

**From:** Caren Camp via Call.Click.Connect. <CallClickConnect@alexandriava.gov>  
**Sent:** Tuesday, January 09, 2018 10:23 AM  
**To:** CCC PZ Dev  
**Subject:** Call.Click.Connect. #136907: Development Project Inquiries I am against the taco bell planned...

Dear **Call.Click.Connect.** User

A request was just created using **Call.Click.Connect.** The request ID is 136907.

**Request Details:**

This is a "public" request. Information may be provided to anyone who requests it.

- Name: Caren Camp
- Approximate Address: No Address Specified
- Phone Number: 703-519-5219
- Email: [ctcamp@gmail.com](mailto:ctcamp@gmail.com)
- Service Type: Development Project Inquiries
- Request Description: I am against the taco bell planned for 417 King St . this is not the type of restaurant we want in Old town. ( The Subway is already awful!)  
this is a huge chain that will create unsightly crowds and trash and nuisance.  
Caren & John Camp  
residents of Old Town
- Expected Response Date: Sunday, January 14

Please take the necessary actions in responding, handling and/or updating this request at [the \*\*Call.Click.Connect.\*\* staff interface.](#)

If you need assistance with handling this request, please contact [CallClickConnect@alexandriava.gov](mailto:CallClickConnect@alexandriava.gov) or call 703.746.HELP.

This is an automated email notification of a **Call.Click.Connect.** request. Please do not reply to this email.

**From:** Cityworks.Mail@alexandriava.gov  
**Sent:** Thursday, January 11, 2018 4:56 PM  
**Subject:** Service Request: 136908

Dear *Call.Click.Connect* User

A request was either just created or updated using *CityWorks*.  
Please take the necessary actions in responding, handling and/or updating this request.

<b>Request Number:</b>	<b>136908</b>
<b>Date / Time Reported:</b>	1/9/2018 10:26:57 AM
<b>Description:</b>	Planning & Zoning - Inqs, Compliments
<b>Problem Code:</b>	PZ_FEEDBACK
<b>Problem Address:</b>	
<b>Initiated By:</b>	User, CCC
<b>Submitted To</b>	PLZ, FEEDBACK
<b>Dispatched To</b>	WALENTISCH, KRISTEN
<b>Prj Complete Date</b>	1/14/2018 10:26:57 AM

**Caller Information**

Call		Name		Home Address	Home Phone	Work Phone	Email
		GORDON	SPEED		703-447-1976		<a href="mailto:GORDON.SPEED@GMAIL.COM">GORDON.SPEED@GMAIL.COM</a>

**Questions and Answers**

Call	Questions	Answers

**Comments:**

By User, CCC : 1/9/2018 10:26:57 AM

This is a "public" request. Information may be provided to anyone who requests it.

· · Initial customer description · ·

I am opposed to the proposed TB Cantina on the 400 block of King Street. While i typically support redevelopment of underused properties the proposed TB Cantina , it operating plans and offerings do not fit within the historical district of Old Town. The proposed operating hours will do nothing to improve our community but only to degrade our community as drawing in or keeping those who "should call it a night" around our town and thus leading to many of the activities associated with late night dining establishments, litter, noise complaints, loitering, vehicle issues, assaults and other petty crimes. Approval of this restaurant goes against the fabric of this community and i hope the planning committee listens to it citizens and opposed this TB Cantina.

**From:** Ann Horowitz  
**Sent:** Wednesday, January 24, 2018 3:31 PM  
**To:** Kristen Walentisch  
**Subject:** FW: Taco Bell

For 417 King Street SUP

**From:** Yvonne Callahan [mailto:yvonneweightcallahan@gmail.com]  
**Sent:** Thursday, January 11, 2018 11:22 AM  
**To:** Ann Horowitz; Indy  
**Subject:** Taco Bell

Good morning Ann.

I have been getting these SUP applications very regularly these days, but not the Taco Bell one. If there is any way I can be pretty certain of staying on the list, I would appreciate it.

This is of course something that OTCA is very concerned about, which is why I am copying Indy McCall our current President on this one.

First, I'm glad that there is no contemplated sale of alcohol for off premises use.

But., a 2:00 AM closing? Do you recall what the Burger Fi closing hours were? 2:00 am a block from residences seems a troublesome mix.

thanks Yvonne

## In support of Taco Bell Cantina

Katie Robbins <catherinemrobbins@gmail.com>

Wed 2/7/2018 10:37 AM

To: PlanComm <PlanComm@alexandriava.gov>;

Planning Commission:

I am writing in support of the Taco Bell Cantina application. King Street recently lost two fast casual options (BurgerFi and BGR). The new Taco Bell Cantina will be a good option for people who aren't well served by the existing restaurant options such as school groups and families on a budget.

In addition, I support the restaurant's proposed hours of service. This area of King St has numerous other restaurants and bars open late (Don Taco, Lighthouse, Fish Market, Murphys, PX, O'Connells, etc). There is also a 24 hour CVS across the street from the proposed location. Lastly, this location is set back from King Street and not bordered by any residences.

I understand this application may not fit into some residents' personal vision of Old Town. I also hear other concerns about nuisance, noise, parking or litter. Alexandria has a robust set of ordinances to address these issues if they arise. We should not let fear drive our decisions, instead we should encourage new businesses on King St and use the tools we have to make adjustments if nuisances occur.

King Street should be a diverse place that provides options at all price and accessibility levels. I encourage the Planning Commission to support the new business proposal.

Katie Robbins  
1201 Cameron Street

## pro Taco Bell Cantina

Jules McGuire <juliemcguire24@gmail.com>

Wed 2/7/2018 4:13 PM

To: PlanComm <PlanComm@alexandriava.gov>;

Hello, I would like to see the Planning Commission allow the Taco Bell Cantina to open an establishment in Old Town Alexandria. As a resident of Old Town, I think the Cantina's branding and food offerings will bring late 20 to mid 30 somethings to dine and will provide a delightful contribution to the Old Town community. That specific demographic often has disposable income that would benefit our community. With 52 seats and a new patio, the 300 daily customers will likely continue on to other Old Town establishments for shopping and entertainment. Finally, I appreciate how the Cantina will be a different type of offering in the community, whereas many of the restaurants on the Kings St. strip are very similar.

Best,  
Julie McGuire  
401 Mount Vernon Avenue

Lexi Watson  
107 S. West Street Suite 121  
Alexandria VA 22314

To: Alexandria VA Planning Commission  
From: Lexi Watson, Old Town Business Owner and Resident  
Date: 2/14/2018  
Re: Taco Bell Cantina proposed for King Street

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All- I am writing in support of the proposed Taco Bell Cantina to be located at the former Pendleton Shop on King Street. As a 30+ year small business owner located in Old Town, as well as a resident of Old Town, I have witnessed the decrease in affordable "fast food" choices in Old Town. Recently two burger joints have shuttered. Over ten years ago we lost the McDonald's on King and pizza sold by the slice in the 200 block of King. Additionally, the food court next to the Torpedo Factory has been replaced by Blackwall Hitch.

Thousands of school children are dropped off by the busload every spring and summer in Old Town. Their only choice of inexpensive fast food is limited to the two Subway restaurants and a single Duncan Donuts. It will be beneficial to the children to have an additional affordable food choice.

I also think it is beneficial to tourists to offer a national brand such a Taco Bell. I believe the brand will hit a comfort zone for out- of- towners who know and trust the brand. Adding the Taco Bell also gives workers another option for a quick affordable meal.

Lastly, as a local I will enjoy taking my dog on a nice day, grabbing a taco and a margarita, and enjoy watching the passers- by.

There is no residential housing where the property is located. The property has been under-utilized for years. The business will create jobs and generate income to the city.

What's there not to like?

Thank you for your attention.

# # #

# In Support of Taco Bell Cantina

Dave Robbins <daverobbins@gmail.com>

Tue 2/6/2018 2:33 PM

To: PlanComm <PlanComm@alexandriava.gov>;

Planning Commission:

I am writing in support of the Taco Bell Cantina application. King Street recently lost two fast casual options (BurgerFi and BGR). The new Taco Bell Cantina will be a good option for people that aren't well served by the existing restaurant options such as school groups and families on a budget.

In addition, I support the restaurants proposed hours of service. This area of King St has numerous other restaurants and bars open late (Don Taco, Lighthouse, Fish Market, Murphys, PX, O'connells, etc). There is also a 24 hour CVS. In addition this location is set back from King Street and not bordered by any residences.

I understand this application may not fit into some residents personal vision of Old Town. I also hear other concerns about nuisance noise, parking or litter. Alexandria has a robust set of ordinances to address these issues if they arise. We should not let fear drive our decisions, instead we should encourage new businesses on King St and use the tools we have to make adjustments if nuisances occur.

King Street should be a diverse place that provides options at all price and accessibility levels. I encourage Planning Commission to support the new business proposal.

David Robbins  
1201 Cameron St.

Sent from my iPhone

Statement of Michael E. Hobbs  
for the Planning Commission  
March 6, 2018

SUP #2017-0122  
Taco Bell Cantina

Thank you, Chairman Lyman and members of the Commission. I am Michael Hobbs, residing at 419 Cameron Street.

I believe we are the closest residents to the proposed Taco Bell Cantina at 417 King Street, and as such we have great interest in how that application is acted upon.

Taco Bell requests a permit to operate at this location until 2:00 a.m. every night of the week. As you know, that means in fact that although they could not admit any new customers after that hour, the restaurant would not be required to close for the night, and its customers depart, until an hour later, at 3:00 a.m.

I believe that these proposed operating and closing hours would have significant negative impacts on me and my neighbors on Cameron and Pitt Streets. They would be inconsistent with the neighborhood standard that has long been applied to restaurants on King Street west of the waterfront; to the standards recognized as fair and reasonable in the administrative SUP and King Street Outdoor Dining sections of the Zoning Ordinance; and inconsistent with the standards that have been applied to restaurants in this immediate neighborhood, on and facing this block and this adjacent residential neighborhood. It goes well beyond the “hours of operation” provisions governing other restaurants all along King Street, and differs importantly from the standard required of BurgerFi, Taco Bell’s closest model in location, operation, and potential impacts.

PROXIMITY TO CAMERON STREET RESIDENCES

Your Staff Report provides information on the location and character of this site, but I believe that information is incomplete--that some of the circumstances of the proximity to our residences are not immediately apparent, and could be misleading.

The report acknowledges the proximity of this site to the Cameron Street residences—and, of course, I and my neighbors received notice of the application because we are the owners of “abutting property”. But the Report advises that noise impacts are not anticipated because “the restaurant faces King Street” and “the five-story Tavern Square building complex effectively blocks the interior courtyard from the Cameron Street residences.” The site photo-map in the report, the applicant’s Architectural Site Plan, and the accompanying photographs could reinforce that impression.

What none of these sources reveal, however, is that there is a ground level arcade running from the interior courtyard north to Cameron Street. It is overtopped for the smaller portion of its length by a second-story “hyphen” connecting portions of the Tavern Square building to the east and west; but it is for the most part open to the sky, as is the portion of the courtyard that opens to Royal Street on the east.



The “overhead view” in the photo-map on p. 2 could give the impression that the building extends the full length of the south side of Cameron Street between Pitt and Royal Streets, but that is not the case.

The Site Plan (p. 43) similarly gives the impression that there is a “solid building” extending the full width between Pitt and Royal Streets; but because the perspective is looking “down” on the site from overhead, it does not show the arcade running under that portion of the building.

One of the photographs in the report (#18, on p. 40) is oriented in the direction of the arcade running from the interior courtyard through to Cameron St.; but the perspective and the “potted trees” along the BurgerFi outdoor dining area obscure the passageway.

It is further the case that only portions of the Tavern Square building—not the entire building—are five-story structures. Photographs #13-19 (pp. 35-41) illustrate that almost all of the building surrounding the interior courtyard is two stories, not five: the five-story portions are at the northwest, southeast and southwest corners of the complex. It is true that part of the frontage on Cameron Street is five stories; but that is the north-facing “end” of the five-story building that fronts along Pitt Street. The five-story portion stops well short of the parking garage entrance and thence the arcade that runs through from the courtyard to Cameron Street, and the Tavern Square building from the arcade east to Royal Street is two stories. (See pictures #18-19, pp. 40-41.)

### Noise Levels

The application advises (p. 16) that there will be a “moderate noise level” from patrons, but that it will be controlled because “the patio is set back from the sidewalk space and masked by landscaping.” The Architectural Site Plan (p. 43) highlights the “proposed outdoor patio area” on the King Street side; it does not display the outdoor dining area on the Cameron Street side. Most of the photographs (#1-12, pp. 23-34) illustrate the sidewalk and landscaping on the King Street side; and the report advises that noise impacts from the 2:00 a.m. closing hour are not anticipated because “the restaurant faces King Street.”

Noise generated from the side of the restaurant facing King Street is not the principal concern, however. It faces across King Street to the Jackson 20 restaurant and bar in what is now to be the Alexandrian Hotel—which has itself been known to generate “moderate” noise levels from time to time in its previous operations—but which, because of its location and orientation, has not caused a significant disturbance to the Cameron Street residences more than a block away.

The principal concern, rather, is about noise generated from the outdoor dining area in the interior courtyard—which, as noted, faces directly toward the residences on Cameron Street, less than a block away at that point, on a direct line of sight (and sound) through the arcade.

### Relationship of Parking and Transportation Options to the Closing Hours

The staff report notes that “restaurant patrons (will) have access to the public parking located in the Tavern Square parking garage, with pedestrian access to the garage located in front of the proposed restaurant.” That would certainly be an advantage during the daytime and early evening hours; but the Tavern Square Garage closes at 9:00 p.m. Monday – Friday, 6:00 p.m. Saturday, and is not open at all (except to monthly tenants with card access) on Sunday.

Similarly, the report observes that “the site is well served by public transportation, such as the King Street Trolley, the DASH bus, Metrorail buses, Capital Bikeshare, and the Metro.” That is true during the daytime and early evening hours, but service is sparse to nonexistent after midnight. The nearest Metro stations are close to a mile away; but in any case, Metrorail stops operating long before 2:00 a.m. The King Street Trolley does not run after 10:30 p.m. on weekdays, nor after midnight on weekends. Metrobus service is infrequent after midnight; there is one bus at 2:10 a.m. at the King/Washington Street stop. Only one DASH bus serves that stop after midnight on any day of the week (at 12:01 a.m. on weekdays). There is a Capital Bikeshare station one block east at Market Square, but it is conjectural how many patrons would find it practical or appealing to ride from there to the Bikeshare station nearest their home in the early morning hours. Taxi (or Uber or Lyft) service is presumably available at any hour, but it is uncertain how many patrons would regard that to be an attractive cost alternative for travelling in for a “night on the town at Taco Bell”, and then hailing or calling for a taxi to return home after 2:00 a.m.

One might expect, then, that patrons leaving this establishment after midnight would most likely use their own cars (rather than public transportation) for travel, parking them on the nearby commercial or residential streets. (Parking across residents’ curb cuts, blocking access to their garages, is not unknown in this neighborhood, and patrons’ early-morning-hour return to their parked vehicles is often accompanied by loud conversation or other disturbances.)

### NEIGHBORHOOD STANDARDS

The hours of operation proposed to be authorized in SUPs should be considered in the context of relevant neighborhood standards. “Neighborhood standards” may be recognized in the text of the Zoning Ordinance or other policy statements, or in the general pattern and practice established over a period of years in the terms of SUPs adopted for establishments in the area. The latter course is most often the case, and is of value because it affords a degree of consistency of treatment and reasonable expectations alike to applicants, permittees, and other affected parties (including other commercial enterprises and nearby residents).

The Small Business Zoning Text Amendments adopted in June 2016, for example, recognized standards relating to hours of operation, outdoor dining, and alcohol service in several neighborhoods, including West Old Town, Mount Vernon Avenue in Del Ray, Arlandria, and the King Street Outdoor Dining Overlay Zone.

Thus, for example, the hours of operation standard for Mt. Vernon and Arlandria was limited to 11:00 p.m. Sunday through Thursday, 12:00 midnight on Friday and Saturday (§11-513(L)(3)). Alcohol was limited to table service only, in the West Old Town, Arlandria and Mt. Vernon

neighborhoods, concluding by 10:00 p.m. in West Old Town (§11-513(L)(8)). The general rule for all neighborhoods was that

The hours of operation shall be no greater than the prevailing hours of similar uses in the area, but in no event shall the restaurant stay open later than 12:00 midnight.... (§11-513(L)(3)). (Emphasis added.)

For outdoor dining, the hours of operation were limited to 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday for the NR (Arlandria), Mt. Vernon Avenue and West Old Town neighborhood areas. Within the area covered by the Old Town Small Area Plan

...outdoor dining shall be closed and cleared of all customers by 11:00 p.m. daily, consistent with the King Street outdoor dining overlay zone section 6-805(E). (§11-513(M)(4))

The standards quoted apply to applications for *administrative* SUPs in the referenced neighborhoods, so they do not automatically constrain SUPs which are considered through the regular public hearing process. They are cited, rather, to illustrate the *principle* that recognizable, consistent standards to be considered in the review of applications from particular neighborhoods is not only not inconsistent with, but is in fact well recognized and encouraged in the administration of the Zoning Ordinance's section on Special Use Permits, whether those standards are codified in specific text or are recognized in the aggregate of experience over a period of years.

It should also be considered that these administrative SUP standards, though not "conclusive" as to regular SUP applicants, did reflect a general consensus of affected parties, and the considered judgment of the Planning Commission and the City Council, that these are reasonable standards, representing a fair balance between the interest of applicants and the general community, which could appropriately be applied in most instances, in the absence of a showing of special or exceptional circumstances which would justify a departure from the norm in a particular case.

#### HOURS OF OPERATION FOR OTHER RESTAURANTS IN THE IMMEDIATE NEIGHBORHOOD

No other restaurant on or facing this block has been authorized hours of operation under its SUP, or operates under "grandfathered" hours, until the daily 2:00 a.m. indoor and 1:00 a.m. outdoor hours proposed for Taco Bell.

Caphé Banh Mi (407 Cameron Street, a half block to the northwest of Taco Bell) operates until 9:00 p.m. weeknights, 11:00 p.m. Saturday, and 8:00 p.m. Sunday (although it might be permitted to operate later, according to the grandfathered hours of at least two predecessor restaurants.) When one predecessor, Pita House, sought an SUP to authorize an expansion and a closing hour of 10:00 p.m. daily, neighbors objected. The Planning Commission unanimously recommended denial, and the application was withdrawn.

Gadsby's Tavern (138 N. Royal Street, on the northeast corner of this block) is a "grandfathered" restaurant and thus does not operate according to hours specified in an SUP condition. When Gadsby's applied for a valet parking SUP, however, it requested (and was granted) permission to operate that service from 5:30 p.m. "until closing" at 11:30 p.m. daily.

Jackson 20 (480 King Street, across the street from Taco Bell) operates according to the SUP provisions of its predecessor restaurants in the Kimpton Monaco and Old Town Holiday Inn hotels. The most recent SUP searchable via the City's on-line "SUP Viewer" extended the "indoor" closing hour (previously 12 midnight) to 1:30 a.m., but restricted service in the "outdoor arcade" to 10:30 p.m. daily. (The restaurant faces King Street, away from the nearest residences on Prince Street. Its interior courtyard has one ground-level passage to Royal Street. Tavern Square's courtyard has three, to Royal, Pitt and Cameron Streets.)

The SUP for La Madeleine (500 King Street, diagonally across from the southwest corner of the Taco Bell block) provides for the "indoor" restaurant a closing hour of 11:00 p.m. daily, except 10:00 p.m. on Sunday. La Madeleine is authorized beer and wine service on premises; it does not operate outdoor dining.

Burger Fi (111 N. Pitt Street, on the western side of this block) was authorized to operate until 12:00 midnight Sunday through Thursday, 1:00 a.m. Friday and Saturday. Burger Fi's outdoor dining space in the interior courtyard is adjacent to that proposed for Taco Bell; it was also limited to operation until 12:00 a.m. on weeknights and 1:00 a.m. on weekends.

Chipotle's SUP (601 King Street, 1 ½ blocks west of Taco Bell) authorizes operation until 11:00 p.m. daily; there is no outdoor dining.

#### ILLUSTRATIVE HOURS OF OPERATION FOR OTHER RESTAURANTS ON KING STREET

Beyond the immediate block where the Taco Bell is to be located, there are many other restaurants whose permitted hours of operation illustrate that the proposed hours for Taco Bell go well beyond the standard aggregated through previous SUPs over a period of years.

For example:

When the Zoning Ordinance was amended to require restaurants operating after May 1979 to obtain Special Use Permit approval, the original Fish Market (105 King Street) was "grandfathered" for operating hours until 2:00 a.m. on weekends, as were other grandfathered restaurants in the area, including Bullfeathers, the Alamo, the Wharf and the Union Street Pub. The grandfathered and special-use-permitted portions of the expanded Fish Market (now encompassing 107 and 109 King Street as well) now operate under a single, consolidated SUP which authorizes hours of operation until 12 midnight Sunday and 1:00 a.m. Monday through Saturday.

Daniel O'Connell's Irish Restaurant (108A, 110 and 112 King Street), which replaced the grandfathered Bullfeathers and expanded into an adjacent space, is authorized hours of operation until 1:00 a.m. daily, with the now typical condition that:

Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour.

The staff's report on the O'Connell's application noted that, with its approval, "a few remaining grandfathered restaurants . . . [would continue to] have 2:00 a.m. closing times...." With the more flexible regulatory scope possible under the SUP process, however, several restaurants would now be operating with earlier hours (e.g. O'Connell's, The Fish Market, Landini's, Il Porto), and this would "create a better balance, limit potential problems experienced in the past, and set a precedent for the future."

Bugsy's Pizza Restaurant and Sports Bar (formerly Armand's Chicago Pizzeria) (111 King Street) is authorized hours of operation until 11:30 p.m. Sunday through Thursday and until 1:30 a.m. on Friday and Saturday.

Landini Brothers Restaurant (115-117 King Street) is authorized hours of operation until 12:30 a.m. daily.

Pizzeria Paradiso (118 King Street) is authorized hours of operation until 1:00 a.m. daily. The authorizing SUP does not include outdoor dining, but notes that the applicant could apply separately for such service under the King Street Outdoor Dining Program.

Il Porto Ristorante (121 King Street) is authorized hours of operation until 12:00 a.m. daily.

Sang Jun Thai (300 King Street) is authorized hours of operation until 1:30 a.m. daily for the basement restaurant/night club authorized in November 2015; all patrons must leave by 2:00 a.m. (a half-hour "window", shorter than the hour grace period ordinarily allowed between the specified closing hour at which admission of new patrons, taking new meal orders, and serving alcoholic beverages must be discontinued, and the time when all patrons must leave). The SUP for the new basement restaurant/bar did not alter the grandfathered hours of operation for the restaurant on the first and second floors (until 10:00 p.m. Sunday through Thursday and until 11:00 p.m. Friday and Saturday), nor did it include outdoor dining. The staff report advised that "the traditional neighborhood standard for restaurant closing hours in this area has been midnight on weekdays and 1 a.m. on weekends," but noted that "some nearby restaurants that are located away from residential neighborhoods offer later evening hours," citing Blackwall Hitch and the grandfathered Two Nineteen Restaurant. (Emphasis added.)

#### OTHER RESTAURANTS CITED IN SUPPORT OF A 2:00 A.M. CLOSING HOUR FOR TACO BELL

The provisions for several other restaurants are cited in others' comments supporting the closing hour proposed for Taco Bell. Those restaurants' circumstances and their SUP conditions make them inapt or inexact as precedents for the Taco Bell application, however.

BGR, The Burger Joint (106-108 N. Washington St.) was another popular "fast food" choice just over two blocks away from the Taco Bell site before it closed. BGR's SUP authorized hours for its indoor operation only until 12:00 midnight daily—not 2:00 a.m. daily as requested by Taco Bell; another condition indicated that BGR could separately request outdoor seating subject to approval of the Director of Planning and Zoning through the King Street Outdoor Dining Program. The area for outdoor seating would have faced Washington Street, with large, solid structures between that site and the nearest residences a block or more away.

Blackwall Hitch (5 Cameron Street) is often cited as a precedent for a 2:00 a.m. closing hour. The closing hour for the indoor portion of the restaurant is, indeed, 2:00 a.m. daily; the staff report noted that “these business hours correspond with other restaurant establishments in the vicinity and along the waterfront”, including several “grandfathered” with that closing hour on weekends or daily.

The closing hour for the outdoor dining area, however, is 11:00 p.m. daily, at which time “the outdoor dining area shall be closed and cleared of all customers”—as compared to the proposed 1:00 a.m. closing for Taco Bell. Taco Bell differs from Blackwall Hitch in that:

- (1) It is several blocks from the waterfront, and not in proximity to several other restaurants with a grandfathered or special-use-permitted 2:00 a.m. closing hour for some or all of the week;
- (2) The nearby residences are not buffered entirely by the very large Torpedo Factory Office building (which is much taller and deeper than the five-story portion of the Tavern Square building, and completely “laps” the Blackwall Hitch building); and
- (3) Notwithstanding those differences, Taco Bell enjoys a proposed 1:00 a.m. daily closing for its outdoor dining area. In the earlier case, staff urged that although Blackwall Hitch, because of its location, was not subject to the King Street Outdoor Dining Program restrictions, an 11:00 p.m. closing hour “consistent with the King Street Outdoor Dining Policy and recent restaurant approvals in the vicinity” was appropriate.

The Two-Nineteen King Street restaurant is also cited as a precedent for a 2:00 a.m. closing hour. 219 King is a grandfathered restaurant, however. For the City to seek to impose an “ex post facto” requirement that the grandfathered restaurants “roll back” their operations to conform to the standards anticipated under the new SUP process would arguably have been unfair, and perhaps illegal. That does not suggest, however, that the previous “unregulated” hours and other characteristics of the grandfathered restaurants should serve as a model for the conditions that the City ought to apply going forward under the SUP process, in the context of a comprehensive, holistic assessment taking into account not just the preference of the applicant, but the reasonable and appropriate interests of nearby commercial and residential property owners and the larger community, as well.

It should be noted, also, that Two-Nineteen’s 2:00 a.m. closing hour apparently is driven by its offering of “live entertainment nightly in its basement restaurant with dancing until 2 a.m.” as pointed out in the Sang Jun Thai staff report. (Emphasis supplied.) Considering that grandfathered closing hour as precedent for an SUP condition for a ground-floor restaurant is thus even more attenuated.

At its most recent meeting, City Council approved an SUP for the Urbano 116 (116 King Street) restaurant. That SUP also authorized a 2:00 a.m. closing hour—but only on Thursday through Saturday, not every day of the week as requested by Taco Bell. (The Urbano 116 closing hour for Sunday through Wednesday is 12:00 midnight, typical of the differentiation between weekday and weekend hours in most SUPs.) Urbano, furthermore, is located barely outside of the waterfront zone (with its several grandfathered or SUP-approved restaurants with 2 a.m. closing hours), and its site is buffered from the nearest residences on Lee and Prince Streets by

several large and “solid” structures, rather than facing them through rear-facing interior courtyards or arcades; nor did Urbano seek, or its SUP authorize, outdoor dining for the same or different hours.

### BURGERFI

The BurgerFi restaurant was the closest parallel—in terms of location, operating characteristics, and potential impacts—to the proposed Taco Bell.

The parcel address for both is 411 King Street (although BurgerFi was actually around the corner at 111 N. Pitt Street.) Taco Bell, like BurgerFi, plans a somewhat “upscale” alternative to the familiar fast food norm, in a convenient location, and with alcohol service to accompany its menu choices. Taco Bell’s outdoor dining area, like BurgerFi’s, is to be located in Tavern Square’s interior courtyard—it is, indeed, exactly adjacent to BurgerFi’s area.

The staff report notes the similarity of the two operations. It advises that “noise impacts from patrons [are not anticipated]”, in part, because the condition of a 1 a.m. closing hour for the outdoor dining area is “similar to the hours of operation condition for the former Tavern Square restaurant, Burger Fi”; and further, that “the weekend closing hour of 1 a.m. at Burger Fi did not result in resident complaints and would likely not result from a similar type or restaurant such as Taco Bell Cantina.”

Though the operations are indeed very “similar”, however, the actual BurgerFi and proposed Taco Bell conditions are quite different:

- (1) BurgerFi’s indoor operating hour was 12:00 midnight Sunday through Thursday, 1:00 a.m. Friday and Saturday. Taco Bell’s request is 2:00 a.m. every night of the week. A one hour later closing on weekends or two hours on weeknights may not sound like much, but it can make a significant difference in terms of the impacts on residential neighbors, particularly in the early morning weeknight hours—considering as well that the nearby residences were shielded from BurgerFi by the solid mass of the five-story Tavern Square office building, which is not fully the case with the Taco Bell site.
- (2) The closing hour for BurgerFi’s outdoor dining area was also 12:00 midnight on weeknights, 1:00 a.m. on weekends. The proposed hour for Taco Bell is 1:00 a.m. throughout the week. That means no difference on the weekend, but a one hour later closure on weeknights—again, perhaps not sounding like that much “on paper”, but a significant difference in practice on weeknights, considering also that the Taco Bell outdoor dining is oriented toward, and only partially shielded toward, the Cameron Street residences, whereas the BurgerFi area was oriented toward Royal Street, Market Square and City Hall

### CONCLUSION

So far as I can determine, the proposed combination of a 2 a.m. daily closing hour for the indoor restaurant and a 1 a.m. daily closing hour for the outdoor dining would be unprecedented for any restaurant in Old Town, including all those cited above, let alone for a restaurant whose outdoor dining area would face residences less than a full block away. (I do not know the terms for all of the grandfathered restaurants, which are not “searchable” on line; but presumably none of them

were grandfathered early morning closures for outdoor dining, which was liberalized and encouraged only with the King Street Outdoor Dining program a dozen years ago.) No compelling or persuasive reason has been advanced why this exception from past precedent and practice should be made—beyond the fact that this is what the applicant has requested, with little or no explanation or elaboration.

I would urge instead that the Commission recommend a condition setting the closing hour at 12:00 midnight Sunday-Thursday, 1:00 a.m. Friday-Saturday for indoor dining, and 11:00 p.m. daily for outdoor dining.

Such a condition:

- (1) Would be consistent with the neighborhood standard that has largely been followed for non-grandfathered restaurants on King Street in Old Town in the area farther away from the waterfront and closer to the residential areas.
- (2) Would be comparable to the standards recognized in the ordinance for administrative SUPs for restaurants in other neighborhoods where commercial and residential uses are in close proximity, and for outdoor dining in the King Street Outdoor Dining Overlay Zone—although it would provide moderately later closing hours than the administrative SUP standards.
- (3) Would represent only a moderate increment, rather than a dramatic departure, from the closing hours for indoor or outdoor dining for the grandfathered or SUP-governed restaurants on or facing this block.
- (4) Would correspond exactly (not “similarly”) to the indoor closing hours for BurgerFi, Taco Bell’s closest model and precedent both in location and operation, though it would require a somewhat earlier closure for the outdoor dining.

If the Commission felt that a 2:00 a.m. closing hour was essential, notwithstanding the significant differences here from other cases where that hour has been grandfathered or SUP-permitted, I would urge that you follow the Urbano 116 example of limiting that late-closing hour to the weekend; and, especially, the Blackwall Hitch precedent of requiring that the outdoor dining conclude by 11:00 p.m.

Thank you for your consideration.



SUP2017-0122  
Additional Materials

## SUP #2017-0122 - Letter of Support

Jol A. Silversmith <jol@thirdamendment.com>

Tue 3/6/2018 6:37 AM

To: PlanComm <PlanComm@alexandriava.gov>;

Dear Sirs:

I understand that the Planning Commission 's agenda for this evening includes SUP #2017-0122, for a proposed Taco Bell Cantina at 417 King Street. I write in support of this application.

I am a resident of Rosemont, and frequently visit Old Town; I expect that I would patronize this restaurant for informal dining, and that it would enhance and complement the existing eating options along King Street.

Additionally, based on the staff report, I understand that prior comments have asserted that a national chain would be incompatible with the historic district. Respectfully - and as the Planning Commission is aware - the building at issue is not historic, and there are already numerous national chains within a few blocks of the proposed location. To the extent there may be high-level concerns about the retail mix in Old Town, this permit application is simply not the proper venue for them.

Jol Silversmith  
323 East Oak Street  
Alexandria, VA 22301  
(703) 371-5616  
jol@thirdamendment.com

# Letter of support for Taco Bell location on King St

Danielle Romanetti <danielle@fibrespace.com>

Tue 3/6/2018 3:54 PM

To: PlanComm <PlanComm@alexandriava.gov>;

Dear members of the planning commission,

I am writing to express my support for this project and for its proposed hours of operation.

I am a retail business and employer in Old Town Alexandria. I have four full time hourly staff and over a dozen contractors who work for me. It is important to our small business community that we be able to attract and retain employees to work in our retail, restaurants and offices. Without a variety of affordable food options, Old Town is not a particularly attractive place to work. At present, my employees have only Chipotle and Subway for food priced less than \$8 or \$10 per meal. While this city is considering a meals tax to pay for affordable housing, we are fighting against establishments like Taco Bell who provide an important service to our working community here. It is our lower wage shift workers, hotel employees, kitchen staff who need to eat affordably late at night when their shifts end. This Taco Bell location sits in the middle of a large number of hotel and restaurant wage workers who would benefit from an affordable meal late at night. It also would occupy a commercial building entirely too large for a small business. This building also sits back from King and is notoriously terrible for retail foot traffic. If a national chain can occupy this vacant space and create tax revenue, they should be allowed to do so, particularly when they are providing a product that our working class community desperately needs. Lastly, there are no residential homes next to this location. Those who live on Cameron have chosen to live in the middle of our prime commercial district and are already surrounded by establishments open late at night (several bars and busy hotels), including a particularly active CVS location.

I would encourage you to support a vibrant and diverse business community when making your decision.

Thank you,

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Danielle Romanetti  
Owner  
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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  
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# Taco Bell Cantina

David Lord <dal80521@yahoo.com>

Tue 3/6/2018 3:37 PM

To: PlanComm <PlanComm@alexandriava.gov>;

Dear Planning Commission,

I write to express strong support for the application by Taco Bell Cantina to open at 417 King Street. I am both a resident of the City of Alexandria as well as an employee of the City, who works in Old Town. One of the greatest frustrations as an employee is the lack of affordable food options in the area. Adding a restaurant like Taco Bell, which has obviously designed this project to fit in with the character of Old Town would go a big step towards remedying this problem. I realize that Taco Bell is a chain and that this is generally frowned upon in Old Town. However, the conceptualized project is tasteful, stands out from normal Taco Bells and would be a great addition to the neighborhood. I enthusiastically support this proposal and hope the Commission approves it.

David Lord  
1005 Russell Road  
Alexandria, VA 22301