00060)
25. 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) (SUP2019-00060)
26. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z) (SUP2019-00060)
27. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z) (SUP2019-00060)
28. 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) (SUP2019-00060)
29. 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) (SUP2019-00060)
30. **CONDITION AMENDED BY STAFF:** All indoor patrons must leave the premises one hour after the closing hour. (P&Z) (~~SUP2022-00036~~)
31. Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z) (SUP2022-00036)
32. 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. (P&Z) (SUP2022-00036)

33. 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. (P&Z) (SUP2022-00036)
34. **CONDITION AMENDED BY STAFF:** The number of outdoor seats shall not exceed ~~40~~ 104 as shown on the exhibit submitted by the applicant on February 3, 2023, and shall not encroach into the public right-of-way. (P&Z) (SUP#2022-00073)
35. **CONDITION ADDED BY STAFF:** The hours of operation for all outdoor seating shall be limited to between 7 a.m. and 10 p.m., 7 days a week. The outdoor dining area shall be closed and cleared of all customers by 10 p.m.(P&Z)

STAFF Tony LaColla, Division Chief, Land Use Services
 Ann Horowitz, Principal Planner
 Mavis Stanfield, Urban Planner

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

No comments received.

Code Enforcement:

- C-1 More detail is required to assess this request. Applicant shall submit a revised occupant load calculation based on the square footage of the dining / serving area for review to ensure that the additional seating does not exceed the maximum number of permitted occupants for the area. Calculation shall include seating calculation and occupant load based on increased number of tables and chairs. In addition, aisle widths, exit paths, and exit locations shall be included and clearly shown on scaled plan. Please also provide existing restaurant's occupant loads and plumbing fixtures to verify that there is enough toilets for the additional occupants. Please provide ADA chair locations.

Fire:

- C-1 More detail is required to assess this request. Applicant shall submit a revised occupant load calculation based on the square footage of the dining / serving area to the Fire Marshal's office for review to ensure that the additional seating does not exceed the maximum number of permitted occupants for the area. Calculation shall include seating calculation and occupant load based on increased number of tables and chairs. In addition, aisle widths, exit paths, and exit locations shall be included and clearly shown on scaled plan.

Health:

No comments received.

Parks and Recreation:

No comments received.

Police Department:

No comments received.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # _____

PROPERTY LOCATION: 110 S. Pitt Street, Alexandria, VA 22314

TAX MAP REFERENCE: 074.02-07-25 **ZONE:** CD

APPLICANT:

Name: Jahmond Quander

Address: 110 S. Pitt Street Alexandria, VA 22314

PROPOSED USE: Patio seating for 1799 Prime Steak & Seafood guests.

- ☒ THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
- ☒ THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.
- ☒ THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
- ☒ THE UNDERSIGNED, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Jahmond Quander

Print Name of Applicant or Agent

8806 Dancer Ct.

Mailing/Street Address

Gainesville, VA 20155

City and State

Zip Code

J. Quander

Signature

01/14/2023

Date

(703)407-1315

Telephone #

Fax #

jq@quandewrs1799.com

Email address

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 110 S. Pitt Street, I hereby
(Property Address)
grant the applicant authorization to apply for the SUP use as
(use)
described in this application.

Name: Jahmond Quander
Please Print

Phone: (703)407-1315

Address: _____

Email: jq@quanders1799.com

Signature: 

Date: 01/14/2023

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

☒ Required floor plan and plot/site plan attached.

☐ Requesting a waiver. See attached written request.

2. The applicant is the (check one):

☒ Owner

☐ Contract Purchaser

☐ Lessee or

☐ Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent.

Arrived Hospitality LLC

Jahmond Quander

Aditya Chopra

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Jahmond Quander	8806 Dancer Ct. Gainesville, VA 20155	50%
2. Aditya Chopra	2008 Monticello Drive Annapolis, MD 21401	50%
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 110 S. Pitt Street Alexandria, VA 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Jahmond Quander	8806 Dancer Ct. Gainesville, VA. 20155	50%
2. Aditya Chopra	2008 Monticello Drive Annapolis, MD 21401	50%
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by [Section 11-350 of the Zoning Ordinance](#), existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

01/14/2023
Date

Jahmond Quander
Printed Name

Jahmond Quander
Signature

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

☐ **Yes.** Provide proof of current City business license

☐ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

I am requesting full use of the space in the rear of the restaurant. The patio area is currently restricted to seating only 40 patrons. The full floor plan for 1799 Prime consist of ~~120~~¹⁰⁴ seats. The space allows for ample spacing between tables and chairs. The patio also contains a bar area with 10 seats, included in ~~120~~¹⁰⁴ seats *104-correction* stated previously. The space is completely enclosed, not visible from the street. The space would be used for full service dining for lunch (hours: Monday - Saturday 11:00am to 4:00pm) and dinner service (Sunday - Saturday 4:00pm to 10:00pm). There's an abundance of parking across S. Pitt Street adjacent to 1799 Prime Steak & Seafood. Employees of 1799 Prime will use this garage as well.

USE CHARACTERISTICS

4. The proposed special use permit request is for (*check one*):

- ☐ a new use requiring a special use permit,
☐ an expansion or change to an existing use without a special use permit,
☒ an expansion or change to an existing use with a special use permit,
☐ other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect?

Specify time period (i.e., day, hour, or shift).

Area can accommodate 120 patrons 104 Patrons

Hours of operations would be Sunday - Saturday 11:00am - 10:00pm

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

7 - 10 employees working the space

Hours of operations would be Sunday - Saturday 11:00am - 10:00pm

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Sunday - Saturday

Hours:

11:00am - 10:00 pm

7. Please describe any potential noise emanating from the proposed use.

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

Normal conversation levels. No mechanical equipment needed.

B. How will the noise be controlled?

The space is enclosed. Don't anticipate it getting loud or intrusive as it relates to neighbors.

8. Describe any potential odors emanating from the proposed use and plans to control them:
Only food and beverages will be served in the space. Trash will not be stored in the outdoor area.

9. Please provide information regarding trash and litter generated by the use.

- A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)
Trash and garbage will be housed inside and defined area on the property next to the building located at 110 S. Pitt Street.
- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)
Maybe 20 pounds a day. Trash pickup is 4 times a week. If needed, trash service will be increased to 5 days a week.
- C. How often will trash be collected?
4 times a week.
- D. How will you prevent littering on the property, streets and nearby properties?
Daily maintenance by staff and managers.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

[] Yes. [x] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

- 11.** Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

- 12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons? The entire area is well lit with overhead lights, and security cameras are located in 2 areas on the patio.

ALCOHOL SALES

13.

- A. Will the proposed use include the sale of beer, wine, or mixed drinks?

☒ Yes ☐ No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

_____ Standard spaces
_____ Compact spaces
_____ Handicapped accessible spaces.
_____ Other.

<p style="text-align: center;">Planning and Zoning Staff Only</p> <p>Required number of spaces for use per Zoning Ordinance Section 8-200A _____</p> <p>Does the application meet the requirement?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
--

- B. Where is required parking located? (*check one*)
- ☐ on-site
- ☒ off-site

If the required parking will be located off-site, where will it be located?

Across the street adjacent to the restaurant

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

☐ **Parking reduction requested; see attached supplemental form**

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are available for the use? _____

<p style="text-align: center;">Planning and Zoning Staff Only</p> <p>Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____</p> <p>Does the application meet the requirement?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

- B. Where are off-street loading facilities located? _____

- C. During what hours of the day do you expect loading/unloading operations to occur?
between 8:00am and 11:00am

- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
Monday - Saturday

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?
adequate

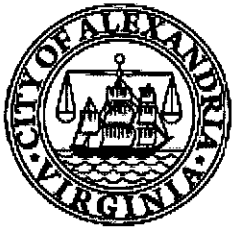
SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No
Do you propose to construct an addition to the building? ☐ Yes ☒ No
How large will the addition be? 750 _____ square feet.

18. What will the total area occupied by the proposed use be?
750 _____ sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ sq. ft. (total)

19. The proposed use is located in: (check one)
☒ a stand alone building
☐ a house located in a residential zone
☐ a warehouse
☐ a shopping center. Please provide name of the center: _____
☐ an office building. Please provide name of the building: _____
☐ other. Please describe: _____

End of Application



Department of Planning & Zoning

Special Use Permit Application Checklist

Supplemental application for the following uses:

Automobile Oriented

Parking Reduction

Signs

Substandard Lot

Lot modifications requested with SUP use

Interior Floor Plan

- ✓ Include labels to indicate the use of the space (doors, windows, seats, tables, counters, equipment)

If Applicable

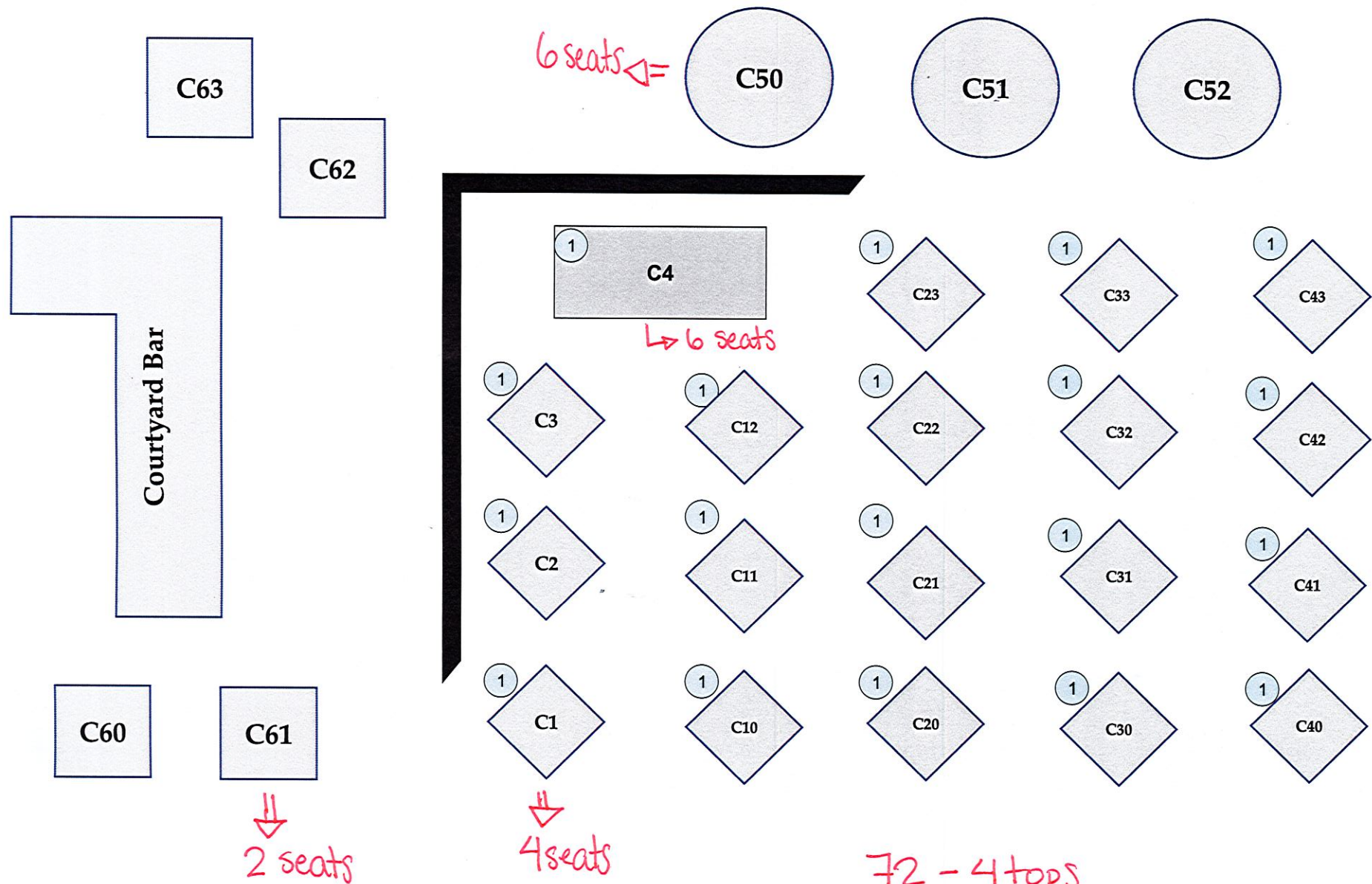
Plan for outdoor uses

Contextual site image

Show subject site, on-site parking area, surrounding buildings, cross streets

8 seat - 2 tops The Courtyard

24 seats - 6 tops



Manager:

72 - 4 tops
TOTAL

Closer:
Busser:

TOTAL
SEATS : 104



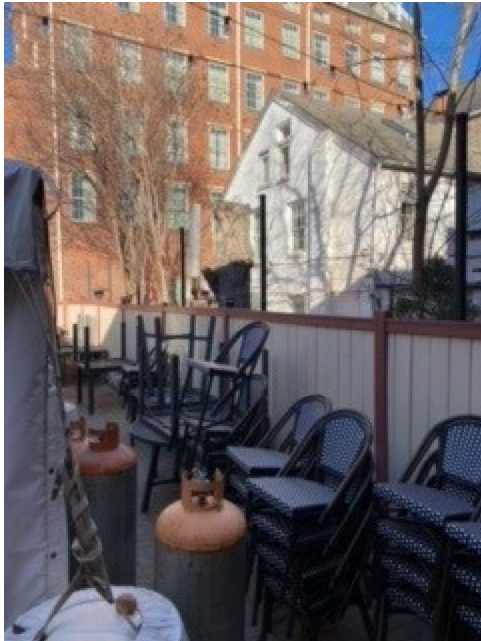














Samantha Lockwood

From: Mavis E Stanfield
Sent: Thursday, March 16, 2023 7:47 AM
To: Samantha Lockwood
Subject: FW: [EXTERNAL]Comment Regarding SUP Application: SUP2023-00006

Hi Samantha,

Please include this email in the docket materials for this case.

Thanks
Mavis

From: Meaghan Foran <meaghan@alxandcompany.com>
Sent: Wednesday, March 15, 2023 2:33 PM
To: Mavis E Stanfield <mavis.stanfield@alexandriava.gov>
Cc: Tim Shaheen <tim@alxandcompany.com>
Subject: [EXTERNAL]Comment Regarding SUP Application: SUP2023-00006

You don't often get email from meaghan@alxandcompany.com. [Learn why this is important](#)

Hello,

I am writing regarding the proposed SUP listed above for the property located at 110 S. Pitt Street, "1799 Prime Steak & Seafood". I called the Planning department and was told that I should email you with my general comments and questions.

My husband, Tim Shaheen (cc'd) and I co-own our building at 121 South Royal Street. The back of our property immediately abuts the outdoor dining space in question and the view from my office looks out directly onto this patio. We operate a fine jewelry design studio out of our building and we also rent space to what are typically retail tenants.

Prior to the current owners involvement in the property, the courtyard in question was a large, empty space with no hardscaping or patio feature. Last year, the new owners of this property constructed a large patio in this space, complete with hardscaping and lights, with no notice provided to the neighboring properties. There was, to my knowledge, no SUP developed to permit this patio. The current owners authorized their builders to utilize our private alleyway dividing our building at 121 South Royal from 123 South Royal, with which we share exclusive use of this alleyway. 110 S. Pitt Street does not have an easement to utilize this alleyway, but they continued to utilize our alleyway for trash removal even after we complained directly with management and the staff that this was not permitted. Furthermore, their trash was constantly overflowing and leaving refuse on our property, creating additional worries regarding infestations and violating their own SUP regarding trash storage. We filed complaints with the City regarding this problem and while the restaurant has relocated their trash for now, we finally had to contact a lawyer to draft a Cease and Desist letter to the owners because they continue to tell their staff to allow vendors through this alleyway into the patio space. This is private property that they do not have a right to utilize, and they have chosen to ignore posted signs and an added lock to the gate. We are still encountering issues with their illegal use of our private alleyway to this day.

Earlier this week, we saw an article in [alexnow.com](https://www.alexnow.com) discussing the proposed SUP that I am writing about (SUP2023-00006), regarding expanding the permitted seating for their outdoor space. To date, we have not received any formal notice from the parties on this SUP regarding this proposed SUP. I had my attorney locate the proposed SUP, and I would like to render my formal objection to it. My reasons are as follows:

- Contrary to what the SUP describes, this patio is not an "enclosed space". It is an open-air courtyard that is completely surrounded by other property owners, both commercial and residential. Noise carries extremely loudly in this space. Already, the current 40-seated capacity has impacted my ability to conduct business out of my office due to noise issues coming from their patio. Tripling this capacity would exacerbate what is already an untenable problem for us as neighbors.
- The SUP states that "Normal conversation levels" are anticipated. The restaurant advertises this space for events and special parties, not just for outdoor quiet dining. Needless to say, parties and events carry a very different noise issue than dining. Adding even more capacity to this space will allow weddings, parties, and other special events to take place and worsen the problem even more.
- One type of event that this restaurant advertises is a "cigar party". They have held at least one of these events before and are advertising another one now for St. Patrick's Day. Cigar smoke is incredibly intrusive and smoking is not normally permitted in sidewalk dining spaces granted to restaurants. We do not believe it is an appropriate or fair use of this open-air space that abuts other properties.
- Our private alley, described above, is included as a photo in the SUP. This alleyway should be noted as completely private and off-limits to this property owner. It is not an approved emergency exit route and cannot be qualified as such in any application. We ask that any and all future SUPs clearly note that this alleyway is private property and not to be included in any analysis for the benefit of 110 S. Pitt Street. Thus, we are concerned about exactly how the City has evaluated the emergency exits required for this space, as such exits are not detailed in the proposed SUP.
- As previously enumerated regarding their continued illegal use of our alleyway, we do not feel confident that this owner will be responsive to noise complaints should they arise. Needless to say, we were disappointed that our requests had to resort to a Cease and Desist letter crafted by an attorney. We can only expect that future issues will need to be dealt with similarly.
- The proposed SUP does not delineate exactly where the trash for this property is stored. Rather, it simply says "Trash and garbage will be housed inside and [sic] defined area on the property next to the building located at 110 S. Pitt Street." This is not a defined location. Due to our previous concerns regarding their trash, we feel it is necessary that the SUP clearly articulate exactly where and how this restaurant handles its trash.
- We have registered previous comments with the city that the restaurant already often exceeds its permitted number of patrons. We have no faith that this restaurant will abide by extended provisions either.

To be extremely clear, we object to the proposed SUP to expand the permitted outdoor seating at 1799 Prime & Seafood. We question the thoroughness and validity of this SUP regarding its emergency exit plans and trash location. We request that *any* SUP relating to this property clearly define that our private alleyway is not a permitted exit or thoroughway for this business. We formally request to be notified of any and all permit requests regarding this property and have not received anything to date regarding SUP2023-00006, as legally required.

I welcome your feedback and confirmation of receipt of this comment. Please let me know if I need to submit additional exhibits or materials to support this comment.

Sincerely,
Meaghan Foran

--

Meaghan Foran
Owner, Creative Director
Alexandria & Company
121 South Royal Street, Alexandria, VA 22314

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Special Use Permit2023-0006
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 'Streeteries' (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.

Special Use Permit2023-0006
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 or postpone it until more information is provided. 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.

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 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 'Streateries' (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.

Samantha Lockwood

From: Ann Horowitz
Sent: Wednesday, March 29, 2023 6:08 PM
To: Samantha Lockwood
Cc: Nancy Williams; Mavis E Stanfield; Tony LaColla; Karl Moritz
Subject: FW: [EXTERNAL]Fwd: [EXTERNAL]Fwd: Alleyway situation
Attachments: 2022.10.08 (4).jpg; 2022.10.08 (1).jpg; 2022.10.08 (3).jpg; 2022.10.08 (2).jpg; 2022.10.18 (1).jpg; 2022.10.18 (2).jpg; 2022.10.18 (3).jpg; 2022.10.18 (5).jpg; 2022.10.20 (1).jpg; 2022.10.20 (3).jpg; 2022.11.04 (1).jpg; 2022.10.20 (2).jpg; 2022.11.04 (2).jpg

Samantha,

Could you send this to the PC tomorrow by early afternoon so they have time to review it before the evening hearing?

Thank you.

Ann

From: Meaghan Foran <meaghan@alxandcompany.com>
Sent: Wednesday, March 29, 2023 5:25 PM
To: Ann Horowitz <ann.horowitz@alexandriava.gov>; Mavis E Stanfield <mavis.stanfield@alexandriava.gov>; jody.manor@gmail.com
Subject: [EXTERNAL]Fwd: [EXTERNAL]Fwd: Alleyway situation

Ms. Horowitz, Ms. Stanfield, and Mr. Manor,

I am forwarding to you an email chain concerning the trash issue that Ann, you and I spoke about regarding whether the complaint was "verified". As you can see from the dates involved, I submitted my complaint to the city on 10/20/2022 via Alex 311 (referenced in my timeline email) and had no success getting an inspection. When we looped in Tony LaColla, it was nearly a month later because we were getting nowhere with the regular means of complaint. I sent photos to Mr. LaColla of the trash situation as it stood on that date and dated to previous weeks, but by the time an inspector was sent the restaurant had evidently cleaned up the trash (because I had just spoken with them about it, again). When I followed up with Mr. LaColla indicating that the trash was overflowing again, I received no response and clearly no inspector was sent.

To be clear, the trash is no longer on our property so this matter is resolved for now. But, I am sending this to reiterate that we did, in fact, document and relay these complaints multiple times to Zoning, so it was surprising to see them unacknowledged in the Staff Report and, as Ann confirmed, the complaint is considered "unverified". Trash management for a restaurant is a vital element of compliance in an SUP owing to health and safety concerns, so this feels like a big deal that this restaurant was so dismissive of these policies from the very beginning.

I plan to speak at the meeting tomorrow. I appreciate all of your time and attention to this matter.

Meaghan

----- Forwarded message -----

From: Meaghan Foran <meaghan@alxandcompany.com>
Date: Tue, Nov 15, 2022 at 9:14 AM
Subject: Re: [EXTERNAL]Fwd: Alleyway situation
To: Tony LaColla <anthony.lacolla@alexandriava.gov>

Hi Tony - just FYI, the trash is overflowing again this morning. It would be an ideal day for the inspectors to come by and we are here if they need access through the gate.

On Mon, Nov 14, 2022 at 3:56 PM Meaghan Foran <meaghan@alxandcompany.com> wrote:

Thanks, Tony. Eve used to store their trash in the front, they never stored their trash in the back, likely due to the access issue. If a restaurant changes their procedure, does that merit review in an SUP? Did Eve have to get their trash location approved in their original SUP?

Best,
Meaghan

Sent from my iPhone

On Nov 14, 2022, at 3:38 PM, Tony LaColla <anthony.lacolla@alexandriava.gov> wrote:

The restaurant applied for a change of ownership so the application (attached) is not as detailed as an Admin or Full Hearing SUP application and does not specifically address trash storage and collection.

Tony LaColla, AICP

Land Use Services Division Chief

City of Alexandria Department of Planning and Zoning

301 King Street, Room 2100

Alexandria, VA 22314

703.746.3829 (desk)

571.329.1896 (cell)

anthony.lacolla@alexandriava.gov

From: Meaghan Foran <meaghan@alxandcompany.com>

Sent: Monday, November 14, 2022 2:20 PM

To: Tony LaColla <anthony.lacolla@alexandriava.gov>

Cc: Danielle Romanetti <danielle@fibrespace.com>; Chris Evans <Chris.Evans@alexandriava.gov>;
Justin Wilson <justin.wilson@alexandriava.gov>

Subject: Re: [EXTERNAL]Fwd: Alleyway situation

Hello,

Tony, thank you for your prompt response to this matter. We just added a lock to the alleyway so that entrance from the street is now impossible without someone opening from within, so unless your inspectors go through the restaurant they won't be able to get to the cans. I won't be here this afternoon but we will be here tomorrow. Unfortunately, we need to keep that alleyway door openable from the inside since it's an emergency egress for our neighbors at 123 South Royal, so I worry that this added lock won't really solve the problem of them using the alleyway for their trash transport but I understand that is a civil matter for us to enforce.

Regarding the overflowing trash: of course, their trash is currently tidy because I just spoke with them about it again this past weekend after telling them again that they cannot use the alleyway so I'm not sure that your inspectors will find much other than the remaining debris that is scattered around the cans. I do have one question about the SUP, though - doesn't the city normally have business owners specify where the trash will be located and how often it will be removed? I was surprised that the SUP didn't directly address this in a way I have seen other SUPs do that. I also didn't see anywhere in their SUP where they mapped out their new patio (the entire thing is new) and received approval for that design in the same way they submitted the rest of the restaurant's layout for approval. The owner told me that he had a fire inspector examine the space but I really don't believe him, so I'm hoping you have some insight into this.

I appreciate all your attention to this, again. We have tried submitting complaints through 311 to no avail, so it's great to see some traction after many weeks of issues. I hate being a neighbor that complains, but the overflowing trash has been an ongoing issue that they don't seem interested in fixing, they seem to feel entitled to an alleyway that doesn't belong to them, and they have just been pretty uncool neighbors in general about their whole patio construction and use.

Meaghan

On Mon, Nov 14, 2022 at 1:57 PM Tony LaColla <anthony.lacolla@alexandriava.gov> wrote:

Since we don't specify location of the containers that isn't something we can't enforce. If it is determined that the restaurant does not have the right to use the alley, they will need to store the containers inside or bring them through the restaurant.

Tony LaColla, AICP

Land Use Services Division Chief

City of Alexandria Department of Planning and Zoning

301 King Street, Room 2100

Alexandria, VA 22314

703.746.3829 (desk)

571.329.1896 (cell)

anthony.lacolla@alexandriava.gov

From: Danielle Romanetti <danielle@fibrespace.com>

Sent: Monday, November 14, 2022 1:51 PM

To: Tony LaColla <anthony.lacolla@alexandriava.gov>

Cc: Chris Evans <Chris.Evans@alexandriava.gov>; Justin Wilson <justin.wilson@alexandriava.gov>;
Meaghan Foran <meaghan@alxandcompany.com>

Subject: Re: [EXTERNAL]Fwd: Alleyway situation

Thank you for this Tony. I don't see in the SUP where it specifies WHERE their trash containers should be. They are obviously in violation with the condition of the containers and the ones they are using, but are those containers even permitted in the location they are in given that the only way to take them to the curb is across private property that isn't theirs...

Danielle Romanetti

Owner
fibre space | fibrespace.com
1319 Prince Street
Alexandria, VA 22314
phone 703-664-0344 | Instagram [fibrespace](https://www.instagram.com/fibrespace)

Find us on Ravelry: Fans of fibre space

On Nov 14, 2022, at 1:46 PM, Tony LaColla <anthony.lacolla@alexandriava.gov> wrote:

The SUP is attached.

Based on the photos I see potential violations of conditions #4, #7, and #21. The Zoning Ordinance now allows outdoor dining for up to 40 seats by right. We will send Inspector Leo Richards this afternoon or tomorrow to do a full inspection.

Because this is a private alleyway, use of that alley is a civil matter between property owners.

Tony LaColla, AICP

Land Use Services Division Chief

City of Alexandria Department of Planning and Zoning

301 King Street, Room 2100

Alexandria, VA 22314

703.746.3829 (desk)

571.329.1896 (cell)

anthony.lacolla@alexandriava.gov

From: Danielle Romanetti <danielle@fibrespace.com>

Sent: Friday, November 11, 2022 8:40 AM

To: Tony LaColla <anthony.lacolla@alexandriava.gov>; Chris Evans <Chris.Evans@alexandriava.gov>

Cc: Justin Wilson <justin.wilson@alexandriava.gov>

Subject: [EXTERNAL]Fwd: Alleyway situation

Hi Tony and Chris,

Forwarding this to you both because I think this is both a code issue and a PnZ / SUP issue. Meghan is a friend and fellow Alexandria Stylebook member. From what we can tell, the restaurant doesn't have approval for outdoor dining on the patio either but is using it. The bigger issue is their illegal use of the alleyway to remove trash and the location and condition of their trash. Meghan sells high end jewelry so people really can't and shouldn't be in her alley staring through windows at her jeweler as he's making jewelry. She's spoken to the owner to no avail. He seems to know he's in violation but won't do anything to correct. hoping you can look at their SUP and provide guidance on where their trash is supposed to be / visit with the business to note what they are doing?

Cc'ing Justin since the owner claims he was involved in their SUP ;)

Thanks for you help.

Danielle Romanetti

Owner
fibre space | fibrespace.com
1319 Prince Street
Alexandria, VA 22314
phone 703-664-0344 | Instagram [fibrespace](https://www.instagram.com/fibrespace)

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Begin forwarded message:

From: Meaghan Foran <meaghan@alxandcompany.com>

Subject: Alleyway situation

Date: November 10, 2022 at 1:46:42 PM EST

To: Danielle Romanetti <danielle@fibrespace.com>

Hello,

Thanks again for giving me guidance on how to navigate this situation we have going on with 110 S. Pitt Street. I actually spoke with the owner, Jay Quandry, on Saturday afternoon on the phone and discussed the issue with him, specifically the problem of his use of the private alleyway between 121 South Royal and 123 South Royal for trash removal (and landscaper access). He told me that he had looked into this and that he was sure he had rights to use it, I asked him to research that and get back to me with the evidence and that I would be doing the same. It was very cordial and I had hoped he would, in fact, do so. He did not get back to me. I texted him on Wednesday morning (11/9) asking if he had any update, he did not respond. So, I spent this morning at the courthouse researching his deed and easements and he does not have any easement granting him use of this private alleyway for any reason at all. So, he lied, not cool.

Better still, I told him on Saturday that I had looked at the SUP and it doesn't say anything about allowing trash to be stored in the back. He said in response that he would speak to his "friend" the mayor, who helped him put together the SUP he has on the space, and that his "friend" would help him sort this out. :)

To sum up the issues that I have brought up to the permitting office to no satisfaction:

The restaurant at 110 South Pitt Street is storing ~9 trash cans (no recycling bins) in the area directly to the back of our building. These

trash cans are often overflowing and unsealed. We have noticed rats in the area. Additionally, they pull these trash cans through a private alleyway located between 121 South Royal and 123 South Royal which they do not have the right to use. They leave trash in this alleyway and the noise/people in the alleyway is highly disruptive and a security concern for us. We have complained to individuals working at the restaurant and the owner of the restaurant to no avail. We have filed complaints via Alexandria 311 to no avail. I attached photos I have sent to them as well.

Please let me know if you have any suggestions as to how this can be remedied by the city.

--

Meaghan Foran

Owner, Creative Director

Alexandria & Company

121 South Royal Street, Alexandria, VA 22314

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<image001.jpg><image002.jpg><image003.jpg><image004.jpg><image005.jpg><image006.jpg><image007.jpg><image008.jpg><image009.jpg><image010.jpg><image011.jpg><image012.jpg><image013.jpg>

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<110 S Pitt St FINAL STAFF REPORT.pdf>

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Meaghan Foran

Owner, Creative Director

Alexandria & Company

121 South Royal Street, Alexandria, VA 22314

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Meaghan Foran

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Meaghan Foran

Owner, Creative Director

Alexandria & Company

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rubber gloves



62









open bin

trash on ground



67



trash is not in enclosed
area





rubber gloves




AMERICAN
703-368-0500


AMERICAN
703-368-0500







Samantha Lockwood

From: Ann Horowitz
Sent: Wednesday, March 29, 2023 6:10 PM
To: Samantha Lockwood
Cc: Nancy Williams; Mavis E Stanfield; Tony LaColla; Karl Moritz
Subject: FW: [EXTERNAL]Fwd: hearing regarding 110 S Pitt

Hello Samantha,

Another email for the PC to see prior to hearing.

Thanks!

Ann

From: Isin Ludlow <isinludlow@gmail.com>
Sent: Wednesday, March 29, 2023 10:17 AM
To: Ann Horowitz <ann.horowitz@alexandriava.gov>
Cc: Stacey Wharam <stacey@fontainecaffe.com>; meaghan@alxandcompany.com; George Ludlow <gludlow204@gmail.com>
Subject: [EXTERNAL]Fwd: hearing regarding 110 S Pitt

You don't often get email from isinludlow@gmail.com. [Learn why this is important](#)

Ms. Horowitz,

I sent you an email regarding 110 S Pitt yesterday. I want to reiterate that, we as property owners and residents of Alexandria for over 30 years, we are totally opposed to this request.

This open space was part of a deal made during the sale of 115-119 S. Royal Street to be separated from the said property and become part of 110 S. Pitt. It is a completely enclosed and locked space that has no access to or from Royal Street. Its only access is, to Pitt and through a very narrow alleyway which is barely wide enough for a trash can to go through.

The present owner/manager of the new restaurant continually tries to use the access of 117 S Royal and 121 S. Royal without our permission and was warned numerous times for his violations. The enclosed space is not suited for outside dining for Pitt Street since it has no exit in case of an emergency which poses enormous threat to all properties around it.

I am quite certain that the same request for outside dining was made by the previous owner of the property, Restaurant Eve and was denied. What exactly changed? Why is an unsafe permit being given to this owner that was denied the previous one? There are serious noise and fire issues since this enclosed property is directly on top of residences and hotel rooms behind it with no emergency exit. This space was only designated to be used as a garden not for dining by Pitt Street owners.

Since your department already made its recommendation to approve this request, I am not sure if this hearing is just a formality to cover your regulatory requirements or a genuine and sincere effort to discuss the issues of concern then decide on the right and fair outcome for all parties. I hope you will address our concerns with an open mind and platform to evaluate the request made by the new owner.

Thank you.

Isin Ludlow
7034030307

Begin forwarded message:

From: Isin Ludlow <isinludlow@gmail.com>
Subject: hearing regarding 110 S Pitt
Date: March 28, 2023 at 10:11:13 AM EDT
To: ann.horowitz@alexandriava.gov
Cc: Stacey Wharam <stacey@fontainecaffe.com>, George Ludlow <gludlow204@gmail.com>

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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