



***Special Use Permit #2017-0122
417 King Street (Parcel Address: 411 King Street) –
Taco Bell Cantina***

Application	General Data	
Request: Public hearing and consideration of a request to operate a restaurant with outdoor dining	Planning Commission Hearing:	March 6, 2018
	City Council Hearing:	March 17, 2018
Address: 417 King Street (Parcel Address: 411 King Street)	Zone:	KR/King Street Retail
Applicant: TB Cantina, LLC	Small Area Plan:	Old Town

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

Staff Reviewers: Ann Horowitz, ann.horowitz@alexandriava.gov

PLANNING COMMISSION ACTION, MARCH 6, 2018: On a motion made by Vice Chairman Macek and seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Special Use Permit #2017-0122 subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with staff analysis.

Vice Chairman Macek stated his support for the application and mentioned that parking impacts would not result when parking garages would be closed as more on-street parking spaces would be available when other Old Town businesses had closed. He added that Condition 13 require employees to park off-street. Commissioner Brown believed that employee off-street parking is self-enforcing given that the cost of parking during a work shift would lead employees to use public transportation. Commissioner Lyle supported the request, citing the need for late-night dining establishments in the City. She stated that the proposed restaurant would also benefit the commercial area by filling a vacant tenant space.

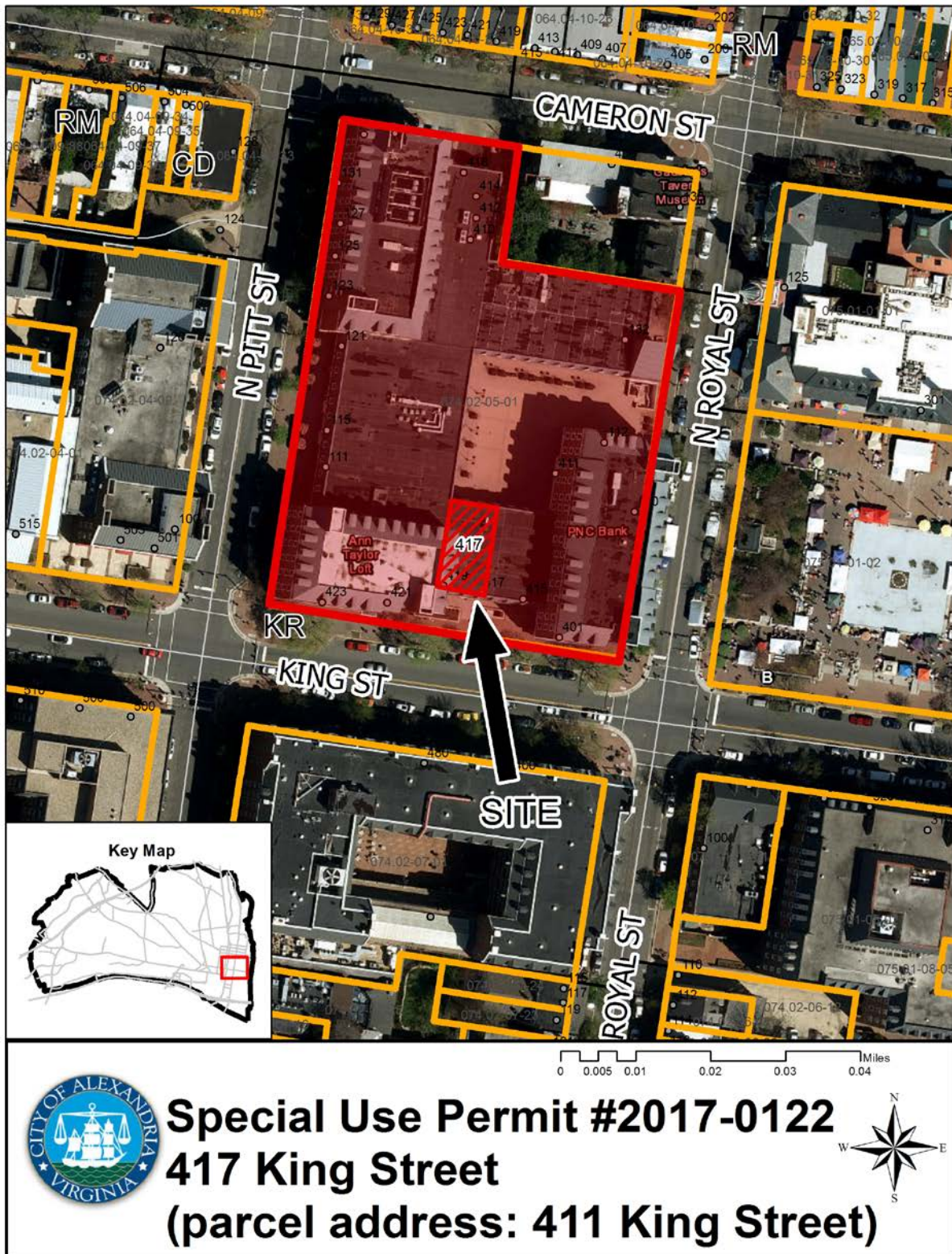
Speakers:

Michael Hobbes, 419 Cameron Street, spoke in opposition of the hours of operation.

Yvonne Weight Callahan, representative for The Old Town Civic Association, stated that some streets adjacent to King Street are not eligible for the residential parking pilot program, requiring non-residents to pay at meters when parking on residential side streets. She observed that some parking garages close prior to the proposed closing for this restaurant.

Philip Matyas, 219 North Pitt Street, voiced his concern about employees parking on the street and suggested that some residential streets should be designated for resident parking only. He expressed concerns about litter generating from the restaurant.

Cathy Puskar, applicant's attorney, stated that the proposed restaurant would add jobs, contribute to tax revenue, and maintain a balanced business mix in Old Town. She recommended that the Old Town Restaurant Policy, developed in the 1990s, should be amended as it has become outdated.



I. DISCUSSION

REQUEST

The applicant, TB Cantina, LLC, requests Special Use approval to operate a restaurant with outdoor dining.

SITE DESCRIPTION

The subject site is a tenant space along the southern side of the commercial complex known as Tavern Square. The complex is located on one lot of record which covers almost an entire city block with approximately 255 feet of frontage along King Street, approximately 345 feet of frontage along North Pitt Street, approximately 130 feet of frontage along Cameron Street and approximately 270 feet of frontage along North Royal Street for an approximate parcel area of 79,700 square feet. The north east corner of the same city block contains the historic Gadsby's Tavern complex.



The subject parcel, Tavern Square, is developed with a five-story mixed-use building with retail and personal service uses on the ground floor and offices on upper floors. A courtyard is sited in the center of the block and is surrounded by the Tavern Square complex. An underground public parking garage with 326 parking spaces is accessed from Cameron Street. Ground floor commercial uses include a bank, two retail establishments and real estate offices. The City of Alexandria is a tenant on the upper floors.

Surrounding uses include City Hall, Market Square, and the Market Square parking garage to the east, the Alexandrian Hotel and Jackson 20 restaurant are located across the street to the south, a CVS pharmacy and florist are located to the west. Residential townhomes, a dry cleaner, office building, and a restaurant are located on the next block to the north.

BACKGROUND

The subject building was approved under Site Plan #65-035-1 as part of the City's urban renewal redevelopment program and constructed in 1965. The subject tenant space was most recently occupied by the Pendleton Shop which closed in Fall 2017.

PROPOSAL

The applicant, TB Cantina, LLC, requests Special Use Permit approval to operate a 52-seat indoor restaurant in the 2,195 square foot tenant space. Twenty outdoor seats are proposed in front of the restaurant on private property. The proposed use will feature Taco Bell's new restaurant concept that is designed for urban and pedestrian-oriented environments. Tapas-style,

shareable appetizers would complement the traditional Taco Bell menu. On-premises alcohol would be available as twisted freezes, beer and wine. The applicant would expect to serve approximately 300 customers each day.

Elements of the restaurant operations would be:

<u>Hours of Operation:</u>	7 a.m. to 2.am., daily
<u>Number of Seats:</u>	72 total seats <ul style="list-style-type: none">o 52 indoor seatso 20 outdoor seats (located on private property and above street level at the front of the tenant space)
<u>Type of Service:</u>	Dine-in and carry-out only
<u>Delivery:</u>	None
<u>Live Entertainment:</u>	No live entertainment proposed
<u>Alcohol:</u>	On-premises sales of alcohol
<u>Employees:</u>	Twenty employees per day.
<u>Noise:</u>	Some noise is expected from typical restaurant operations.
<u>Odors:</u>	Minimal odors associated with cooking will be addressed through proper ventilation and hood systems.
<u>Trash/Litter:</u>	Trash and litter would be similar to that of other quick service restaurants in Old Town.

PARKING

The restaurant is located within the Central Business District (CBD) and Section 8-300(B) of the Zoning Ordinance waives the parking requirement for restaurants within the CBD. As such, the applicant meets their parking requirement. However, restaurant patrons 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.

ZONING/MASTER PLAN DESIGNATION

The subject tenant space is located in the KR/King Street Retail Zone. Section 6-702(A)(2)(k) of the Zoning Ordinance allows a restaurant in the KR zone only with Special Use Permit approval unless it complies with the standards of Section 11-513(L) for administrative SUP approval. As the request exceeds the administrative SUP standards for hours of operation, the case must be reviewed through the full-hearing SUP process.

The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan which designates the property for commercial use. The small area plan also requires a review of the Old Town Restaurant Policy, which is included in the Staff Analysis section of this report. The subject site is located within the boundaries of the Old and Historic District and while no exterior alterations are proposed as part of this SUP application, any exterior renovations or changes including construction, signage, lighting, menu boards, exterior vents and awnings may require separate review and approval by the Board of Architectural Review.

II. STAFF ANALYSIS

Staff supports the applicant's request for a restaurant with outdoor dining at 417 King Street. The proposal for the urban-concept Taco Bell Cantina would diversify the quick-service and casual dining options in Old Town, filling a vacant tenant space in a prominent King Street location. Its proposed location and the addition of outdoor dining facing the street would enliven the north side of the 400-block of King Street, where personal service and office uses now dominate. These existing uses typically do not generate a high level of pedestrian activity. The use has been analyzed according to the Old Town Restaurant Policy criteria:

Mix of Uses:

Although the proposed restaurant would replace a retail establishment, a diversity of uses -- retail, personal service, office and hotel -- is maintained on the 400-block of King Street.

Parking:

Staff does not anticipate that additional parking impacts would result with the operation of the proposed restaurant as the site is well served by public transportation, such as the King Street Trolley, the DASH bus, Metrorail buses, Capital Bikeshare, and the Metro. Additionally, the Tavern Square, Market Square, and Courthouse public parking garages provide nearby off-street parking. Garage occupancy data has revealed that the parking facilities in Old Town are underused, particularly in the evening hours, when restaurants are busiest. A recently created, "Where to Park in Old Town," map directs promotes garage parking at these underused parking facilities. In addition, residents residing on some streets near King Street are also eligible to request signage that would require non-district vehicles to pay for parking on residential blocks through a pay-by-phone pilot program. Initial staff observations note that the pay-by-phone parking option has resulted in the increased availability of spaces for resident parking on blocks that have requested the program. To further minimize potential parking impacts, the applicant is required to inform customers of nearby parking garages and public transportation options in Conditions 15 and 16, respectively. Employees must also park off-site, as required in Condition 13, and are encouraged to use public transportation, as specified in Condition 14.

Litter:

Litter is not expected to cause impacts as the applicant would provide trash receptacles inside the restaurant and would monitor and remove all litter within 75 feet of the establishment at least three times a day, as required in Condition 26.

Alcohol & Late Hours:

Although the applicant requests to remain open until 2 a.m., daily, and offer on-premises alcohol sales, staff does not consider the proposals to result in impacts. SUP-approved and grandfathered restaurants that are open until 2 a.m., such as Blackwall Hitch, 219 King Street, and Union Street Pub have operated without alcohol-related complaints to the City for several years. In addition, the 2 a.m. closing hour is not anticipated to generate noise impacts from patrons as the restaurant and outdoor dining would face King Street. Further, the applicant would not offer live entertainment and exterior loudspeakers are prohibited in Condition 25. Nonetheless, staff recommends that the outdoor dining area should close and be cleared of all customers by 1 a.m., similar to the hours of operation condition for the former Tavern Square restaurant, Burger Fi, and as stated in Condition 5.

Staff has received four letters that support the restaurant proposal and three letters that oppose the request. Those commenting favorably supported the hours of operation and the affordable, fast-casual dining experience that would diversify Old Town's restaurant mix. Comments against the SUP request cited the incompatibility of a national chain operation with the historic district and included concerns related to the 2 a.m. closing hour and the potential for resident impacts. Staff believes that large chain businesses have successfully blended with small independent businesses in Old Town, particularly with the application of restaurant concepts that are designed to accommodate smaller tenant spaces in pedestrian-oriented, urban areas. Additionally, staff found 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 of restaurant such as Taco Bell Cantina.

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

III. RECOMMENDED CONDITIONS

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

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The maximum number of indoor seats shall be 52. The maximum number of outdoor seats shall be 20. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The indoor hours of operation shall be limited to between 7 a.m., and 2 a.m., daily. Meals ordered before 2 a.m., may be served, but no new patrons may be admitted, no new alcohol may be served, and all patrons must leave by 3 a.m. (P&Z)
5. The outdoor hours of operation shall be limited to between 7 a.m., and 1 a.m., daily, and shall be cleared of customers by the closing hour. (P&Z)
6. The outdoor dining area shall be cleaned and washed at the close of each business day that it is in use. (P&Z)
7. The design of the outdoor dining areas and all its components must comply with the King Street Outdoor Dining guidelines. Any outdoor seating areas, including umbrellas, shall not include advertising signage. The applicant shall submit illustrations and specifications to the Director of Planning & Zoning for review and approval. (P&Z)
8. No delivery of food to customers may operate from the restaurant. (P&Z)
9. Live entertainment is not permitted. (P&Z)
10. On-premises alcohol service shall be permitted, consistent with a valid Virginia ABC license. (P&Z)
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. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z)
13. The applicant shall require its employees who drive to use off-street parking. (T&ES)

14. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
15. 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 (Old Town Area Parking Study). (T&ES)
16. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
17. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
18. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
19. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
20. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
21. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
22. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
23. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
24. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

25. The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
26. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
27. All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
28. 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: Mary Christesen, Acting Division Chief, Land Use Services
Ann Horowitz, Urban Planner

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

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-2 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-3 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 (Old Town Area Parking Study). (T&ES)
- R-4 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
- R-5 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-6 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-7 If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
- R-8 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-9 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-10 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)

- R-11 All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-12 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-13 The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-14 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- C-1 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 SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- C-2 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)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Fire Department:

- C-1 The proposed occupant load requires that a fire prevention permit be obtained by applicant.

Code Enforcement:

No comments received.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria- fee must be paid separate from any other departmental fees.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C-4 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Recreation, Parks and Cultural Activities:

No comments received.

Police Department:

No comments received.



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # _____

PROPERTY LOCATION: 417 King Street, Alexandria, VA

TAX MAP REFERENCE: 074.02-05-01 **ZONE:** KR

APPLICANT:

Name: TB Cantina, LLC dba Taco Bell Cantina

Address: P.O. Box 35520, Louisville, KY 40232

PROPOSED USE: Restaurant with on-premises alcohol

☒ **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.

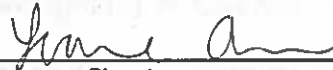
☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

☒ **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.

Leanne Andrysco

Print Name of Applicant or Agent



Signature

11.10.17

Date

1228 Euclid Avenue, Suite 320

Mailing/Street Address

216-927-8641

Telephone #

216-927-8695

Fax #

Cleveland, Ohio 44115

City and State

Zip Code

landrysco@gpdgroup.com

Email address

ACTION-PLANNING COMMISSION: _____ **DATE:** _____

ACTION-CITY COUNCIL: _____ **DATE:** _____

SUP # _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of TAVERN SOVANE, LLC 417 KING STREET, I hereby
(Property Address)
grant the applicant authorization to apply for the Restaurant use w/ on premises alcohol use as
(use)
described in this application.

Name: AMANDA P. SYCES, VP Phone: 212-269-4888
Please Print
Address: TAVERN SOVANE, LLC 30 NASH ST, SUITE 1100 Email: asykes@pyne.co.com
MT, NY 10005
Signature: [Signature] Date: 11/9/17

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.

TB Cantina, LLC, P.O. Box 35520, Louisville, KY 40232

Contact: Clint Langley, clint.langley@pizzahut.com

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.)

New Taco Bell Cantina restaurant serving alcohol in an existing retail tenant space.

Exterior improvements to include a new patio, new internally illuminated signs, new awnings with logos and a new exhaust fan. The exhaust fan to be on the courtyard side and roof mounted. The ductwork will be enclosed to match the existing building materials for a seamless look. Interior improvements will include a new dining room, new kitchen and new restrooms. Restaurant use is fast food with no table service.

Taco Bell Cantina is a new concept with an energetic atmosphere and modern decor.

It mixes the traditional Taco Bell fare with new shareable menu items and alcoholic beverages including twisted freezes, beer and wine.

USE CHARACTERISTICS

REVISED

SUP # _____

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).

Approx. 300/day

- B. How many employees, staff and other personnel do you expect?
Specify time period (i.e., day, hour, or shift).

Approx. 20/day

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

Day:

Monday-Sunday

Hours:

7am-2am

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

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

Low noise level of equipment, moderate noise level of patrons.

- B. How will the noise be controlled?

The patio is set back from the sidewalk space and masked by

landscaping.

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

None, trash will be removed daily.

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.

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

1 bag per day of each trash and recyclables.

- C. How often will trash be collected?

4/week or daily if needed

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

Trash receptacles will be provided within the Taco Bell space and on the patio

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

[] Yes. [X] No.

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

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

☐ Yes. ☒ No.

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

- 12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons?

Activity is contained within the restaurant space and the patio has a fence
enclosure.

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.

N/A - No existing alcohol use. ABC license will be for on-premises alcohol only.

Alcohol will consist of beer, wine and mixed drinks (twisted freezes)

PARKING AND ACCESS REQUIREMENTS

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

_____ 0 Standard spaces
 _____ 0 Compact spaces
 _____ 0 Handicapped accessible spaces.
 _____ 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

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

No parking is required, however there is a parking garage as part of the development

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? _____ 0 _____

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? There is an existing loading zone on Pitt Street.

C. During what hours of the day do you expect loading/unloading operations to occur?
Mornings, approx. 6am

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
2-3/ week

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?
N/A - No street access required

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? _____ square feet.

18. What will the total area occupied by the proposed use be?

_____ sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ sq. ft. (total)

19. The proposed use is located in: (check one)

☐ a stand alone building

☐ a house located in a residential zone

☐ a warehouse

☐ a shopping center. Please provide name of the center: _____

☐ an office building. Please provide name of the building: _____

☒ other. Please describe: Mixed Use - Tavern Square

End of Application

SUP # _____

Admin Use Permit # _____



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: 52Outdoors: 20Total number proposed: 72

2. Will the restaurant offer any of the following?

Alcoholic beverages (**SUP only**) ☒ Yes ☐ NoBeer and wine — on-premises ☒ Yes ☐ NoBeer and wine — off-premises ☐ Yes ☒ No

3. Please describe the type of food that will be served:

Fast casual mexican

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:

Taco Bell will offer televisions in the dining room for guests.

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.

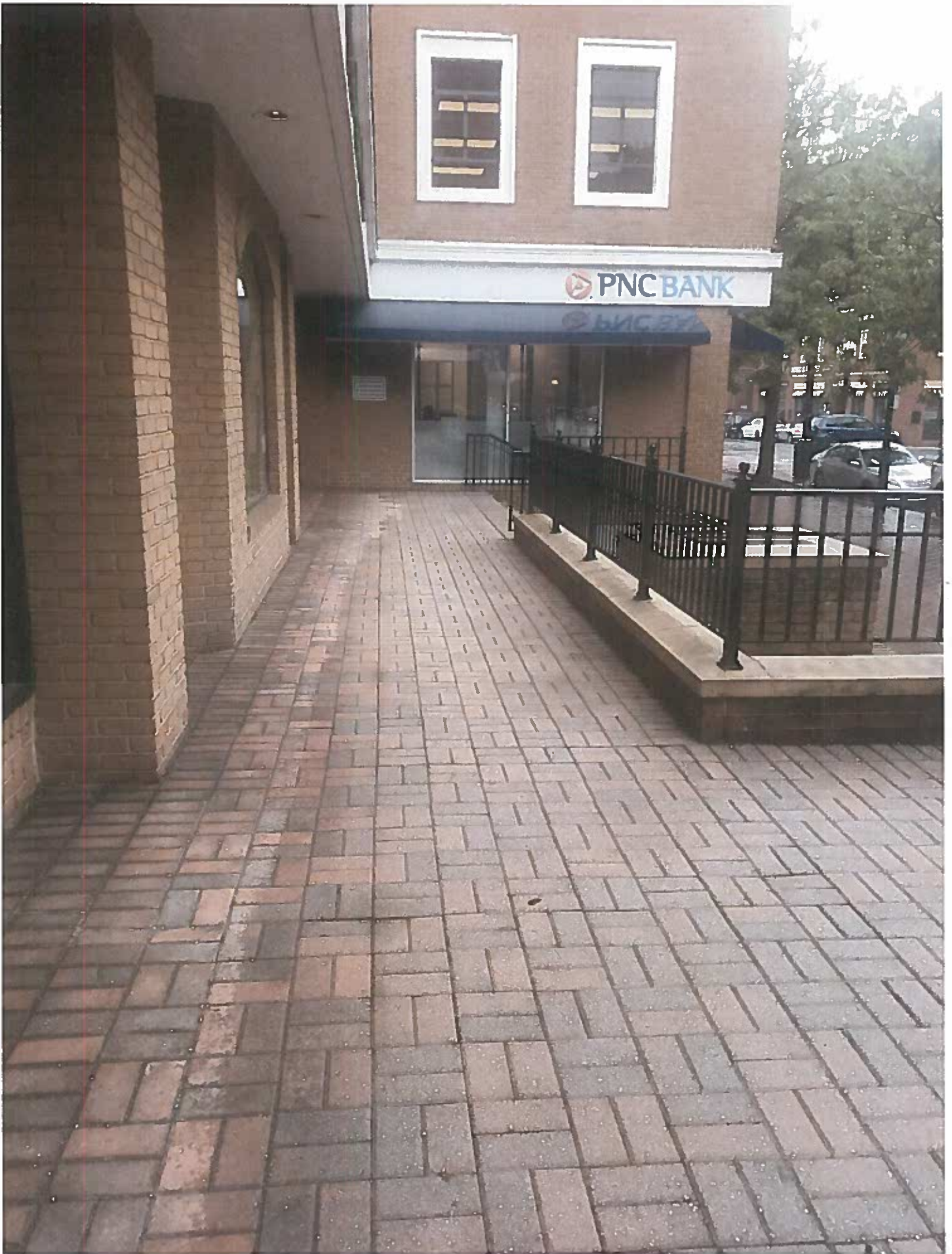
1. Maximum number of patrons shall be determined by adding the following:

72	Maximum number of patron dining seats
+	0 Maximum number of patron bar seats
+	0 Maximum number of standing patrons
=	72 Maximum number of patrons

2. ⁸ _____ 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









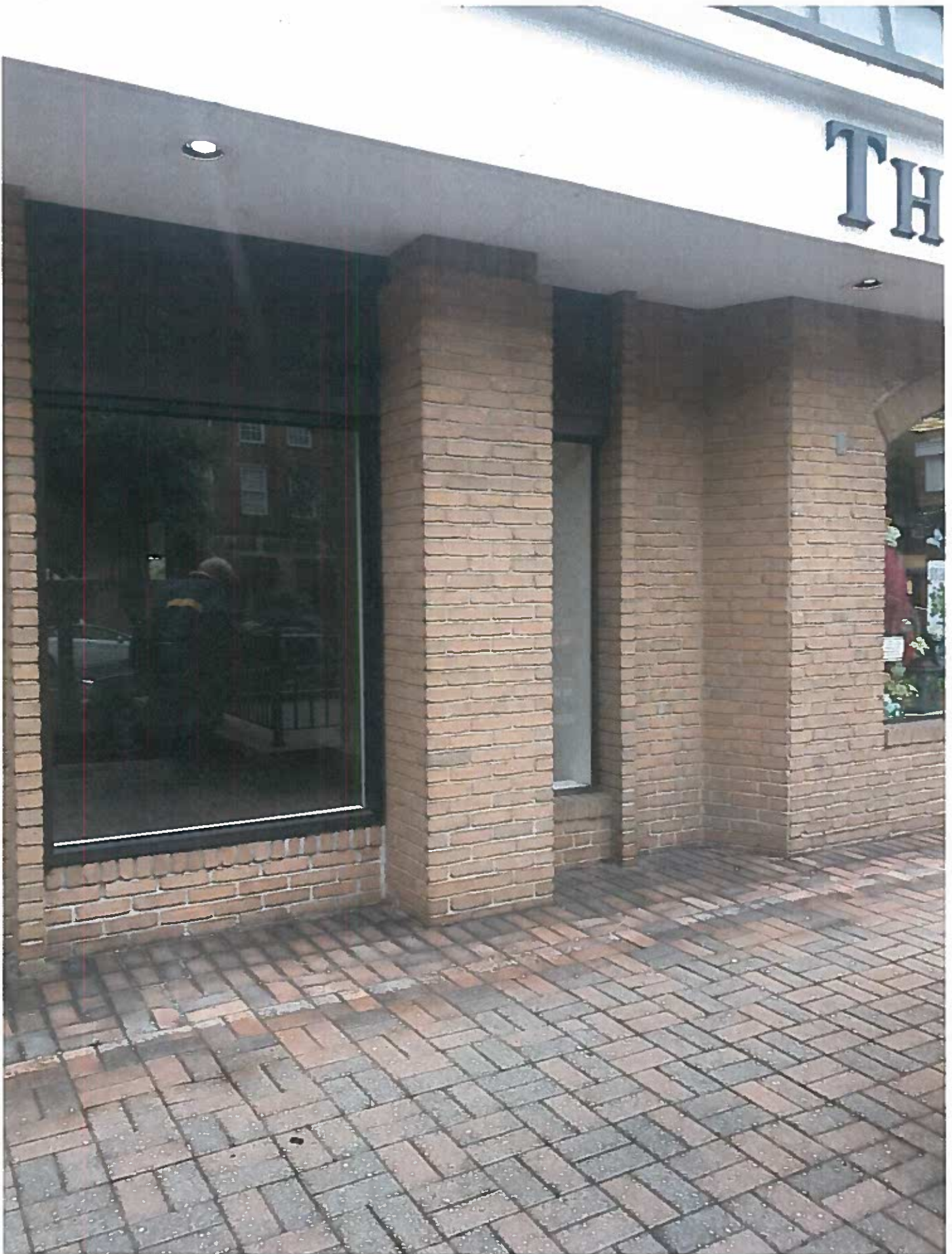
²⁷
Alexandria (4).JPG

















³⁵
Alexandria (12).JPG



























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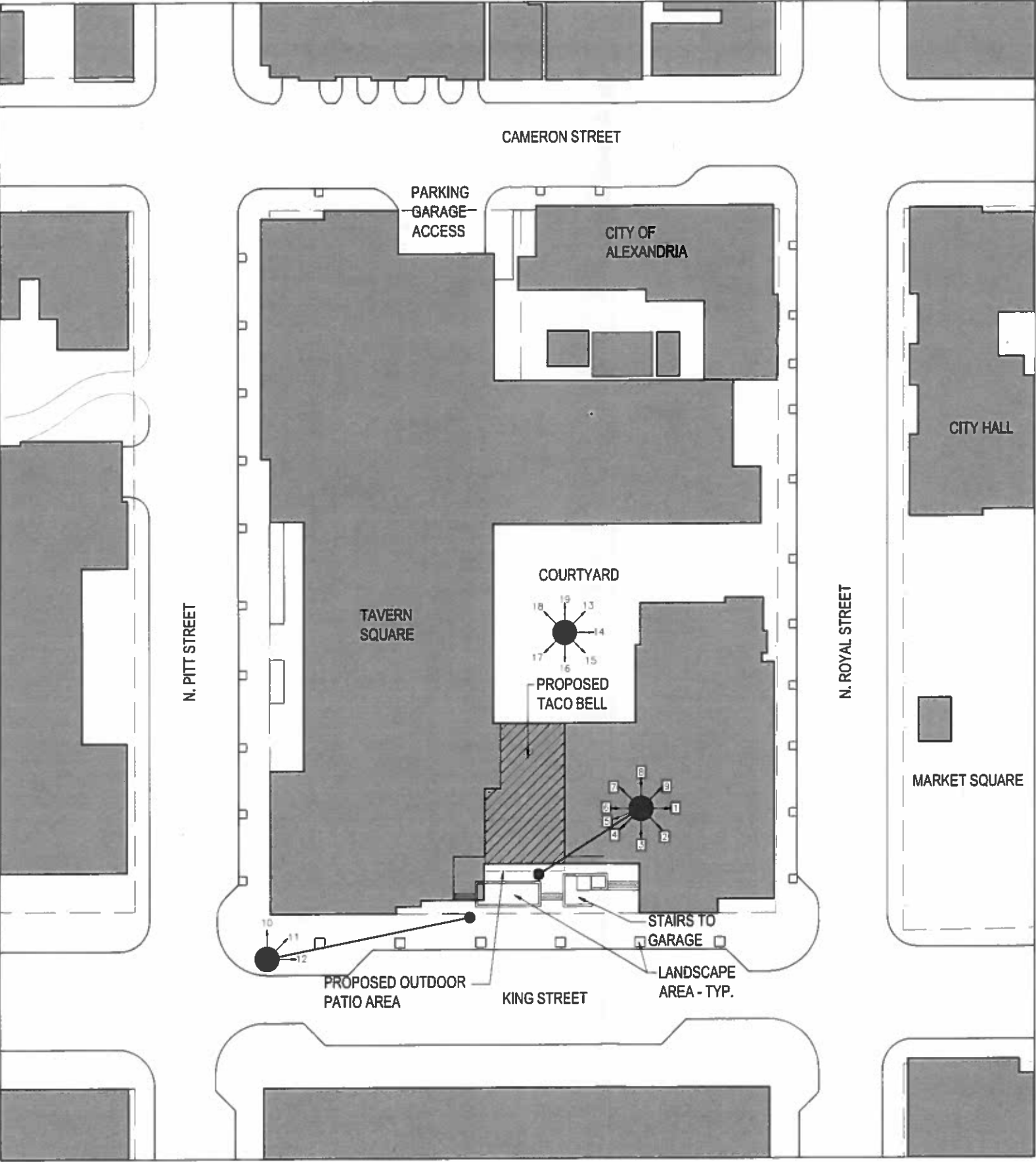
CONTRACT DATE	10.10.17
BUILDING TYPE	URBAN CANTINA
PLAN VERSION	MAR 2016
SITE NUMBER:	312734/446630
STORE NUMBER:	2017088,69

TACO BELL
417 KING STREET
ALEXANDRIA, VA



**URBAN CANTINA
PROPOSED
FLOOR PLAN
AND
EXTERIOR
ELEVATIONS
2200 S.F.**

A1.0



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CONTRACT DATE	10.10.17
BUILDING TYPE	URBAN CANTINA
PLAN VERSION	MAR 2016
SITE NUMBER	312734/446630
STORE NUMBER	2017088.09

TACO BELL
417 KING STREET
ALEXANDRIA, VA



URBAN CANTINA

**ARCHITECTURAL
SITE PLAN**

A9.0



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
- 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 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.

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

Caller Information

Call		Name		Home Address	Home Phone	Work Phone	Email
		GORDON	SPEED		703-447-1976		GORDON.SPEED@GMAIL.COM

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

SUP2017-0122

Additional Materials

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

SUP2017-0122
Additional Materials

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

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.

#

SUP2017-0122
Additional Materials

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,

Danielle Romanetti
Owner
fibre space | fibrespace.com
1319 Prince Street
Alexandria, VA 22314
phone 703-664-0344 | Instagram [fibrespace](https://www.instagram.com/fibrespace)
Find us on Ravelry: Fans of fibre space

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

Concerned About Taco Bell Cantina on King Street

Puodziunas, Anna Marie <Anna.M.Puodziunas@leidos.com>

Thu 3/8/2018 5:15 PM

To: PlanComm <PlanComm@alexandriava.gov>;

Importance: High

I am deeply concerned and upset a Taco Bell Cantina is being considered to open on King Street, I have been a resident of Old Town for approximately 14 years, and previously had been a city resident for an additional 4 years. And before that, lived most of my life in Fairfax County, visiting Old Town on a regular basis, because of the neighborhood's charm and the quality small businesses that lined the streets.

As residents, we truly cherish the small, independent businesses and locally owned restaurants, and we take great pride in our town. The recent propagation of chains is upsetting. With each Subway or Chipotle that opens, our town loses a bit of its charm. Rent in commercial spaces has been driving out the small independent businesses at very rapid paces, and we're losing more and more of the beloved local businesses. We understand the need to fill these store fronts, but it seems that once these fast food chains start going in, there will be no turning back for our this neighborhood. There is not one Alexandria resident that I have spoken with who is not opposed to this business opening in its slated location. The loud noise and likely trash dropped on the streets will be a huge nuisance for neighboring residents.

Please reconsider approving this business for their slated space on King Street.

Respectfully,
Anna Marie Puodziunas