

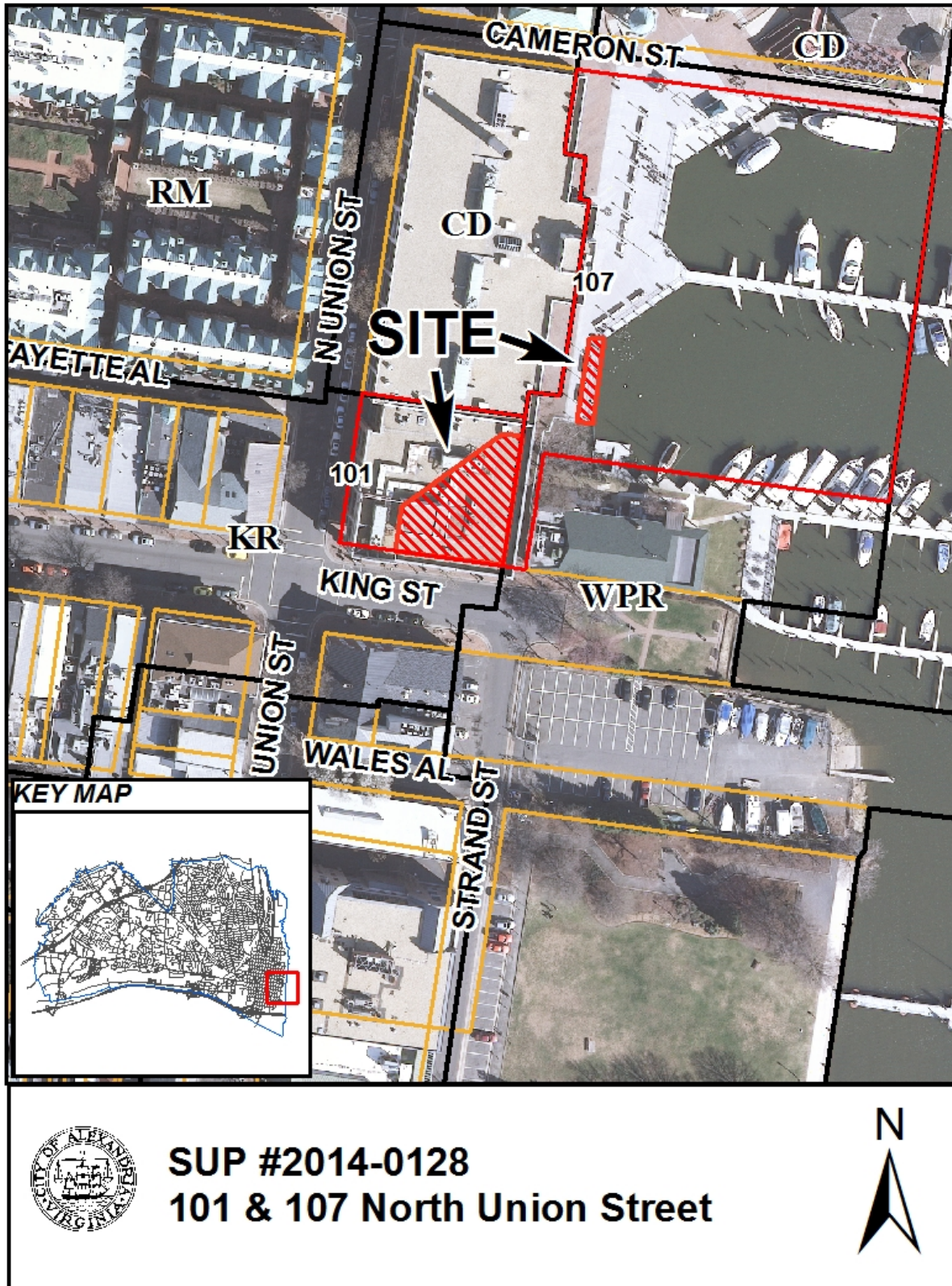
***DOCKET ITEM #8***  
***Special Use Permit #2014-0128***  
***101 and 107 North Union Street – Waterfront Market***

<b>Application</b>	<b>General Data</b>	
Public hearing and consideration of a request to amend previously approved Special Use Permit #2013-0009 to expand an existing restaurant.	<b>Planning Commission Hearing:</b>	March 3, 2015
	<b>City Council Hearing:</b>	March 14, 2015
<b>Address:</b> 101 and 107 North Union Street (7 King Street, Property Address)	<b>Zone:</b>	WPR & KR/Waterfront Park and Recreation and King Street Urban Retail Zone
<b>Applicant:</b> The Waterfront Market, LLC	<b>Small Area Plan:</b>	Waterfront Small Area Plan/Old Town

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

**Staff Reviewers:**

Richard Lawrence, AICP [Richard.lawrence@alexandriava.gov](mailto:Richard.lawrence@alexandriava.gov)  
Alex Dambach, [Alex.dambach@alexandriava.gov](mailto:Alex.dambach@alexandriava.gov)





## I. DISCUSSION

### REQUEST

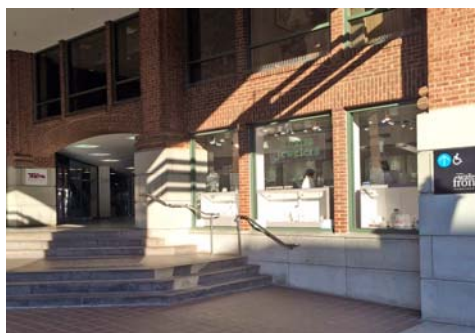
The applicant, Waterfront Market, LLC, requests an amendment to Special Use Permit #2013-0009 in order to expand the existing restaurant into the adjacent retail bay.

### SITE DESCRIPTION

The subject site is on two lots of record: (1) 101 North Union Street (also known as 7 King Street) and (2) 107 North Union Street. 101 North Union has 115 feet of frontage on King Street (south side), and 105 feet of depth for a total lot area of approximately 12,075 square feet. The west side fronts onto Union Street; its north side connects to the City-owned Torpedo Factory Art Center building and its east side abuts the City Marina. The lot holds a three story commercial building with two stories of office use above ground floor retail bays facing onto King Street, Union Street, the City Marina, and a pedestrian arcade which extends from the Union Street side to the City Marina.

The 107 North Union Street lot is part of the City Marina, which is owned and operated by The City of Alexandria. It can be accessed through the above-mentioned pedestrian arcade on the ground level of 101 North Union Street and through a walkway located on the east side of 101 North Union Street. The walkway extends from the unit block and eastern terminus of King Street into the Torpedo Factory and City Marina Plaza.

The subject site is located within the Old and Historic Alexandria District. Any exterior changes to the building visible from a public-right-of-way, including but not limited to installation of new signage including window decals, window replacements, roofing, repairs to the exterior masonry, exterior light fixtures, awnings, and any exterior demolition or encapsulation greater than 25 square feet requires approval by the Board of Architectural Review.



101 N. Union - Corner of Union & King



101 N. Union - Union Street Frontage & walkway on east side to City Marina



101 N. Union - Pedestrian Arcade – Existing restaurant and expanded area



107 N. Union - City Marina Plaza  
Outdoor dining area

## BACKGROUND

Waterfront Market, LLC proposes to expand the existing restaurant on the ground floor of 101 North Union Street to the adjacent retail bay. The most recent approval, SUP#2013-0009 and City Charter, Section 9.06 #2013-0002, approved in May 2013, permitted the restaurant use and through a license agreement, permitted the use of a portion of the City Marina for outdoor dining by the restaurateur. With the previous approval, the applicant also provided improvements to the ADA accessible walkway between the restaurant and the existing ODBC building.

In the past, the retail space has accommodated retail uses such as clothing, furniture, and rug stores, and was occupied by the City's Old Historic Alexandria (OHA) Museum Store prior to the approval and opening of the Waterfront Market in 2013. For several years, the space had lacked a long term tenant, and had been used as a Museum Store to help to enliven the space while The Realco Group, the property broker, searched for a long term tenant.

## PROPOSAL

The existing restaurant is located in 101 North Union Street, and the applicant proposes expanding into the adjacent retail bay along King and Union Streets where Khalsa Jewelers is currently located. The restaurant would add frontage to the northern side of the unit block of King Street and Union Streets, the pedestrian arcade, and Torpedo Factory and City Marina Plaza. The interior space would increase from the existing 3,950 square foot restaurant/market to approximately 4,530 square feet. The expanded restaurant would include a revamped floor plan to increase the seating from 150 seats (outdoor dining included) to 222 seats to include: 135 indoor seats and 67 outdoor seats on a portion of Torpedo Factory and City Marina Plaza. The applicant may also apply to have up to 20 outdoor seats along King Street consistent with the King Street Outdoor Dining Program.

Inside the restaurant, 108 dining seats and 27 bar seats would be dispersed throughout the riverside dining and front dining areas, giving patrons views of the Marina, Waterfront, and activity along King Street. While the previous SUP had bar style/table top seating, this new proposal and reconfigured floor plan include a bar area to accommodate and provide bar service for 27 seats. Some of the additional seats requested with this proposal would be located in the expanded dining area where the current jewelry store is located. This is an increase from the previously approved 76 indoor seats to 135 indoor seats; a net increase of 59 seats. The restaurant would be open for breakfast, lunch and dinner, offering locals, boaters and visitors indoor and outdoor café service; fresh baked goods; delicatessen sandwiches and salads; soups; gourmet food items for on premises and off premises sale; specialty desserts; and an assortment of beverages, including wine and beer for on-premises and off-premises sale.

The Marina area outdoor dining space is currently defined with decorative fencing, lights, and awnings that enhance and define the space. No increase in that square footage is proposed, however the applicant is requesting an increase the amount of permitted seats from 54 to 67 seats there. No change in service to the outdoor dining area is proposed. Patrons would continue to place orders from inside the restaurant and self-select seating.

The expanded Waterfront Market with lighting, planters, signage, indoor and outdoor dining would increase pedestrian visibility of the restaurant from King and Union Streets thus making the area more inviting and enlivening the space in the evening and year-round. No live entertainment is anticipated inside or at the outdoor dining spaces.

Operation would include:

<u>Hours:</u> (Restaurant)	7:00am – 11:00pm, Sunday – Thursday 7:00am – 1:00am, Friday – Saturday
<u>Hours:</u> (Outdoor Dining)	7:00am – 11:00pm, Sunday - Saturday
<u>Number of seats:</u>	222 seats (includes Marina and King Street outdoor dining)
<u>Type of Service:</u>	Dine-in and carry-out
<u>Alcohol:</u>	On and off premise alcohol sale is proposed
<u>Entertainment:</u>	No live entertainment is proposed although several large-screen televisions will be located inside the premises.
<u>Delivery:</u>	No customer delivery service is proposed
<u>Noise:</u>	Minimal noise levels are anticipated
<u>Trash/Litter:</u>	Food wrappers, bottles, cans, utensil waste and other debris will be collected and transported to the Torpedo Factory/Food Court Complex loading and unloading dock area off Thompsons Alley where dumpsters are located; the restaurant is anticipated to generate approximately one dumpster per day, and debris would continue to be collected by a commercial collector six days a week. Employees would continue to monitor the vicinity for litter.

#### THE CITY MARINA - TORPEDO FACTORY AND CITY MARINA PLAZA

As noted above, the applicant's proposal includes the use of a portion of the Torpedo Factory and City Marina Plaza (parcel address 107 North Union Street) that is located on the east side of 101 North Union Street. The Torpedo Factory and City Marina Plaza are public open/recreational spaces that currently serve as a corridor for visitors of the Torpedo Factory Art Center and to the Waterfront. The previous SUP approval included 815 square feet of Torpedo Factory and City Marina Plaza area to provide outdoor seating (54 seats), across from the eastern entrance of the restaurant at 101 North Union Street. The applicant has requested an increase in the amount of seats within this area from 54 to 67 seats, a net increase of 13 seats.

### PARKING

The subject property is located within the Central Business District (CBD). According to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are exempt from parking requirements. Although parking impacts are possible, in general, the site is served by several public transportation options. The restaurant is immediately adjacent to the free King Street Trolley with a route that takes passengers from the King Street Metrorail station to the unit block of King Street; bicyclists on the Mount Vernon Trail can park their bicycles in a new bicycle corral at Union and King Streets, rent a bicycle on The Strand, or obtain a bicycle from the Capital Bikeshare station at Union and Prince Streets. Also, the restaurant is adjacent to the Water Taxi service at the City Marina which brings visitors from National Harbor and the District of Columbia to Alexandria. The applicant has indicated that most employees take public transit. The applicant is also providing three spaces in a nearby garage for the manager and two supervisors.

### ZONING/MASTER PLAN DESIGNATION

The subject property where the primary restaurant is located is in the KR/King Street Urban Retail Zone (Section 6-702 [A] [2][k] of the Zoning Ordinance) which allows restaurants with a Special Use Permit. The KR/King Street Urban Retail Zone is intended to create strategic and flexible zoning for properties abutting King Street in Old Town in order to enhance the long term vitality of the street by among other things encouraging retail and other active uses along King Street and discouraging non-active uses.

The outdoor seating proposed on the City Marina is located in the WPR/Waterfront Parks and Recreation Zone (Section 6-203[F] of the Zoning Ordinance) which allows restaurants including outdoor cafes with a Special Use Permit.

The proposed restaurant and outdoor dining use is within the boundaries of the Waterfront Small Area Plan planning area which encourages active uses and amenities along the Waterfront such as retail, restaurants, waterfront dining, enhanced parks and public space and programming. The use is also consistent with the Old Town Small Area Plan that designates the site for commercial use.

## **II. STAFF ANALYSIS**

Staff supports the applicant's request for an expansion of the existing restaurant. The proposed use complements the existing uses along King Street and staff does not foresee adverse impacts with the intensification of use. The applicant's request is consistent with City Policies and the Old Town Restaurant Policy, which requires an analysis of the restaurant's potential impact concerning parking, alcohol and late-night hours, litter, and diversity of uses on the surrounding area.

Waterfront Small Area Plan

A key goal of the Waterfront Small Area Plan, adopted in 2012, was to create a living, active Waterfront that is a destination and is welcoming to all Alexandrians and visitors through an expansion and enhancement of public spaces and an increase in services and amenities such as outdoor Waterfront dining. At the time of the previous SUP approval, the Phase I Waterfront Design had not yet commenced. The Phase I Waterfront Design has now been approved by Council as of June 2014. It includes the relocation of the Old Dominion Boat Club (ODBC) building from its current location to the former Beachcomber's site at the foot of Prince Street. The increased views and increased public plaza at the foot of King Street afforded by the removal of the ODBC building provides an improved connection between the Marina, waterfront parks and public spaces, and King Street. The revised restaurant floor plan would also maximize views of the water/public spaces further adding vitality to the area as it develops and becomes more open to the waterfront. Likewise, the expansion into the jewelry store space would help to activate the corner of King and Union Streets drawing pedestrians through the pedestrian walkway and to the water.

Old Town Restaurant Policy

The Old Town Restaurant Policy requires a finding that any new or expanded restaurant in the neighborhood will not significantly impact nearby residential neighborhoods. More specifically it asks that that each restaurant be reviewed with regard to the following factors:

- A) Availability of Off-Street Parking: Public parking in this area has been documented through the Old Town Area Parking Study and is available within a five-minute walk of the restaurant to accommodate patrons who drive. The applicant is required to direct its customers to these public garages and inform them of available public transportation option in Condition 15. Most of the existing patrons that utilize the market arrive there by modes other than private motor vehicle. Employees who drive must also park off-site and are encouraged to use public transportation. Additionally, through a condition of the previous approval, to be carried forward with this approval, the applicant is to provide a parking incentive that provides spaces for 3 employees; the manager and two supervisors.
- B) Late-Night Hours and Alcohol – No changes to the previously approved hours are requested. The hours are noted above with closing time at 11:00 pm on Sunday through Thursdays and at 1:00 am on Friday and Saturday. For the outdoor dining, closing will be at 11:00 pm daily consistent with the Standards for Outdoor Dining under the King Street Outdoor Dining Overlay Zone (Section 6-805 E of the Zoning Ordinance). Hours will be posted appropriately and, through conditions of this approval, the applicant will be required to comply with the designated closing times. These business hours are consistent with several other restaurant establishments in the vicinity and also along King Street. Although the restaurant is in a mixed use area, it does not face any residences nor are residences in immediate proximity.
- C) Extent of Litter Impact – Although litter is not anticipated by the applicant, the establishment will be required to monitor the site and the adjacent public right of way for debris and shall, through a condition of this approval, remove and dispose of it in a timely

manner to an appropriate space. The space is part of the Torpedo Factory/Food Court Complex loading and unloading dock area which provides dumpsters where such debris and other waste can be disposed.

- D) Diversity of Uses – The restaurant offers retail products such as food, baked goods, beverages, gourmet items, desserts, wine and beer for residents, visitors, boaters and others to enjoy. It also offers sales merchandise and general information pertinent to the Old Town, Waterfront and the Alexandria experience.

#### Old & Historic Alexandria District (OHAD) BAR Review

With the expansion of the restaurant the applicant proposes to make exterior changes to the adjacent retail bay, which requires review from Historic Preservation staff and approval by the OHAD Board of Architectural Review. The applicant's proposal is scheduled to be heard by the OHAD BAR this Spring.

#### Section 9.06 of the City Charter and License Agreement to utilize the City Marina Plaza

No changes to the previously approved 9.06 case are proposed with this amendment. The increased seating requested within the outdoor dining area on the City Marina Plaza does not require any revisions to the license agreement between the City and the applicant. The license runs for three years, of which one year has already expired, and requires payment of a license fee, calculated with reference to the market value of commercial floor space. Under the terms of the agreement, the City retains ownership of the land but the applicant has permission to use it consistent with the SUP approval.

#### Deliveries/Loading

The previous SUP condition required the applicant to utilize the Torpedo Factory Office Building/Food Court loading and unloading dock that is located off Thompson's alley for service deliveries. The applicant has since been in violation of that condition because of reported difficulty with access to that loading dock as well as difficulty coordinating deliveries with the other users of Thompson's alley. To address this issue, the applicant met with staff, and it was mutually determined that Fayette Alley, just off of North Union Street, provides a more appropriate location for loading/unloading and service deliveries to occur. The applicant has also been advised that loading/unloading is strictly prohibited and may not occur along King Street nor along Union Street. Staff has amended the previous condition as shown in Condition #3 to include this language. The applicant is restricted to the designated times for deliveries/loading that are noted as a condition of this approval.

#### Trash Storage

The applicant currently utilizes the City dumpster located across Union Street but also still has access to dumpsters maintained in the Torpedo Factory Office Building/Food Court Complex loading and unloading dock area off Thompsons Alley. The previous condition has been amended to provide the applicant with flexibility on the location of trash storage.



The trash shall be sealed appropriately and stored in the contained dumpster as stipulated under Condition #4. The applicant anticipates using one whole dumpster per day.

### Conclusion

The proposed restaurant expansion would be a continued asset to the Waterfront area, as the City continues implementation of the Waterfront Small Area Plan and reaches its goals and objectives to make the area more vibrant, viable, and active. Activating the corner of King and Union Streets with restaurant frontage will increase vitality and pedestrian activity to and from the Marina. While the applicant is significantly increasing the amount of interior seats, the majority of patrons arrives by other modes of transportation than by car and should not adversely affect parking in the area. Staff will continue to monitor parking in the area as Waterfront redevelopment occurs.

Subject to the conditions contained 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:

1. **CONDITION ADDED BY STAFF:** 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)
2. **CONDITION AS AMENDED BY STAFF:** The maximum number of total seats at the restaurant shall be ~~150 seats~~ 222 seats, which include seasonal outdoor dining. The total number of indoor seats shall be ~~76 seats~~ not exceed 135 seats. Up to 67 outdoor seats may be provided on the Marina in the designated area through the previously approved license agreement between the applicant and the City provided minimum aisle clearance requirements are met. Additionally, up to twenty (20) outdoor seating along King Street may be provided on the premises subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program. Additionally, ~~54 outdoor seats may be provided on the Marina through a license agreement between the applicant and the City.~~ (P&Z)
3. **CONDITION AS AMENDED BY STAFF:** The applicant shall utilize ~~the Torpedo Factory Office Building/Food Court~~ Fayette Alley as a loading and unloading dock area that is located off Thompson's alley North Union Street for supply deliveries. Loading and unloading may not occur and is strictly prohibited on King Street and on Union Street. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 pm and 7:00 am. (P&Z)(T&ES)
4. **CONDITION AS AMENDED BY STAFF:** Trash and garbage shall be placed in sealed containers maintained in the Torpedo Factory Office Building/Food Court Complex loading and unloading dock area off Thompsons Alley or in the City

dumpster located across Union Street. The trash shall be sealed appropriately and stored in the contained dumpster which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)

5. **SUP2013-0009 CONDITION AS APPROVED:** The applicant shall post the hours of operation at the entrance of the business. (P&Z)
6. **SUP2013-0009 CONDITION AS APPROVED:** For indoor seats, meals ordered before 11:00 pm Sunday – Thursday and before 1:00 am Friday – Saturday, may be sold, but no new alcohol may be served and no new patrons may be admitted after 11:00 pm Sunday – Thursday and after 1:00 am Friday – Saturday. All patrons must leave by 12:00 am Sunday – Thursday and by 2:00 am on Friday – Saturday. (P&Z)
7. **SUP2013-0009 CONDITION AS APPROVED:** The hours of operation for outdoor seats shall be limited to between 7am and 11pm, 7 days a week. The outdoor dining area shall be closed and cleared of all customers by 11pm. The outdoor seating area shall not include advertising signage, including on umbrellas.(P&Z)
8. **SUP2013-0009 CONDITION AS APPROVED:** No live entertainment shall be permitted either inside the restaurant or in any outdoor dining area. (P&Z)
9. **SUP2013-0009 CONDITION AS APPROVED:** No customer delivery service shall be available from the restaurant. (P&Z)
10. **SUP2013-0009 CONDITION AS APPROVED:** On and off-premises alcohol sales may be offered at the restaurant. (P&Z)
11. **SUP2013-0009 CONDITION AS APPROVED:** Beer or wine coolers may be sold for off-premises consumption only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (P&Z) (Police)
12. **SUP2013-0009 CONDITION AS APPROVED:** All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)(T&ES)
13. **SUP2013-0009 CONDITION AS APPROVED:** 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)
14. **SUP2013-0009 CONDITION AS APPROVED:** The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z)(T&ES)

15. **SUP2013-0009 CONDITION AS APPROVED:** The applicant shall direct patrons to the availability of parking at nearby public garages and 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 Strategy. (T&ES)
16. **SUP2013-0009 CONDITION AS APPROVED:** The applicant shall maintain an up-to-date parking agreement for three (3) off-street parking spaces for employees during business hours to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (T&ES)
17. **SUP2013-0009 CONDITION AS APPROVED:** Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
18. **SUP2013-0009 CONDITION AS APPROVED:** All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
19. **SUP2013-0009 CONDITION AS APPROVED:** The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
20. **SUP2013-0009 CONDITION AS APPROVED:** Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
21. **SUP2013-0009 CONDITION AS APPROVED:** The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
22. **SUP2013-0009 CONDITION AS APPROVED:** No food, beverages, or other material shall be stored outside. (P&Z)
23. **SUP2013-0009 CONDITION AS APPROVED:** 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)

STAFF: Alex Dambach, Land Use Division Chief, Department of Planning and Zoning  
Richard Lawrence, AICP, Urban Planner

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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:**

1. The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES) (SUP2004-00081)
2. The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES)

##### **Code Enforcement:**

- F-1 The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Charles Cooper, Plan Review division at [Charles.cooper@alexandriava.gov](mailto:Charles.cooper@alexandriava.gov) or 703-746-4197. (Code Administration)
- C-1 Building and trade permits are required for alterations listed in SUP application. Please provide a full detailed plan to the Code Administration office that describes the scope of alterations to operate the proposed restaurant.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

##### **Health:**

###### **Food Facilities**

- C - 1. An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual or location to another.
- C - 2. Plans shall be submitted to the Health Department through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
- C - 3. Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling Code of the City of Alexandria. Plans shall include a menu of food items to be



offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.

- C - 4. Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.
- C - 5. A Certified Food Manager shall be on-duty during all operating hours.
- C - 6. The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C - 7. Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

**Fire:**

- C - 1 A fire prevention permit is required where the occupant load exceeding 50 total patrons and employees.

**Police Department:**

No comments received

**Parks and Recreation:**

- F-1 No Comment



## APPLICATION

# SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** 2014-0128

**PROPERTY LOCATION:** 101 & 107 N. Union Street

**TAX MAP REFERENCE:** 075.01-04-03 & 075.01-04-02 **ZONE:** KR & WPR

**APPLICANT:**

Name: The Waterfront Market, LLC

Address: 101 N. Union Street Alexandria, VA 22314

**PROPOSED USE:** Expansion of existing restaurant

☒ **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.

John P Manor

Print Name of Applicant or Agent

103 N. Alfred Street

Mailing/Street Address

Alexandria, VA

City and State

22314

Zip Code

[Signature]  
Signature

19 Dec 2014

Date

703.926.4767

Telephone #

703.549.3150

Fax #

jody@bittersweetcatering.com

Email address

**ACTION-PLANNING COMMISSION:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**ACTION-CITY COUNCIL:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 101 N. Union St. Alexandria VA I hereby  
(Property Address)  
 grant the applicant authorization to apply for the Special Use Permit use as  
(use)  
 described in this application.

Name: Gary Baker Phone: 703 684 0222  
Please Print  
 Address: 201 N. Union St. Alex VA Email: gbreak@cox.net  
 Signature: [Signature] Date: 20 Dec. 2014

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 ten percent.

The Waterfront Market, LLC is a Virginia limited liability company. The sole member of the liability company is John P. Manor. The mailing address is 103 N. Alfred St. Alexandria, VA 22314. It is anticipated that additional individuals or entities will become members of the limited liability company.

## 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 ten 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. <u>John P Manor</u>	103 N. Alfred St. Alexandria, VA 22314	100%
2.		
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 101 N. Union Street Alexandria, VA 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten 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. <u>Alex. Waterfront</u>	201 N. Union St. Alexandria, VA 22314	94%
2. <u>Associates, LP</u>		
3.	201 N. Union Street Alexandria, VA 22314	

**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. <u>John P Manor</u>	none	Planning Commission, City Council
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.

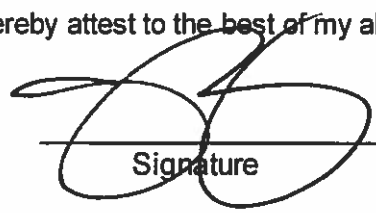
19 Dec 2014

Date

John P Manor

Printed Name

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.)

The Waterfront Market, LLC is seeking to expand into the adjacent space at the  
corner of King & Union Streets currently occupied by Khalsa Jewelers.  
After a successful first year in business, we believe we can further the City's stated  
goals of adding vibrancy to the waterfront by adding a small dining room to the  
operation. The new dining room will have 39 seats for a total of 222 seats inclusive of  
outdoor seating areas.



## 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).

While the floor plan and layout have a total of ~~250~~ 325 seats (including outdoor), we anticipate approximately a maximum of 150 dining patrons at any one time and 120 during the week.

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

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

Approximately a total of 25 individuals will be employed on a full or part time basis. The anticipated maximum number of employees on site at any one time is 12 (weekdays) and 18 (weekends)

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

Day:

Sunday - Thursday (same as current SUP)

Hours:

7 a.m.- 11 p.m.; everyone out by 12 a.m. (same as current SUP)

Friday - Saturday (same as current SUP)

7 a.m.- 1 a.m.; everyone out by 1:30 a.m. (same as current SUP)

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

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

It is not anticipated that noise levels will exceed permitted levels under Alexandria code.

B. How will the noise be controlled?

It is not anticipated that patron noise will be a source of complaints; as such, no extraordinary noise mitigation and control measures are warranted.

8. Describe any potential odors emanating from the proposed use and plans to control them:

It is not anticipated that offensive odors will emanate from the use of the

property as a restaurant.

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)

Food wrappers, bottles & cans

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

The restaurant will generate approximately one dumpster per day.

- C. How often will trash be collected?

The restaurant currently uses the City's dumpster across Union Street.

- D. How will you prevent littering on the property, streets and nearby properties?

Litter has not been a problem with the Market as staff self polices the area and

adjacent right of way. We plan to continue this.

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

☒ Yes.

☐ No.

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

Small quantities of hazardous materials, generally recognized to be appropriate for use by restaurants in the operation of business, will be stored, used as solvents and disposed of in accordance with applicable regulations.

- 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:

Small quantities of hazardous materials, generally recognized to be appropriate

for use by restaurants in the operation of business, will be stored, used as

solvents and disposed of in accordance with applicable regulations.

- 12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons?  
The location in the Central Business District and the existing permitted hours of  
operation of the restaurant provide a safe environment of its patrons and staff.

It is not anticipated that extraordinary security measures will be required.

## 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.

On premises and off premises of beer & wine as currently permitted.

Mixed drinks on premise as approved by VA ABC.

**PARKING AND ACCESS REQUIREMENTS**

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

*None - this property is located in the Downtown Central Business District*

0 \_\_\_\_\_ Standard spaces

0 \_\_\_\_\_ Compact spaces

0 \_\_\_\_\_ Handicapped accessible spaces.

0 \_\_\_\_\_ Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A \_\_\_\_\_

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where is required parking located? (check one)

☐ on-site

☐ off-site

*Not applicable - this property is located in the Downtown Central Business District*

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

**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? 3

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 \_\_\_\_\_

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where are off-street loading facilities located? Delivery vehicles currently use the loading dock off Thompson's Alley
- C. During what hours of the day do you expect loading/unloading operations to occur?  
Loading and unloading activities currently occur Monday - Saturday 9:00 am.- 3:00 pm
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?  
Currently there are 2 - 4 deliveries per day (Monday - Saturday). We anticipate a similar schedule
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?  
Street access to the property is 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? n/a square feet.
18. What will the total area occupied by the proposed use be?  
3950 sq. ft. (existing) + 580 sq. ft. (addition if any) = 4530 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





## SUPPLEMENTAL APPLICATION

### RESTAURANT

All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

1. How many seats are proposed?  
Indoors: 135                      Outdoors: 87                      Total number proposed: 222
  
2. Will the restaurant offer any of the following?  
Alcoholic beverages (SUP only)                      ☒ Yes                      \_\_\_\_\_ No  
Beer and wine — on-premises                      ☒ Yes                      \_\_\_\_\_ No  
Beer and wine — off-premises                      ☒ Yes                      \_\_\_\_\_ No
  
3. Please describe the type of food that will be served:  
Same as current SUP - Breakfast items, sandwiches, salads, soups, sushi, bakery  
items, entrees  
\_\_\_\_\_
  
4. The restaurant will offer the following service (check items that apply):  
☒ table service                      ☒ bar                      ☒ carry-out                      \_\_\_\_\_ delivery
  
5. If delivery service is proposed, how many vehicles do you anticipate? N/A  
Will delivery drivers use their own vehicles?                      \_\_\_\_\_ Yes                      \_\_\_\_\_ No  
Where will delivery vehicles be parked when not in use?  
\_\_\_\_\_
  
6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?  
☒ Yes                      \_\_\_\_\_ No  
If yes, please describe:  
As currently approved, large screen TVs will be placed behind counters for guests to  
enjoy cooking programs, sports & news.  
\_\_\_\_\_  
\_\_\_\_\_

Parking impacts. Please answer the following:

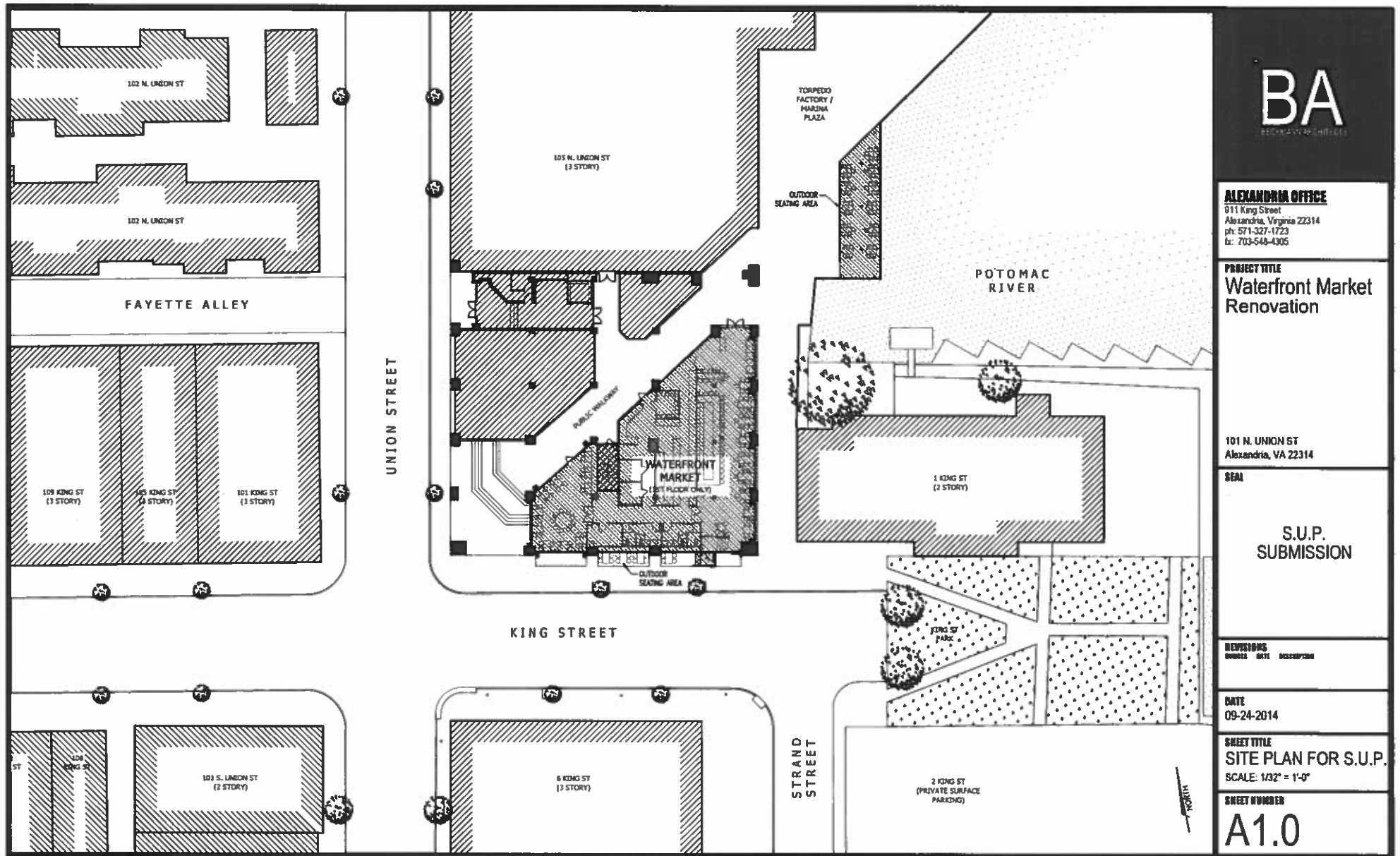
1. What percent of patron parking can be accommodated off-street? (check one)
  - ☒ 100%
  - ☐ 75-99%
  - ☐ 50-74%
  - ☐ 1-49%
  - ☐ No parking can be accommodated off-street
  
2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)
  - ☐ All
  - ☐ 75-99%
  - ☒ 50-74%
  - ☐ 1-49%
  - ☐ None
  
3. What is the estimated peak evening impact upon neighborhoods? (check one)
  - ☒ No parking impact predicted
  - ☐ Less than 20 additional cars in neighborhood
  - ☐ 20-40 additional cars
  - ☐ More than 40 additional cars

Litter plan. The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

Alcohol Consumption and Late Night Hours. Please fill in the following information.

1. Maximum number of patrons shall be determined by adding the following:
 

195	Maximum number of patron dining seats
+	27 Maximum number of patron bar seats
+	12 Maximum number of standing patrons
=	234 Maximum number of patrons
  
2. 18 Maximum number of employees by hour at any one time
  
3. Hours of operation. Closing time means when the restaurant is empty of patrons.(check one)
  - ☐ Closing by 8:00 PM
  - ☐ Closing after 8:00 PM but by 10:00 PM
  - ☐ Closing after 10:00 PM but by Midnight
  - ☒ Closing after Midnight
  
4. Alcohol Consumption (check one)
  - ☐ High ratio of alcohol to food
  - ☒ Balance between alcohol and food
  - ☐ Low ratio of alcohol to food





1) PHOTO FROM KING ST & UNION ST



2) PHOTO FROM END OF KING ST



3) PHOTO OF PUBLIC BREEZEWAY



4) PHOTO OF NORTH SIDE OF WATERFRONT CAFE



5) PHOTO OF WALKWAY ALONG EAST SIDE



6) PHOTO OF EXISTING OUTDOOR SEATING ON PUBLIC PLAZA

**BA**  
BRAND ARCHITECTS

**ALEXANDRIA OFFICE**

911 King Street  
Alexandria, Virginia 22314  
ph: 571-327-1723  
fx: 703-548-4305

**PROJECT TITLE**

**Waterfront Market  
Renovation**

101 N. UNION ST  
Alexandria, VA 22314

**S&L**

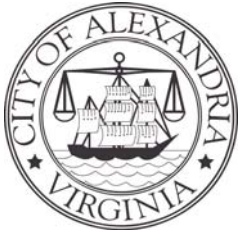
**S.U.P.  
SUBMISSION**

**REVISIONS**  
OWNER DATE DESCRIPTION

**DATE**  
09-24-2014

**SHEET TITLE**  
PHOTOS OF EXISTING  
FOR S.U.P.

**SHEET NUMBER**  
**A3.0**



**Special Use Permit #2013-0009 (A)**  
**City Charter Section 9.06 #2013-0002 (B)**  
**101 and 107 North Union Street – Waterfront Market**

Application	General Data	
Consideration of a request to operate a restaurant and a request for approval of a change of use for a portion of the City Marina under Section 9.06 of the City Charter.	<b>Planning Commission Hearing:</b>	May 7, 2013
	<b>City Council Hearing:</b>	May 18, 2013
<b>Address:</b> 101 and 107 North Union Street	<b>Zone:</b>	KR/King Street Urban Retail Zone WPR/ Waterfront Park and Recreation Zone
<b>Applicant:</b> The Waterfront Market, LLC	<b>Small Area Plan:</b>	Waterfront Small Area Plan

**Staff Recommendation:** A) approval of the SUP subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report; and B) approval of a change of use under Section 9.06 of the City Charter (Planning Commission approval only).

**Staff Reviewers:**

Karl Moritz, [karl.moritz@alexandriava.gov](mailto:karl.moritz@alexandriava.gov)  
Nancy Williams, [Nancy.williams@alexandriava.gov](mailto:Nancy.williams@alexandriava.gov)  
Richard Lawrence, [Richard.lawrence@alexandriava.gov](mailto:Richard.lawrence@alexandriava.gov)

**CITY COUNCIL ACTION, MAY 18, 2013:** City Council approved the Planning Commission recommendation.

**PLANNING COMMISSION ACTION, MAY 7, 2013:** On a motion by Vice Chair Dunn, seconded by Commissioner Macek, the Planning Commission recommended approval of SUP #2013-0009 and found the use of a portion of the City Marina for outdoor restaurant seating consistent with the Master Plan pursuant to Section 9.06 of the City Charter. The motion carried on a vote of 7 to 0.

**Reason:** The Planning Commission agreed with the staff analysis.

**Speakers:**

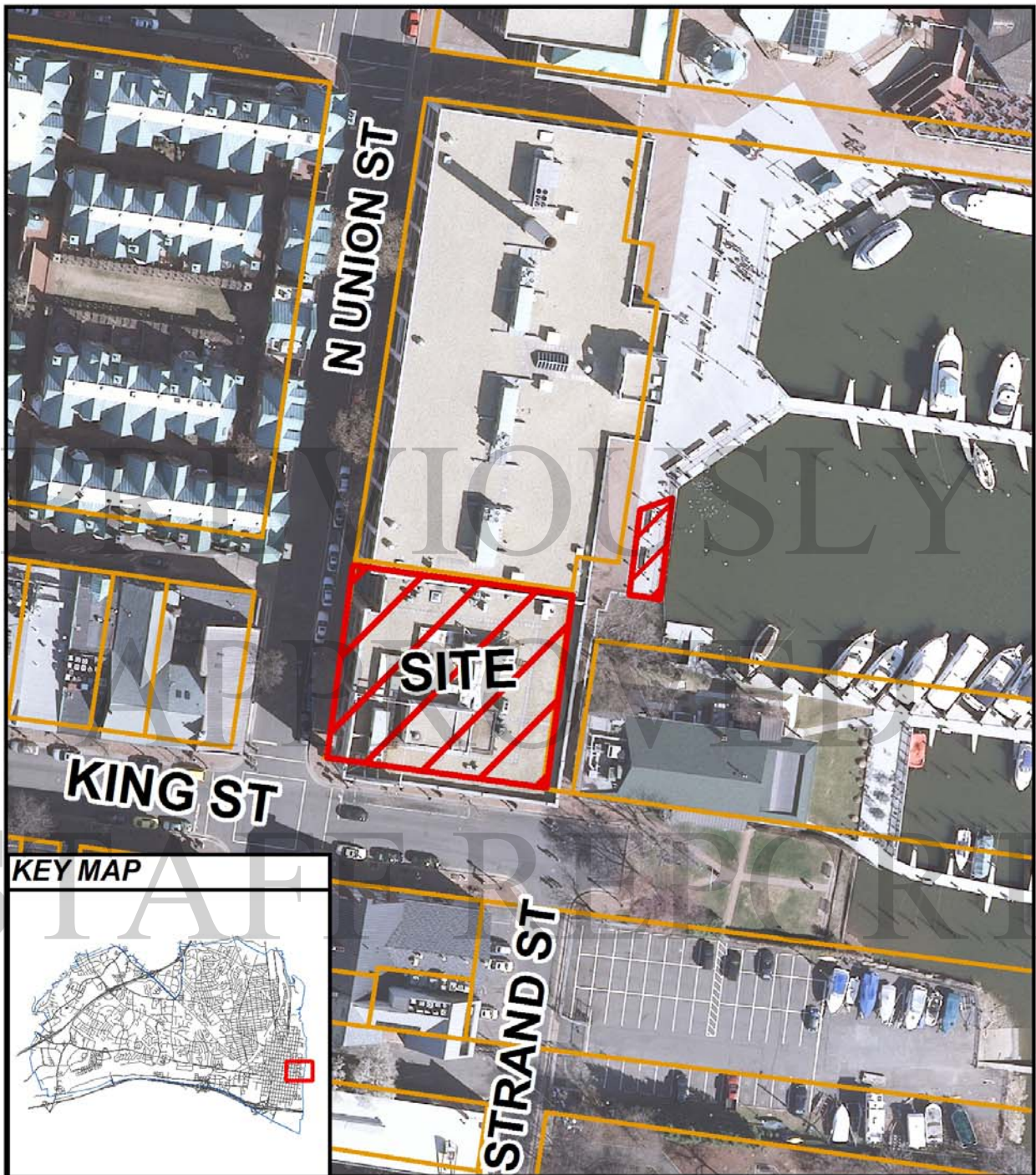
Yvonne Callahan, president of Old Town Civic Association, indicated that due to time constraints OTCA was unable to vote on the project but agreed that in general there is a lot to like about it. They like that it is in Old Town, the hours, and that it is a project done by the owner of Bittersweet. They expressed concern about the use of public space for private enterprise, indicating the concept may not be a bad idea if the City will use the revenue from the leasing of public spaces to fund the acquisition of additional open spaces that would be

accessible to the public. Ms. Callahan also requested that the location of benches to be removed along King Street be relocated in the general area to retain the seating for bus stop and trolley riders.

Lynn Hampton, resident of 215 Park Rd, supports the project. Ms. Hampton expressed that the use compliments the history of the Waterfront as a seaport town and adds permanence to the use of the retail space as well as bringing much needed activity, services, and dining to the Waterfront area boaters and residents. She acknowledged the limitations of current policy but said because she and her husband are sailors and their only regret is that the outdoor dining hours aren't longer as they would enjoy sitting on the dock at a restaurant up until 1:00 am when they return from sailing.

# PREVIOUSLY APPROVED STAFF REPORT





**SUP #2013-0009**  
**City Charter Section**  
**9.06 #2013-0002**

**5/7/2013**



## I. DISCUSSION

### REQUEST

The applicant, Waterfront Market, LLC, requests Special Use Permit approval to operate a restaurant (Waterfront Market) at 101 North Union Street in retail bays 4 and 5 and approval under Section 9.06 of the City Charter for a change of use for a portion of 107 North Union Street (City Marina) for accessory outdoor dining.

### SITE DESCRIPTION

The subject site is on two lots of record: (1) 101 North Union Street and (2) 107 North Union Street. 101 North Union has 115 feet of frontage on King Street (south side), and 105 feet of depth for a total lot area of approximately 12,075 square feet. The west side fronts onto Union Street; its north side connects to the City-owned Torpedo Factory Art Center building and its east side abuts the City Marina. The lot holds a three story commercial building with two stories of office use above ground floor retail bays facing onto King Street, Union Street, the City Marina, and a pedestrian arcade which extends from the Union Street side to the City Marina.

The 107 North Union Street lot is part of the City Marina, which is owned and operated by Alexandria. This part of the City Marina is called Torpedo Factory and City Marina Plaza. It can be accessed through the above-mentioned pedestrian arcade on the ground level of 101 North Union Street and through a walkway, located on the east side of 101 North Union Street. The walkway extends from the unit block and eastern terminus of King Street onto Torpedo Factory and City Marina Plaza.

Additionally, the subject site is located within the Old and Historic Alexandria Historic District. Any exterior changes to the building, which are visible from a public-right-of-way, including but not limited to installation of new signage including window decals, window replacements, roofing, repairs to the exterior masonry, exterior light fixtures, awnings, and any exterior demolition or encapsulation greater than 25 square feet requires approval by the Board of Architectural Review.

### BACKGROUND



101 N. Union - Corner of Union & King



101 N. Union - King Street Frontage & walkway on east side to City Marina



101 N. Union - Pedestrian Arcade & Retail Bays



107 N. Union - Torpedo Factory and City Marina Plaza



101 N. Union Street is one of 5 buildings which frame Torpedo Factory and City Marina Plaza from their eastern sides. Four of the buildings sit on land owned by the City and leased to the Alexandria Waterfront Associates, LP (The Realco Group): (1) 101 North Union Street (Office/Retail), (2) 201 North Union Street (Office), (3) 5 Cameron Street (Food Court) (4) 1 Cameron Street (Chart House), and (5) 105 N. Union Street, the City-owned Torpedo Factory Art Center.

Waterfront Market, LLC would utilize retail bays 4 and 5 of the ground floor in 101 North Union Street for the restaurant. These particular bays have accommodated other retail in the past, such as clothing, furniture and rug stores, but not a restaurant. For the past several years, the space has lacked a long term tenant. The space is currently occupied by the City's Old Historic Alexandria (OHA) Museum Store which has been in the space over the past couple years, paying utility and maintenance costs. Their presence has helped to enliven the space while The Realco Group has searched for a long term tenant. The City's OHA Museum Store offers a wide variety of Alexandria-related merchandise showcasing the best selections from all the OHA museum retail establishments. Store sales support programming at OHA museums. The restaurant proposes to designate some of its space for retail items from the City's OHA Museum Store and for Waterfront and Old Town Alexandria marketing material such as that produced by the Alexandria Convention and Visitors Association.

Torpedo Factory and City Marina Plaza (parcel address 107 North Union Street), consists of the Marina deck and lands under water in the Potomac River and is used as public open/recreational space. The full City Marina has approximately 75 active slips allocated for pleasure and commercial vessels. The Potomac River and nearly half the slips can be seen from Torpedo Factory and City Marina Plaza. The other slips are located a short distance to the north, including slips for the Water Taxi which transports visitors from the District of Columbia and National Harbor to Alexandria and vice versa. The Torpedo Factory and City Marina Plaza is a gateway to Old Town Alexandria once visitors disembark from the Water Taxi. They then generally proceed to Torpedo Factory and City Marina Plaza, where they see the Chart House, the Torpedo Factory and adjacent office buildings, including 101 N. Union Street where the new restaurant and outdoor dining will be located.

Torpedo Factory and City Marina Plaza is connected on its southern end to the unit block and eastern terminus of King Street. At the eastern terminus, there is a small passive park adjacent to the water; it is separated to the north by Old Dominion Boat Club (ODBC) slips and the ODBC clubhouse and to the south by the ODBC surface parking lot. The unit block of King Street intersects with The Strand. Starbucks and the Mai Thai restaurant are located on the south side of the unit block of King Street, offering both indoor and outdoor seating. A bicycle corral was recently installed on a portion of this side of the block. 101 North Union Street, where the restaurant would be located, abuts the north side of the unit block of King Street. There are currently no active uses on that side of the block. One block to the west is the intersection of Union and King Streets. Retail and restaurants are located south on Union between King and Duke Streets; office and residential condominium uses are primarily to the north on Union Street. The Old Town portion of King Street continues westbound for one mile to the King Street Metrorail station, with an appealing mix of retail and restaurants, commercial and civic

uses in between. The King Street Trolley route extends from the Metrorail Station to the eastern terminus and unit block of King Street.

### PROPOSAL

The restaurant would be located in 101 North Union Street by combining retail bays 4 and 5. It would front onto the northern side of the unit block of King Street, the pedestrian arcade, and Torpedo Factory and City Marina Plaza. The space would consist of a 3,950 square foot restaurant/market similar to a ship's store with a total of 150 seats, including: (1) 76 indoor seats, (2) 20 outdoor seats along King Street and (3) 54 seats on a portion of Torpedo Factory and City Marina Plaza area.

Inside the restaurant, the 76 seats would be primarily distributed along the glass walls of the space giving many of the patrons a view of the Marina and Waterfront. The restaurant will be open for breakfast, lunch and dinner, offering locals, boaters and visitors indoor and outdoor café service, fresh baked goods; delicatessen sandwiches and salads; soups; gourmet food items for on premises and off premises sale; specialty desserts; and an assortment of beverages, including wine and beer for on-premises and off-premises sale. Large screen televisions will be placed behind the counter for entertainment. Kiosks with Old Town marketing information and OHA Museum Store retail items will also be located in the space. The glass to the space will reflect decals of the establishment's name.

On the King Street side, the outdoor dining space will be shaded with replacement awnings, decorative fencing will be installed to define the outdoor dining area, and a King Street entrance, with a stoop, to the restaurant will be added from the outdoor dining area. Also, a sign would be placed above the new entrance on the King Street side, and there would be lighting added to help illuminate the space and this portion of King Street at night. Food and beverage wait service would be available in the King Street outdoor dining space from the restaurant.

On the Marina side, the current entry ways to the restaurant space off the pedestrian arcade side will be moved to the east side of the building and will face the Marina outdoor dining area. The Marina outdoor dining space would be defined with decorative fencing to match that which exists at the Marina. A specially designed sailing awning would cover the space for protection from the sun and to give more visibility from the Union Street pedestrian arcade. The area would also include additional lighting. Wait food service would be available to diners in the Marina outdoor space from the restaurant. Beverages, including beer and wine, would be from a rolling bar located in the Marina outdoor dining space.

The Waterfront Market with lighting, planters, signage, indoor and outdoor dining will be visible to pedestrians, bicyclists, King Street Trolley and Water Taxi passengers, and others, thus making the area more inviting and enlivening the space in the evening and year-round. No live entertainment is anticipated inside or in the outdoor dining spaces.

Operation would include:

Hours: 7:00am – 11:00pm, Sunday – Thursday

(Restaurant) 7:00am – 1:00am, Friday – Saturday

Hours: 7:00am – 11:00pm, Sunday - Saturday  
(Outdoor Dining)

Number of seats: 150 seats (includes seasonal outdoor dining)

Type of Service: Dine-in and carry-out

Alcohol: On and off premise alcohol sale is proposed

Entertainment: No live entertainment is proposed although several large-screen televisions will be located inside the premises.

Delivery: No customer delivery service is proposed

Noise: Minimal noise levels are anticipated

Trash/Litter: Food wrappers, bottles, cans, utensil waste and other debris will be collected and transported to the Torpedo Factory/Food Court Complex loading and unloading dock area off Thompsons Alley where dumpsters are located; the restaurant is anticipated to generate approximately one dumpster per day and debris will be collected by a commercial collector six days a week. Employees will monitor the vicinity for litter.

THE CITY MARINA - TORPEDO FACTORY AND CITY MARINA PLAZA

As noted above, the applicant's proposal includes the use of a portion of Torpedo Factory and City Marina Plaza (parcel address 107 North Union Street) that is located on the east side of 101 North Union Street. Torpedo Factory and City Marina Plaza is a public open/recreational space that currently serves as a corridor for visitors of the Torpedo Factory Art Center and visitors to the Waterfront. The proposal requests 815 square feet of the 64,960 square foot Torpedo Factory and City Marina Plaza area to provide outdoor seating (54 seats), across from the new eastern entrance of the restaurant at 101 North Union Street. Approval of the use of this portion of the Torpedo Factory and City Marina Plaza is required under Section 9.06 of the City Charter; the request relates only to the question of whether the use of this portion of the Marina by the restaurant is consistent with the City's Master Plan. The Waterfront Small Area Plan, a chapter of the City's Master Plan, envisions a lively and invigorated Waterfront with active uses and amenities such as retail and restaurants, enhanced parks and open space, and programming that will attract residents, visitors, and tourists.

PARKING

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

requirements. It is also located in the Waterfront Small Area Plan planning area. During the early stages of Waterfront Small Area Plan development, the City undertook the Old Town Area Parking Study which shows the availability of 2,693 public on- and off-street parking spaces in the area between Duke Street and Princess Street and between Pitt Street and the Potomac River. Of those spaces, 721 were available on a Friday evening during peak hours (6-8 pm), thus giving visitors to lower King Street and the Waterfront ready access to parking. Therefore, it is anticipated that parking will not be an issue, because an ample supply of nearby public parking has been documented. Additionally, the Waterfront Small Area Plan requires newly developed properties on the three Waterfront Small Area Plan redevelopment sites to park themselves onsite; the restaurant would be immediately adjacent to the free King Street Trolley with a route that takes passengers from the King Street Metrorail station to the unit block of King Street; bicyclists on the Mount Vernon Trail can park their bicycles in a new bicycle corral at Union and King Streets, rent a bicycle on The Strand, or obtain a bicycle from the Capital Bikeshare station at Union and Prince Streets; also, it is noted that the restaurant would be adjacent to the Water Taxi service at the City Marina which brings visitors from National Harbor and the District of Columbia to Alexandria.

The applicant has indicated that most employees will take public transit. The applicant is also providing three spaces in a nearby garage for the manager and two supervisors.

#### ZONING/MASTER PLAN DESIGNATION

The subject property where the primary restaurant is located is in the KR/King Street Urban Retail Zone (Section 6-702 [A] [2][k] of the Zoning Ordinance) which allows restaurants with a Special Use Permit. The KR/King Street Urban Retail Zone is intended to create strategic and flexible zoning for properties abutting King Street in Old Town in order to enhance the long term vitality of the street by among other things encouraging retail and other active uses along King Street and discouraging non-active uses.

The outdoor seating proposed on the City Marina is located in the WPR/Waterfront Parks and Recreation Zone (Section 6-203[F] of the Zoning Ordinance) which allows restaurants including outdoor cafes with a Special Use Permit.

The proposed restaurant and outdoor dining use is within the boundaries of the Waterfront Small Area Plan planning area which encourages active uses and amenities along the Waterfront such as retail, restaurants, Waterfront dining, enhanced parks and public space and programming.

## **II. STAFF ANALYSIS**

Staff recommends approval of the proposed new restaurant and approval of the Section 9.06 request to allow use of a portion of the adjacent City Marina.

### **City Plans and Policies**

### Waterfront Small Area Plan

A key goal of the Waterfront Small Area Plan, adopted in 2012, is to create a living, active Waterfront that is a destination, welcoming to all Alexandrians and visitors through an expansion and enhancement of public spaces including a public pier near King Street with space for a historic ship, expanded and enhanced parkland along the Waterfront with passive as well as programmed activity areas, an Art Walk which integrates art and history up and down the riverfront connecting spaces in an engaging and accessible manner, an increase in services and amenities such as outdoor Waterfront dining, more retail and cultural venues, and transforming the unit block of King Street and The Strand into a pedestrian hub. The location of this restaurant is one of the first places visitors will see as they disembark from the Water Taxi, thus drawing them to it and to other parts of the area where they can visit the Torpedo Factory Art Center, shop in the retail stores along Union and King Street, rent a bicycle on The Strand, or enjoy other nearby establishments and cultural institutions.

### Union Street Corridor Study

In December 2012, the City Council approved short- and mid-term recommendations in the Union Street Corridor Study including one which builds on a component of the Waterfront Small Area Plan that would transform the unit block of King Street and The Strand into a pedestrian space, limiting vehicular access only to the King Street Trolley, tour bus drop off/pick up and emergency and maintenance vehicles. The Union Street Corridor Study includes a pilot program to begin this transformation. A defined area on the south side of the unit block of King Street is now being designated for pedestrians, outdoor activity and non-motorized vehicular use. It will be framed with planters. A bicycle corral was recently installed in this area. Eventually the remaining parking spaces will be completely removed as well as the wooden barricade. Waterfront Market will help complement these changes, bringing activity, ambience and appeal to the unit block of King Street which the Union Street Corridor Study and the Waterfront Plan envision.

### King Street Retail Strategy

The City undertook two retail studies for King Street in 2005 and 2009 to look for ways to strengthen, and sustain the economic and cultural qualities that make King Street such a unique and special destination. It is the City's Main Street for residents and visitors, and it is important to maintain its vitality. The 2009 study showed that Old Town can support 250,000 square feet of additional retail and restaurant space, generating more than \$100 million in additional annual sales revenues by capturing local and regional spending occurring elsewhere. This project is in keeping with this finding of the study and can add to both the mix of retail space by offering food and beverage for onsite and off-site consumption and enjoyment, indoor/outdoor dining, marketing information on Old Town and the Waterfront, and merchandise from the OHA Museum Store.

### King Street Outdoor Dining Overlay Zone

Adopted in 2007 the King Street Outdoor Dining Overlay Zone liberalizes outdoor dining, standardizes guidelines, and streamlines City approvals. Today, most restaurants along King Street offer seasonal outdoor dining, enlivening the streetscape. Both Starbucks and the Mai Thai Restaurant located on the southern side of the unit block of King Street have outdoor seating. The outdoor seating proposed under this project would add outdoor dining to the northern side of the unit block of King Street, complementing that which already exists on the southern side. It would also add activity and expanded opportunity to dine with water views from the City Marina with the addition of outdoor seating there.

Old Town Restaurant Policy

The Old Town Restaurant Policy requires a finding that any new or expanded restaurant in the neighborhood will not significantly impact nearby residential neighborhoods. More specifically it asks that that each restaurant be reviewed with regard to the following factors:

- A) Availability of Off-Street Parking: Ample public parking in this area has been documented through the Old Town Area Parking Study. However, most employees would utilize public transportation. Additionally, through a condition of this approval, the applicant will provide a parking incentive that provides spaces for 3 employees, including the manager and two supervisors.
- B) Late-Night Hours and Alcohol – The hours are noted above with closing at 11:00 pm on Sunday through Thursdays and at 1:00 am on Friday and Saturday for the restaurant. For the outdoor dining, closing will be at 11:00 pm daily consistent with the Standards for Outdoor Dining under the King Street Outdoor Dining Overlay Zone (Section 6-805 E of the Zoning Ordinance). Hours will be posted appropriately and, through conditions of this approval, the applicant will be required to comply with the designated closing times. These business hours are consistent with several other restaurant establishments in the vicinity and also along King Street. Although the restaurant is in a mixed use area, it does not face residences nor are residences in immediate proximity.
- C) Extent of Litter Impact – Although litter is not anticipated by the applicant, the establishment will be required to monitor the site and the adjacent public right of way for debris and shall, through a condition of this approval, remove and dispose of it in a timely manner to an appropriate space. The space is part of the Torpedo Factory/Food Court Complex loading and unloading dock area which provides dumpsters where such debris and other waste can be disposed.
- D) Diversity of Uses – The restaurant will offer retail products such as food, baked goods, beverages, gourmet items, desserts, wine and beer for residents, visitors, boaters and others to enjoy. It will also offer sales merchandise and general information pertinent to the Old Town, Waterfront and Alexandria experience.

Old & Historic Alexandria District (OHAD) BAR Review

The applicant proposes to make exterior changes to the building which requires review from

Historic Preservation staff and approval by the OHAD Board of Architectural Review. The applicant's proposal is scheduled to be heard by the OHAD BAR on May 15, 2013. The applicant proposes to install two new doors, one fronting along King Street and the other one on the eastern side of the building across from the Marina. The applicant also proposes a stoop, signage, and the installation of new awnings along the King Street building face. In addition, the applicant intends to provide outdoor seating along King Street as well as on a portion of the City Marina as noted above. Staff has notified the applicant that outdoor dining furniture along King Street, if consistent with the design and requirements of the King Street Outdoor Dining Program would not require approval by the BAR. However, any deviation from the design standards of the King Street Outdoor Dining Program and the railings at the outdoor dining on the Marina would require approval by the BAR.

Section 9.06 of the City Charter and the City Marina – Torpedo Factory and City Marina Plaza

The proposal to use a portion of the City Marina for outdoor seating must be reviewed by the Planning Commission to ensure that the use is consistent with the City's Master Plan. Staff supports the proposal for several reasons. First, staff finds benefit in the increased vibrancy of activity and people to the Waterfront consistent with the objectives of the Waterfront Small Area Plan and the Union Street Corridor Study. Second, a majority of the City Marina will remain open and useable by the public. Third, the use is consistent with other restaurant uses in the area, but its location in the unit block will bring more activity to that area and to the Marina. And, fourth, the use faces away from the residential uses in the area, thereby avoiding conflict and impacts. Staff finds the proposal to be consistent with the Waterfront Small Area Plan and the Old Town Restaurant Policy, as discussed above.

If this SUP and the Section 9.06 case are approved, the City and the applicant will enter into a license agreement for the applicant's use of the City Marina. The license will run for three years, and require payment of a license fee, calculated with reference to the market value of commercial floor space. Under the terms of the agreement, the City retains ownership of the land but the applicant has permission to use it consistent with the SUP approval. The proposed license agreement is subject to review and consideration by the City Council. If the SUP is approved, the license agreement will be considered by the City Council at its May 14<sup>th</sup> legislative meeting and May 18<sup>th</sup> Public Hearing.

Deliveries/Loading

The applicant will utilize the Torpedo Factory Office Building/Food Court loading and unloading dock that is located off Thompson's alley for deliveries. The applicant is restricted to the designated times for deliveries/loading that are noted as a condition of this approval.

Trash Storage

The applicant will have access to dumpsters maintained in the Torpedo Factory Office Building/Food Court Complex loading and unloading dock area off Thompsons Alley. The trash will be sealed appropriately and stored in the contained dumpster as stipulated under a condition included below. The applicant anticipates using one dumpster per day

### Conclusion

The proposed restaurant, with outdoor seating along King Street and the City Marina, would be an asset to the Waterfront, as the City begins implementation of the Waterfront Small Area Plan and its goals and objectives to make the area a more vibrant, viable, active area with key amenities, expanded open and public space, and other features that will be engaging and welcoming to residents and visitors alike. Also, it is consistent with the City's other policies and planning efforts to strengthen and sustain the economic and cultural viability of the Waterfront and of King Street, the City's Main Street. It is located in an area with public transit in the form of the Water Taxi, the King Street Trolley, bus service and nearby ample parking has been documented in the Old Town Area Parking Study. It is anticipated that this restaurant will complement the other uses of the surrounding area. Moreover, the applicant has reached out to a number of groups who have enthusiastically embraced the concept recognizing that it would benefit locals, boaters, visitors, and others alike. With the following conditions, staff has assessed that this project will be a good neighbor and an asset to the area.

Therefore, staff recommends approval of the SUP and the change of use for a portion of the City Marina under Section 9.06 subject to the conditions contained in this report.

### **III. RECOMMENDED CONDITIONS**

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

1. The maximum number of total seats at the restaurant shall be 150 seats. The total number of indoor seats shall be 76 seats. Twenty (20) outdoor seating along King Street may be provided on the premises subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program. Additionally, 54 outdoor seats may be provided on the Marina through a license agreement between the applicant and the City. (P&Z)
2. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
3. For indoor seats, meals ordered before 11:00 pm Sunday – Thursday and before 1:00 am Friday – Saturday, may be sold, but no new alcohol may be served and no new patrons may be admitted after 11:00 pm Sunday – Thursday and after 1:00 am Friday – Saturday. All patrons must leave by 12:00 am Sunday – Thursday and by 2:00 am on Friday – Saturday. (P&Z)
4. The hours of operation for outdoor seats shall be limited to between 7am and 11pm, 7



- days a week. The outdoor dining area shall be closed and cleared of all customers by 11pm. The outdoor seating area shall not include advertising signage, including on umbrellas.(P&Z)
5. No live entertainment shall be permitted either inside the restaurant or in any outdoor dining area. (P&Z)
  6. No customer delivery service shall be available from the restaurant. (P&Z)
  7. On and off-premises alcohol sales may be offered at the restaurant. (P&Z)
  8. Beer or wine coolers may be sold for off-premises consumption only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (P&Z) (Police)
  9. Trash and garbage shall be placed in sealed containers maintained in the Torpedo Factory Office Building/Food Court Complex loading and unloading dock area off Thompsons Alley. The trash shall be sealed appropriately and stored in the contained dumpster which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
  10. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)(T&ES)
  11. 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)
  12. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z)(T&ES)
  13. The applicant shall direct patrons to the availability of parking at nearby public garages and 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 Strategy. (T&ES)
  14. The applicant shall maintain an up-to-date parking agreement for three (3) off-street parking spaces for employees during business hours to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (T&ES)

15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
16. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
17. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
18. The applicant shall utilize the Torpedo Factory Office Building/Food Court loading and unloading dock that is located off Thompson's alley for supply deliveries. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z)(T&ES)
19. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
20. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
21. No food, beverages, or other material shall be stored outside. (P&Z)
22. 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)

STAFF: Karl Moritz, Deputy Director  
Nancy Williams, Principal Planner  
Richard Lawrence, Urban Planner

# PREVIOUSLY APPROVED STAFF REPORT

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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

##### **P&Z - BAR:**

- F-1 This project is located within the Old and Historic Alexandria District. Exterior alterations visible from a public way require review and approval by the OHAD BAR.
- F-3 Based on the preliminary drawings provided and a site visit with the applicant, at a minimum, the proposed new storefront doors, stoop on King Street, awnings, all signs, and the railing at the outdoor dining in the Marina will require BAR approval.
- F-2 Outdoor dining complying with the King Street Outdoor Dining Guidelines do not require additional BAR review.

##### **Transportation & Environmental Services:**

1. The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES) (SUP2004-00081)
2. The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES)

##### **Code Enforcement:**

- F-1 The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plan Review Services Division Chief at [ken.granata@alexandriava.gov](mailto:ken.granata@alexandriava.gov) or 703-746-4193. (Code Administration)
- C-1 A building and trade permits are required for this project.
- C-2 Six sets of architectural drawings shall accompany the permit application with Virginia Registered Design Professional's Seal, Signature and Date with construction and alteration details.
- C-3 Construction Trade Permits will also be required for the proposed scope of work.

- C-4 New Construction work shall comply with the current edition of the 2009 Uniform Statewide Building Code (USBC).

**Health:**

**Food Facilities**

1. An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual or location to another.
2. Plans shall be submitted to the Health Department through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
3. Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
4. Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.
5. A Certified Food Manager shall be on-duty during all operating hours.
6. The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
7. Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

**Police Department:**

- F - 1 The applicant is seeking an “ABC On” and “ABC Off” license. The Police Department has no objections to either license subject to the following conditions for alcohol sold off premise:
1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
  2. That the SUP is reviewed after one year.

**Parks and Recreation:**

F-1 No Comment

PREVIOUSLY  
APPROVED  
STAFF REPORT