

Zoning Text Amendment #2021-00006

Outdoor Dining in On-Street Parking Spaces and Retail Sales on Sidewalks and On-Street Parking Spaces

Issue: Outdoor Dining in On-Street Parking Spaces and Retail Sales on Sidewalks and On-Street Parking Spaces	Planning Commission Hearing:	October 5, 2021
	City Council Hearing:	October 16, 2021
Description: A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to allow outdoor dining in on-street parking spaces and retail sales on sidewalks and in on-street parking spaces in commercial zones.		
Staff: City of Alexandria and Alexandria Economic Development Partnership: Karl Moritz, Director, Department of Planning & Zoning Stephanie Landrum, President and CEO, Alexandria Economic Development Partnership Yon Lambert, Director, Department of Transportation & Environmental Services Katie North Division Chief, Department of Transportation & Environmental Services, Mobility Services Tony LaColla, Division Chief, Department of Planning & Zoning, Land Use Services Ann Horowitz, Principal Planner, Department of Planning & Zoning, Land Use Services Alex Block, Principal Planner, Department of Transportation & Environmental Services, Mobility Services Mary Christesen, Principal Planner, Department of Planning & Zoning, Land Use Services Megan Oleynik, Urban Planner III, Department of Transportation & Environmental Services, Transportation Planning Alexa Powell, Urban Planner II, Department of Planning & Zoning, Land Use Services		
Staff recommendation: Staff recommends that the Planning Commission INITIATE and recommends APPROVAL of the text amendment.		

PLANNING COMMISSION ACTION, OCTOBER 5, 2021: On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission moved to initiate Zoning Ordinance Text Amendment #2021-00006. On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission moved to recommend approval of Zoning Ordinance Text Amendment #2021-00006, incorporating additional amendments from the October 1 memorandum, and with a punctuation change in Section 7-1500(B)(2)(b). The motion carried on a vote of 6-0, with Commissioner Koenig absent.

Reason: The Planning Commission agreed with the staff analysis.

Commissioner Lyle asked what the timeline would be for the application process. Staff replied that the process would be administrative and would allow business owners enough time to have

the parklets in place by April 1, 2022. She recommended that fees for the applications are reasonable given the continuing financial challenges of businesses.

Commissioner Manor asked if staff received any negative responses to the closure of the 100 block of King Street or to the parklet program. Mr. Moritz responded that some residents of adjacent streets have reported increased traffic and residents of Captains Row stated that the traffic is impacting the historic integrity of the cobblestone street. Feedback opportunity results indicated strong support for the closure of the 100 block of King Street and dining in on-street parking spaces.

Vice Chair McMahon asked if options for public access parklets would be available given that reference to these are not included in the Zoning Ordinance Text Amendment. Staff replied that text amendments were not required to allow for public parklets and that the Department of Transportation and Environmental Services would support these through a separate process. The Vice Chair also confirmed with staff that options existed in the text amendment for businesses to use parking spaces adjacent to their buildings with property owner and neighboring businesses' approval.

Chair Macek asked for staff interpretation of the business feedback responses indicating that 66% supported dining in parking spaces. Staff followed that not all responding businesses participated in the parking space program and, therefore, the responses did not necessarily reflect all businesses that availed themselves of the opportunity. Commissioner Manor offered that potentially some businesses found that servicing parklet dining a management challenge due to staffing shortages. The Chair expressed his support for the text amendment, believing it to be an important part of the economic recovery package as it allowed commercial parklets and retail on sidewalks throughout the City.

Commissioner Brown requested that a correction be made to move the colon appearing after "plan" to after "include" in Section 7-1500(B)(2)(b).

Commissioner Ramirez confirmed that commercial parklets were available for businesses throughout the City in zones permitting commercial uses.

I. SUMMARY

The Departments of Planning & Zoning and Transportation & Environmental Services propose the Zoning Ordinance Text Amendments to continue the temporary program, created in response to COVID-19, allowing on-street public parking spaces for restaurant dining and retail display and sales with administrative approval as a permanent program. The text amendments also permit retail sales and display on a public sidewalk directly in front of a retail establishment.

The request featured in this report is part of a package of four economic recovery proposals, for City Council consideration at a legislative meeting and the public hearing in October, to make certain COVID-19 programs permanent. A companion piece to this report's Zoning Ordinance text amendment is a text amendment to Section 5-2-29 of the City Code for permitted encroachments into the public right-of-way for the outdoor dining and retail use of on-street parking spaces, designated as parklets, and for retail display and sales on a sidewalk. The permanent closure of the 100 block of King Street through a Section 9.06 request and the designation of the City as a Tourism Zone to support new and existing tourism businesses through a City Ordinance amendment are additional economic recovery programs coming before the City Council in October.

II. BACKGROUND

A. City Council Actions

Given the economic impacts on the City's business community with the onset of the novel Coronavirus (COVID-19) pandemic, the City Manager enacted several efforts since March 2020 to support business activity and to provide residents' safe access to commercial uses. The City Council ratified these measures and waived and suspended certain ordinances pursuant to the Continuity of Government Ordinance.

As pandemic effects continued to impact the community, the City Council approved a Text Amendment #2020-00008 in November 2020 to consolidate all waived and suspended ordinances into one ordinance with an expiration date of January 1, 2022. The ordinance included the closure of the 100 block of King Street to vehicular traffic, the use of on-street parking spaces for outdoor dining and retail sales and display, and access to public sidewalks for business use. City Council recently approved Text Amendment #2021-00008 in September 2021 to extend the expiration date to April 1, 2022 to allow the business community the opportunity to fully amortize its investments for outdoor business operation through the cold weather months.

B. Economic Recovery Project

Concurrent with the City Manager and City Council's emergency authorizations, the City's Economic Recovery Project was established in mid-Spring of 2021 to develop and implement a series of relief initiatives to help City businesses and commercial property owners recover from the loss of revenue and instability caused by COVID-19. The Alexandria Economic Development Partnership (AEDP) and the Department of Planning and Zoning continue to lead

the recovery project through the Business and Public Space Re-opening Team, composed of representatives from the Departments of Health; Parks, Recreation and Cultural Activities; Transportation and Environmental Services; Code Administration; General Services; Police and Fire; and in partnership with the Small Business Development Center, Visit Alexandria, the Old Town Business Association, with feedback from many individual businesses.

The project team approached the crisis in three phases: Phase 1- *Immediate Response*, Phase 2- *Stabilization* and Phase 3- *Recovery*. The goal of Phase 1 was to provide immediate relief from some of the most immediate impacts of COVID-19 on businesses and included provisions for businesses to operate more safely outdoors.

Phase 2 supported business stabilization through the continuation of waived City requirements and new programs, including the temporary outdoor business permit program for restaurants, retail and fitness uses in on-street parking spaces, on sidewalks and in parking lots. It instituted a winterization program to support outdoor business operation throughout the cold weather months. One hundred and sixteen businesses requested use of on-street parking spaces, the sidewalk, a parking lot or a combination of outdoor areas. Table 1 illustrates the breakdowns of participating business and the outdoor location areas they were approved to use.

Table 1: Temporary Outdoor Business Permits Issued – May 2020 to present

Locations	On-street parking space	Sidewalk	Parking lot
Total businesses	57 131 spaces	43	23
Restaurants	51 114 spaces	42*	23
Retail	6 17 spaces	1	0

* Additional restaurants offered sidewalk dining through Special Use Permit or King Street Outdoor Dining approvals

During Phase 2-*Stabilization*, the Economic Recovery Project's Business and Public Re-opening, engaging closely with the business community, with feedback from Planning Commission and the City Council public hearings in November 2020, identified additional measures required to foster long term economic recovery. Many were implemented through City Council approval of business text amendments in October 2020. Many of the remaining initiatives are featured in the Economic Recovery Package for three programs reviewed at the City Council public hearing in October, signaling a transition to Phase 3 – *Recovery*. These include this staff report's Zoning Ordinance text amendments, the text amendment to the City Code for permitted encroachments, the ordinance amendment to designate the City as a Tourism Zone for access to state funding for

new and existing tourism drivers, and a section 9.06 report for the permanent closure of the 100 block of King Street.

C. Community Outreach

To assess levels of success for the outdoor business temporary program and interest in continuing these programs, the Departments of Planning and Zoning and Transportation and Environmental Services launched an online Feedback Opportunity between August 1 and September 10 to survey residents, visitors and business operators. ENews informed the broader public about the feedback opportunity and the Small Business Development Center and AEDP distributed notice of the feedback opportunity to its email distribution lists. Specific notifications were sent to business groups representing the Old Town, Old Town North and Del Ray areas and to the Old Town Civic Association and Del Ray Citizens' Association.

The City received 2,776 responses, a relatively high number for a City feedback opportunity. Ninety-one percent stated they were more likely to visit a restaurant if outdoor dining is available, signaling an overwhelming sentiment that outdoor business access continues as a high priority for patrons. Summarizing the responses in Table 2, a clear majority of residents, visitors and businesses reported positive experiences with the closure of the 100 block of King Street and outdoor dining on sidewalks and in on-street parking spaces, referred to as parklets, and would like these to become a permanent feature in the City.

Table 2: Temporary outdoor business program feedback results

Responses 2,776	Resident & Visitors 97%	Businesses 3%
Positive Experience: 100 block of King Sidewalk Dining Parklet Dining	89% 82% 68%	NA
Economically advantageous programs	NA	100%
Continue programs 100 block of King Sidewalk Dining Parklet Dining	92% 84% 74%	74% 81% 66%

In addition to the online feedback opportunity and from Planning Commission and City Council responses at the November public hearings, outreach on the permanent program proposals took

place at the June and September Waterfront Commission meetings; the August meetings with the Old Town Business Association and the 100 and 200 block of King Street businesses; and the June Small Business Development Center Business Association meeting. Further outreach is planned for the Visit Alexandria Board of Directors on September 27 and the Chamber of Commerce Government Relations Committee on October 5.

III. TEXT AMENDMENT RECOMMENDATIONS

A. The Proposal

As part of the overall Economic Recovery proposal package, the Departments of Planning & Zoning (P&Z) and Transportation & Environmental Services (T&ES) propose Zoning Ordinance Text Amendments #2021-00006 to continue the outdoor restaurant and retail use of on-street public parking spaces as a commercial parklet through an administrative approval and allow outdoor retail display and sales as a by-right use on public sidewalks. The Zoning Ordinance text amendments, which are the subject of this report, provide these business opportunities in concert with a text amendment proposed for Section 5-2-29 of the City Code as a separate docket item. Only City Council review is required for the Section 5-2-29 text amendment and is docketed for its October 12 Legislative Meeting and October 16 Public Hearing.

B. Background: Text Amendment to the City Code and Parklet Approval Process

Although not part of this review, a brief explanation of the City Code text amendments is important as the Zoning Ordinance and City Code jointly enable these business opportunities. Public on-street parking spaces approved for dining and retail in parklets would be considered permitted encroachments, subject to specific parklet requirements outlining appropriate locations and design standards, with no requirement for individual City Council review. Likewise, outdoor retail display and sales on a sidewalk, immediately in front of an associated retail store, is also proposed as a permitted encroachment. Restaurants requiring an encroachment for outdoor dining in the public right-of-way, other than in parklets, would continue to require City Council approval of an encroachment.

Staff recognizes the intrinsic value of the parking spaces used for parklets and sees the need to compensate the public for use of the right-of-way and new maintenance that may be required near these areas. As such, it will propose a yearly encroachment fee schedule for parklet use for City Council consideration should it approve the subject of this staff report and the text amendments to Section 5-2-29 of the City Code, Staff will not propose encroachment fees for retail display and sales on a sidewalk given that, in practical terms, retail stores who choose to access the sidewalk for merchandise do so on an infrequent basis, using a minimal area in front of the storefront and for limited hours.

As a separate regulatory review but related matter, the Traffic and Parking Board on September 27 will consider the staff-proposed process and standards for parklet review. This includes approval of a City permit, requiring a flush transition to the curb and standards to ensure safe locations, quality design, Fire Department access, and other related matters. Following City

approval of a parklet, P&Z would conduct an administrative review for dining or retail parklet use to evaluate for neighborhood impacts and furnishings quality and design as outlined in the attached amendment to Zoning Ordinance Section 7-1500.

C. Zoning Ordinance Text Amendment Proposal Details

The Zoning Ordinance Section 7-1500 text amendment provides the Planning and Zoning regulatory framework to allow dining and retail sales and display in a parklet through staff administrative review and outdoor retail display and sales on a public sidewalk immediately adjacent to a store located in a building as a permitted use.

1. Commercial Parklets

The Section 7-1500(B) text amendments outline the application process and standards for administrative approval for outdoor dining and retail sales and display in a parklet in front of a permittee's place of business. Standards include requirements for high quality furnishing standards which would be modeled after the King Street Outdoor Dining Design Guidelines; restrictions on live entertainment, amplified sound and signage; hours of operation; and requirements for maintenance and cleanliness. A fee would be assigned to this administrative review. After initial approval, the parklet use would be renewed yearly. P&Z staff would issue a letter of agreement, containing conditions, for each approval. After approval, the applicant would be permitted to offer outdoor dining or establish a location for retail display and sales in a parklet, having previously received City approval for a parklet permit. The use limitation sections of each commercial, mixed use, office and industrial zone contain an amendment to allow outdoor dining and retail display and sales in a parklet subject to Section 7-1500. Outdoor dining on a public sidewalk would continue to require approval of a Special Use Permit (SUP) or King Street Outdoor Dining permit.

2. Outdoor Retail Display and Sales on a Public Sidewalk

Text amendments, enabling outdoor retail display and sales on a public sidewalk immediately in front of a business as a permitted use, appear in Section 7-1500(C) and in the use limitation sections of each commercial, mixed use, office and industrial zone. Staff found that a by-right use status was appropriate as the practice generates few if any impacts: retail establishments typically use relatively small areas for display to keep storefront windows visible and doorways accessible and infrequently and inconsistently display merchandise for sale outdoors. Amendments in the use limitation sections establish conditions to minimize impacts, requiring retail establishments to display and sell merchandise on sidewalks only during business hours and to allow for a minimum of five feet clearance for pedestrian traffic on the sidewalk.

3. Additional amendments

Parklets are defined in added Section 2-182.06 to provide for accurate interpretation as the term now appears in the Zoning Ordinance. Section 11-513(H), which allowed for administrative SUP approval for outdoor display has been deleted given the proposed and expanded business opportunities for retail establishments to operate in a parklet and on a public sidewalk. No active SUPs exist for outdoor display, and perhaps the allowances proposed in the text amendment will foster more interest in outdoor retail expansion.

IV. CONCLUSION

The proposed text amendments represent the City's ongoing efforts to facilitate and sustain long-term economic recovery as it responds to the effects of the COVID-19 crisis. Not only did the programs, authorized on a temporary and emergency basis and the subject of this text amendment, contribute to the financial stability of City businesses, but they also provided popular business venues for residents and visitors by generating vibrancy. Staff therefore recommends approval of the proposed text amendments to support continued business recovery and community vitality.

Staff:

Karl Moritz, Director, Planning & Zoning
Stephanie Landrum, President and CEO, Alexandria Economic Development Partnership
Yon Lambert, Director, Transportation & Environmental Services
Katie North, Division Chief, T&ES Mobility Services
Tony LaColla, Division Chief, P&Z Land Use Services
Ann Horowitz, Principal Planner, P&Z Land Use Services
Alex Block, Principal Planner, T&ES Mobility Services
Mary Christeson, Principal Planner, P&Z Land Use Services
Alexa Powell, Urban Planner II, P&Z Land Use Services

Attachments: Proposed Zoning Text Amendments

Zoning Ordinance Proposed Language
Zoning Text Amendment 2021-00006

Sec. 2-182.06

Parklet

An extension of the sidewalk into the parking lane to be used for open space, public seating, or extra space associated with a business, such as a restaurant or a retail establishment.

Sec. 3-1400 - RMF/Residential multifamily zone.

3-1409 Use limitations.

(A) All commercial operations, including storage, shall be conducted within a completely enclosed building, with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director in accordance with section 7-1500.~~

(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with requirements of section 7-1500.

(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

- (1) During business operational hours;
- (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
- (3) In accordance with Section 5-2-29 of the City Code.

Sec. 4-100 - CL/Commercial low zone.

4-107 Use limitations.

(A) All commercial operations, including storage, shall be conducted within a completely enclosed building, with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis.~~

(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.

(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

- (1) During business operational hours;
- (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and

(3) In accordance with Section 5-2-29 of the City Code.

Sec. 4-200 - CC/Commercial community zone.

4-207 Use limitations.

- (A) All operations, including storage, shall ~~take place~~ be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~except: (1) A temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis; or~~
- (2) ~~For uses which require a special use permit, the permit may authorize outdoor display for sales.~~

(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.

(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

- (1) During business operational hours;
- (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
- (3) In accordance with Section 5-2-29 of the City Code.

Sec. 4-300 - CSL/Commercial service low zone.

4-307 Use limitations.

- (A) All operations, including storage, shall ~~take place~~ be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~except:~~
- (1) ~~A temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis; or~~
- (2) ~~For uses which require a special use permit, the permit may authorize outdoor display for sales.~~

(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.

(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

- (1) During business operational hours;

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- (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
- (3) In accordance with Section 5-2-29 of the City Code.

Sec. 4-400 - CG/Commercial general zone.**4-407 Use limitations.**

- (A) All operations, including storage, shall ~~take place~~ be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~except:~~
 - (1) ~~A temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis; or~~
 - (2) ~~For uses which require a special use permit, the permit may authorize outdoor display for sales.~~

(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.

(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

- (1) During business operational hours;
- (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
- (3) In accordance with Section 5-2-29 of the City Code.

Sec. 4-500 - CD/Commercial downtown zone.**4-507 Use limitations.**

- (A) All operations, including storage, shall ~~take place~~ be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use.~~

(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.

(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

- (1) During business operational hours;
- (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and

- (3) In accordance with Section 5-2-29 of the City Code.

Sec. 4-600 - CD-X/Commercial downtown zone (Old Town North).

4-607 Use limitations.

- (A) All operations, including storage, shall take place be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director which permit shall indicate the location, size, duration and purpose of the accessory outdoor use.~~

- (A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.

- (A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

- (1) During business operational hours;
- (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
- (3) In accordance with Section 5-2-29 of the City Code.

Sec. 4-700 - CR/Commercial regional zone.

4-707 Use limitations.

- (A) All operations, including storage, shall take place be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use.~~

- (A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.

- (A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

- (1) During business operational hours;
- (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
- (3) In accordance with Section 5-2-29 of the City Code.

Sec. 4-800 - OC/Office commercial zone.

shall ~~take place~~ be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.

4-807 Use limitations.

- (A) All operations, including storage, shall ~~take place~~ be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis.~~

(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.

(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

- (1) During business operational hours;
- (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
- (3) In accordance with Section 5-2-29 of the City Code.

Sec. 4-900 - OCM(50)/Office commercial medium (50) zone.

4-906 Use limitations.

- (A) All operations, including storage, shall ~~take place~~ be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis.~~

(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.

(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

- (1) During business operational hours;
- (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
- (3) In accordance with Section 5-2-29 of the City Code.

Sec. 4-1000 - OCM(100)/Office commercial medium (100) zone.

4-1006 Use limitations.

- (A) All operations, including storage, shall ~~take place~~ be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.

~~except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis.~~

(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.

(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

- (1) During business operational hours;
- (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
- (3) In accordance with Section 5-2-29 of the City Code.

Sec. 4-1100 - OCH/Office commercial high zone.

4-1106 Use limitations.

(A) All operations, including storage, shall ~~take place~~ be conducted within a completely enclosed building ~~with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.~~ except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis.

(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.

(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

- (1) During business operationaFl hours;
- (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
- (3) In accordance with Section 5-2-29 of the City Code.

Sec. 4-1200 - I/Industrial zone.

4-1206 - Use limitations.

(A) All uses and operations shall ~~take place~~ be conducted within a completely enclosed building or an area enclosed on all sides with screening or buffering adequate and reasonable to protect adjacent nearby uses, as determined by the director-, with the

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exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.

(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.

(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

- (1) During business operational hours;
- (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
- (3) In accordance with Section 5-2-29 of the City Code.

Sec. 4-1400 - NR/Neighborhood retail zone (Arlandria).

4-1403.1 Administrative special uses.

The following uses may be allowed in the NR zone with administrative approval, subject to section 11-513 of this ordinance:

(H) Live theater;

~~(I) Outdoor display of retail goods.~~

4-1413 Use limitations.

(A) All operations, including storage, shall take place be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~those administrative uses enumerated in sections 14-1103(B), (C) and (G) except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use.~~

(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.

(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

- (1) During business operational hours;
- (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
- (3) In accordance with Section 5-2-29 of the City Code.

Section 5-100 – CRMU-L/Commercial residential mixed use (low).

5-110 Use limitations

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- (D) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.
- (D.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (D.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
 - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
 - (3) In accordance with Section 5-2-29 of the City Code.

Section 5-200 – CRMU-M/Commercial residential mixed use (medium).**5-210 Use limitations**

- (D) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.
- (D.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (D.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
 - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
 - (3) In accordance with Section 5-2-29 of the City Code.

Section 5-300 – CRMU-H/Commercial residential mixed use (high).**5-310 Use limitations**

- (D) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.
- (D.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (D.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
 - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and

- (3) In accordance with Section 5-2-29 of the City Code.

Section 5-400 – CRMU-X/Commercial residential mixed use (Old Town North) zone.

5-410 Use limitations

- (C) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.
- (C.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (C.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
 - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
 - (3) In accordance with Section 5-2-29 of the City Code.

Section 5-500 – W-1/Waterfront mixed use zone.

5-511 Use limitations

- (C) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.
- (C.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (C.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
 - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
 - (3) In accordance with Section 5-2-29 of the City Code.

Section 5-602 - Coordinated development districts created, consistency with master plan, required approvals.

- (E) Notwithstanding the uses that may be allowed with a CDD special use permit in each CDD zone pursuant to Sections 5-602(A) and 5-602(D) of this ordinance, the following uses are permitted in each CDD when located in or immediately adjacent to a building constructed pursuant to a CDD special use permit, unless specifically prohibited therein:

- (14) Outdoor dining and outdoor retail display and sales in a parklet, which shall comply with the requirements of section 7-1500; and

(15) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

- (a) During business operational hours;
- (b) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
- (c) In accordance with Section 5-2-29 of the City Code.

(F) Notwithstanding the uses that may be allowed with a CDD special use permit in each CDD zone pursuant to Sections 5-602(A) and 5-602(D) of this ordinance, the following uses may be allowed in each CDD by administrative approval, pursuant to Section 11-513 of this ordinance, when located in or immediately abutting a building constructed pursuant to a CDD special use permit, unless specifically prohibited therein:

(2) Outdoor dining other than pursuant to Section 5-602(E)(5) or Section 5-602(E)(14);

Section 6-600 - Mount Vernon Avenue urban overlay zone.

6-603 - Uses.

(D) *Administrative special uses.* Notwithstanding any contrary provisions of the zoning ordinance, the following uses may be allowed by the director by administrative review and approval pursuant to the standards and procedures of section 11-513.

- (1) Restaurants;
- (2) Outdoor dining, other than in a parklet;

Sec. 6-700 - KR/King Street urban retail zone.

6-707 Use limitations.

(A) All operations, including storage, shall ~~take place be conducted~~ within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~those administrative uses enumerated in section 6-702(C)(1) except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use.~~

(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.

(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

- (1) During business operational hours;
- (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
- (3) In accordance with Section 5-2-29 of the City Code.

Sec. 7-1500 Outdoor display, sales or storage of goods or merchandise and outdoor dining in a parklet.

- (A) Except as specifically permitted in this ordinance, the outdoor display, sale or storage of goods or merchandise is prohibited on all public rights-of-way and pedestrian circulation facilities, on all private streets, pedestrian circulation facilities, alleys, roadways and driveways, and in all off-street parking and loading areas.
- (B) Outdoor dining or retail display and sales in a parklet.
- (1) Administrative permit availability.
- (a) Outdoor dining or outdoor retail display and sales in a parklet may be applied for as an administrative permit, pursuant to Section 7-1500.
- (b) ~~The requirements of~~ Obtaining approval of an administrative permit under this section eliminates the need for approval of a special use permit under Section 11-500 of this ordinance ~~is not required.~~
- (2) Administrative permit process.
- (a) An applicant for outdoor dining or retail display and sales in a parklet shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose.
- (b) The application shall include: a plan with dimensions showing the layout for the outdoor dining or retail display and sales area, accurately depicting the parklet location, which must be directly in front of the applicant's business; specification sheets and photographs of furnishings; and such additional information as the director may reasonably require.
- (c) The director shall review the application to determine if the proposed commercial use in a parklet is reasonable, attractive, and promotes pedestrian and commercial vitality.
- (d) The director may approve, approve with conditions, or deny the application. The approved plan and permit shall be kept on the business premises.
- (e) No material change to the approved plan shall be made without prior written approval by the director.
- (f) The permit shall be valid only between April 1 and March 31 of the following calendar year. A permit fee, established pursuant to Section 11-104 of this ordinance, shall be assessed annually.
- (3) Standards for outdoor dining and retail display and sales in a public on-street parklet.
- (a) Adhere to design guidelines for parklet furnishings as established by the director.
- (b) Only goods from the permittee's store are permitted to be displayed and sold and only food from the permittee's restaurant may be served in the parklet. The parklet use shall be under the responsible direction and control of the business.
- (c) Parklets must be used for display and sales during all business hours of an associated retail business and for dining on days when

Outdoor Dining and Retail Display and Sales

a restaurant if operational between 6 a.m. and 11 p.m., except during inclement weather. Noncompliance will result in voiding of the permit and the ability to operate a parklet.

- (d) Access ramps must remain unobstructed and available for pedestrians.
- (e) Live entertainment and amplified sound are not permitted.
- (f) One table must be handicap accessible for outdoor dining use.
- (g) Umbrellas must provide a minimum clearance of seven feet, must be contained within the parameters of the parklet and must not feature signs or advertisements.
- (h) The parklet must be kept sanitary, neat and clean at all times. It shall be free from accumulation of food, litter, snow, ice, leaves and other potentially dangerous or unsanitary matter.
- (i) The outdoor dining area shall be cleared and washed at the close of each business day that it is in use.
- (j) Signage is not permitted in the parklet.
- (k) Smoking is not permitted.
- (l) Operation of outdoor dining or retail display and sales may only occur in an approved parklet that meets the requirements of City Code Section 5-2-29.

~~(C) Notwithstanding the provisions of subsection (A), the city manager may issue a temporary permit, authorizing the participants in a city-sponsored festival or public event to display or sell goods or merchandise on that portion of any public street which has been closed to traffic in connection with such festival or event.~~

(C) Outdoor retail display and sales on a public sidewalk.
The outdoor display and sale of goods or merchandise on a public sidewalk is permitted as authorized in the use limitation sections of commercial, mixed-use, office, CDD and industrial zones.

~~(BD) Notwithstanding the provisions of subsection (A), a person conducting a business in a building adjacent to a public or private sidewalk may, in conjunction with a bona fide sale and in accordance with a temporary permit issued by the city manager, display or sell goods or merchandise from that business on a portion of the sidewalk that is contiguous to the building. Outdoor retail display and sales at a city sponsored festival or public event on a public street or sidewalk.~~

~~(C1) Notwithstanding the provisions of subsection (A), the city manager may issue a temporary permit, authorizing the participants in a city-sponsored festival or public event to display or sell goods or merchandise on that portion of any public street which has been closed to traffic in connection with such festival or event.~~

~~(+2) Any person desiring such a permit shall apply to the city manager or her/his designee who shall issue the permit upon a finding that the proposed display or sale of goods or merchandise will not endanger the safety, and will not be inconsistent with the welfare and convenience, of the public, and who may impose such reasonable conditions as are necessary to comply with the requirement of this section.~~

Outdoor Dining and Retail Display and Sales

- (23) The city manager may permit the sale of goods and merchandise on a public sidewalk only and on a portion of any public street which has been closed to traffic in connection with a city-sponsored festival or public event.
- (34) In addition to any conditions imposed by the city manager, the permittee shall, as a condition for issuance of the permit, agree in writing to defend and hold the city harmless from any and all claims, demands, losses, liability, causes of action, costs and expenses of any kind arising from or incident to any activity undertaken under the permit by the permittee or any employee or agent of the permittee.
- (45) Each permit issued under this section shall be valid only for the duration of the sale in conjunction with which it is issued or seven days, whichever is less.
- (56) No more than four permits may be issued under this section in any one year to the same permittee or to any permittee associated with the same business.
- (D) ~~The outdoor display, sale or storage of goods or merchandise on areas not subject to subsection (A) is prohibited in all commercial, office and industrial zones to the extent not expressly authorized by the use limitations set forth in the regulations applicable to such zones.~~
- (E) ~~Notwithstanding the provisions of~~ To the extent not permitted in the use limitations of a zone, section 5-602 or under subsection (DB) and the use limitations in the zones referred to therein, outdoor restaurant seating, and the sale and service of food and beverage for consumption at such seating, shall be allowed to the extent expressly authorized in a special use permit governing the operation of the entire restaurant or administrative approval pursuant to section 6-800.

Section 11-513

~~(H) Specific standards for outdoor display.~~ Notwithstanding any contrary provisions of this ordinance, the display of goods from a retail sales establishment is permitted, subject to the following:

- ~~(1) The requirements of section 4-107(A) shall apply.~~
- ~~(2) Only goods from the adjacent store are permitted to be displayed.~~
- ~~(3) Signage for the outdoor display is allowed in addition to signage otherwise permitted for the business, but shall be limited to a maximum aggregate size of one square foot.~~
- ~~(4) No sales may occur in the outdoor display area.~~
- ~~(5) The outdoor display area may include no structures or other permanent changes to the exterior.~~
- ~~(6) There shall be no music, speakers, or amplified sounds associated with the outdoor display.~~
- ~~(7) The approved duration of the outdoor display shall be specified in the permit which may but is not required to be limited to four times a year.~~
- ~~(8) The outdoor sales may not encroach into the public right-of-way.~~



September 27, 2021

City Council
City of Alexandria
301 King Street
Alexandria, VA 22314

Dear Alexandria City Council Members:

On behalf of the board of the 400+ members of Visit Alexandria, I would like to express our wholehearted endorsement of the economic recovery measures under consideration. We appreciate the opportunity to comment here.

We support the proposed measures including:

- Closure of the 100 Block of King
- Curbside pickup, parklets
- Administrative approval of outdoor dining and retail display

We support these measures because:

- Recent survey research (n=2776) indicates widespread support among residents, visitors and business owners for all of the above measures
- Alexandria's hospitality retention during FY 21 was stronger than neighboring jurisdictions including Arlington and the District of Columbia
- Our recovery is still far from complete, and sustaining recovery is critical for Alexandria's economy, workforce, tax base and residential quality of life

For all of these reasons we encourage you to extend and support the package of economic recovery measures that have been successful to date. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "KEllis", written over a light blue horizontal line.

Kate Ellis, Board Chair, Visit Alexandria

Cc: Mark Jinks, City Manager
Emily Baker, Deputy City Manager
Karl Moritz, Director of Planning & Zoning
Stephanie Landrum, President & CEO, Alexandria Economic Development Partnership
Joe Haggerty, President & CEO, Alexandria Chamber of Commerce

City of Alexandria, Virginia

MEMORANDUM

DATE: OCTOBER 1, 2021

TO: CHAIR MACEK AND MEMBERS OF
THE PLANNING COMMISSION

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

SUBJECT: DOCKET ITEM #8 - ZONING TEXT AMENDMENT (ZTA) #2021-00006 – OUTDOOR DINING IN ON-STREET PARKING SPACES AND RETAIL SALES ON SIDEWALKS AND ON-STREET PARKING SPACES

This memorandum proposes changes to the text amendment language on pages 8-20 of the docket materials for ZTA #2021-00006. In recent briefings, Planning Commissioners suggested adding language to allow opportunities for outdoor dining and retail display and sales in on-street spaces and retail display and sales on public sidewalks in Commercial Development District (CDD) zones and recommended clarifying language in Section 7-1500. All proposed new text amendment language is identified in blue text.

In addition, staff recently recognized that the Mount Vernon Overlay required coordinating language with the underlying CL zone to allow the parklet outdoor dining use in the overlay.

(I) Proposed language to allow the outdoor uses in on-street parking spaces and on public sidewalks is:

- **Section 5-602 - Coordinated development districts created, consistency with master plan, required approvals.**

(E) Notwithstanding the uses that may be allowed with a CDD special use permit in each CDD zone pursuant to Sections 5-602(A) and 5-602(D) of this ordinance, the following uses are permitted in each CDD when located in or immediately adjacent to a building constructed pursuant to a CDD special use permit, unless specifically prohibited therein:

(14) Outdoor dining and outdoor retail display and sales in a parklet, which shall comply with the requirements of section 7-1500; and

(15) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

(a) During business operational hours;

- (b) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
- (c) In accordance with Section 5-2-29 of the City Code.

(F) Notwithstanding the uses that may be allowed with a CDD special use permit in each CDD zone pursuant to Sections 5-602(A) and 5-602(D) of this ordinance, the following uses may be allowed in each CDD by administrative approval, pursuant to Section 11-513 of this ordinance, when located in or immediately abutting a building constructed pursuant to a CDD special use permit, unless specifically prohibited therein:

(2) Outdoor dining other than pursuant to Section 5-602(E)(5) or Section 5-602(E)(14);

(II) Proposed amendments to Section 7-1500 for Outdoor display, sales or storage of goods or merchandise and outdoor dining clarify procedures and standards and include references to CDD zoning given the addition requested in (I).

- *Section (B)(1)(b) originally proposed text language:*
The requirements of obtaining approval of a special use permit under Section 11-500 of This ordinance is not required.

Section (B)(1)(b) proposed new text language:

Obtaining approval of an administrative permit under this section eliminates the need for approval of a special use permit under Section 11-500 of this ordinance.

- *Section (B)(2)(b) originally proposed text language:*
The application shall include a plan with dimensions showing the layout for the outdoor dining or retail display and sales area, accurately depicting the parklet location, which must be directly in front of the applicant's business; specification sheets and photographs of furnishings; and such additional information as the director may reasonably require.

Section (B)(2)(b) proposed new text language:

The application shall include a plan: with dimensions showing the layout for the outdoor dining or retail display and sales area, accurately depicting the parklet location, which must be directly in front of the applicant's business; specification sheets and photographs of furnishings; and such additional information as the director may reasonably require.

- *Section (B)(2)(c) originally proposed text language:*
The director shall review the application to determine if the proposed commercial use in a parklet is reasonable, attractive, and promotes pedestrian and commercial friendly vitality.

Section (B)(2)(c) proposed new text language:

The director shall review the application to determine if the proposed commercial use in a parklet is reasonable, attractive, and promotes pedestrian and commercial vitality.

- *Section (C) originally proposed text language:*

The outdoor display and sale of goods or merchandise on a public sidewalk is permitted as authorized in the use limitation sections of commercial, mixed-use, office and industrial zone s.

Section (C) proposed new text language:

The outdoor display and sale of goods or merchandise on a public sidewalk is permitted as authorized in the use limitation sections of commercial, mixed-use, office, CDD and industrial zones.

- *Section (E) originally proposed text language:*

~~Notwithstanding the provisions of~~ To the extent not permitted in the use limitations of a Zone or under subsection (DB) and the use limitations in the zones referred to therein, outdoor restaurant seating, and the sale and service of food and beverage for consumption at such seating, shall be allowed to the extent expressly authorized in a special use permit ~~governing the operation of the entire restaurant.~~

Section (E) proposed new text language:

~~Notwithstanding the provisions of~~ To the extent not permitted in the use limitations of a zone, section 5-602 or under subsection (DB) and the use limitations in the zones referred to therein, outdoor restaurant seating, and the sale and service of food and beverage for consumption at such seating, shall be allowed to the extent expressly authorized in a special use permit ~~governing the operation of the entire restaurant~~ or administrative approval pursuant to section 6-800.

(III) Although the underlying CL zone for the Mount Vernon Overlay provides for the outdoor uses in on-street parking spaces and sidewalks in this text amendment, the overlay also requires a minor amendment to allow parklets.

Section 6-600 - Mount Vernon Avenue urban overlay zone.

6-603 - Uses.

(D) *Administrative special uses.* Notwithstanding any contrary provisions of the zoning ordinance, the following uses may be allowed by the director by administrative review and approval pursuant to the standards and procedures of section 11-513.

(2) Outdoor dining, other than in a parklet;

Staff recommends approval of ZTA #2021-00006 with the addition of the text amendments included in this memo.



REX MANAGEMENT

LIFESTYLE & RESTAURANT GROUP

September 27, 2021

VIA EMAIL

Justin Wilson, Mayor
Elizabeth Bennett-Parker, Vice Mayor
Canek Aguirre, Council Member
John Chapman, Council Member
Amy Jackson, Council Member
Del Pepper, Council Member
Mo Seifeldein, Council Member
Nathan Macek, Chair, Planning and Zoning
Melissa McMahon, Vice Chair, Planning and Zoning
David Brown, Commissioner, Planning and Zoning
Melinda Lyle, Commissioner, Planning and Zoning
Stephen Koenig, Commissioner, Planning and Zoning
Vivian Ramirez, Commissioner, Planning and Zoning
John Goebel, Commissioner, Planning and Zoning
City of Alexandria City Hall
301 King Street
Alexandria, Virginia 22314

Dear Mr. Mayor, Members of the City Council and the City of Alexandria Planning Commission:

We the undersigned as restaurant and business owners in the 100 block of King Street are writing you in hopes that you heed our advice as to the proposed closure of the 100 block of King Street to vehicular traffic.

As you know the pandemic with its social distancing and other myriad restrictions as to occupancy have greatly impacted our revenues. The current temporary arrangement for outside seating utilizing the sidewalks and parking spaces needs to be continued and expanded. Over the Summer and into the Fall, we have been able to slowly rebuild our business as our clientele become more comfortable returning to restaurants.

However, we believe we must have a professional outdoor program for all of us to compete with other areas of the DMV such as The Wharf, Navy Yard, Mosaic District and National Harbor. We must be allowed to build and operate more permanent outdoor service areas that provide protection from inclement weather.



REX MANAGEMENT

LIFESTYLE & RESTAURANT GROUP

We understand that the business landscape has changed. We are competing against other areas to draw patrons. We all realize that Old Town must be a desired destination where people are able to walk down the street and choose their dining destination among the various establishments. We need the flexibility to invest in “permanent” outdoor spaces that are both inviting and attractive.

Regretfully we believe different COVID variants will breakout periodically and we feel we must be proactive to not only protect our customers but our employees and businesses. Allowing us to close King Street and build protected patios serves not only the business community but it continues to provide the City with sales and food tax revenues.

We do, however, have a comment about the suggestion that a five foot sidewalk be maintained between the building and the outside seating.

We all strongly believe that this is unnecessary. People enjoy the promenade effect of walking in the middle of the street with their dogs on a leash or pushing a baby carriage. It is a festive mood reminiscent of many European cities and towns.

Putting pedestrians between the buildings and crossing paths with wait and service staffs as they attempt to attend to the tables will potentially create some bumps, bruises and spilled dinners. The current plan is working fine and none of us have heard any complaints that pedestrians want to walk next to the buildings rather than in the street. All this proposed five foot path does is take away valuable outdoor seating and create a “crossing hazard” for pedestrians and wait staff.

Thank you for recognizing that our businesses are essential to the health and viability of Old Town and the City of Alexandria. We help make Alexandria a desirable destination for residents as well as visitors.

Very truly yours,

Noe T. Landini
Managing Director & CEO

October 1, 2021

Dear Members of the Planning Commission,

On behalf of the Old Town Business Association, we encourage you to embrace the closure of the 100 block of King Street to vehicular traffic. We also want to encourage you to allow for the continuation of outdoor dining in on-street parking spaces and sidewalks, and retail sales on sidewalks and on-street parking spaces.

We hope that the City staff will continue working with us, the Old Town Business Association, as we refine the plans for buskers, sidewalks, barricades, enforcement, and outdoor amenities such as curbside pick-up and heaters and tents. It is essential that the staff work with us to create an environment that is business friendly and customer friendly. Over the past 18 months we have had a good working relationship with City staff and we want to continue to move forward as we address these issues and find solutions that will work for the public, the City, and the business community.

Sincerely,

Charlotte Hall

Managing Director

Old Town Business Association

[EXTERNAL]100 Block Merchant Statements and signed letter

Cyrus Coleman <cyrus@ripehospitality.com>

Tue 10/5/2021 2:23 PM

To: PlanComm <PlanComm@alexandriava.gov>

Cc: Noe T Landini <noe@noelandini.com>; Charlotte Hall (DPI Contact) <charlotte.hall@oldtownbusiness.org>; Niamh O'Donovan <niamh@danieloconnells.com>; Wali Zadran <Zadran@comcast.net>; Chad Sparrow <chad@mason-social.com>

 2 attachments (210 KB)

100 Block Closure Signed Letter to City from Merchants.pdf; 100 Block Closure Statement of Merchants 10.5.21.pdf;

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

To Whom this may concern,

The attached documents are being provided as a matter of public record, from several business owners on the 100 Block of King street, to address the permanent closure of the block being heard at this hearing on October 5th 2021. I would also like the opportunity to speak at the hearing via zoom to deliver this statement verbally as well. I am currently registered for the meeting via zoom but please advise on any further steps needed to speak?

Please confirm receipt of this email.

Best Regards,
Cyrus Coleman
Owner
The Wharf
119 King St.
cell: 571.296.1037

**DISCLAIMER: This message was sent from outside the City of Alexandria email system.
DO NOT CLICK any links or download attachments unless the contents are from a trusted source.**

September 27, 2021

VIA EMAIL

Justin Wilson, Mayor
Elizabeth Bennett-Parker, Vice Mayor
Canek Aguirre, Council Member
John Chapman, Council Member
Amy Jackson, Council Member
Del Pepper, Council Member
Mo Seifeldein, Council Member
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City of Alexandria City Hall
301 King Street
Alexandria, Virginia 22314

Dear Mr. Mayor, Members of the City Council and the City of Alexandria Planning Commission:

We the undersigned as restaurant and business owners in the 100 block of King Street are writing you in hopes that you heed our advice as to the proposed closure of the 100 block of King Street to vehicular traffic.

As you know the pandemic with its social distancing and other myriad restrictions as to occupancy have greatly impacted our revenues. The current temporary arrangement for outside seating utilizing the sidewalks and parking spaces needs to be continued and expanded. Over the Summer and into the Fall, we have been able to slowly rebuild our business as our clientele become more comfortable returning to restaurants.

However, we believe we must have a professional outdoor program for all of us to compete with other areas of the DMV such as The Wharf, Navy Yard, Mosaic District and National Harbor. We must be allowed to build and operate more permanent outdoor service areas that provide protection from inclement weather.

We understand that the business landscape has changed. We are competing against other areas to draw patrons. We all realize that Old Town must be a desired destination where people are able to walk down the street and choose their dining destination among the various establishments. We need the flexibility to invest in “permanent” outdoor spaces that are both inviting and attractive.

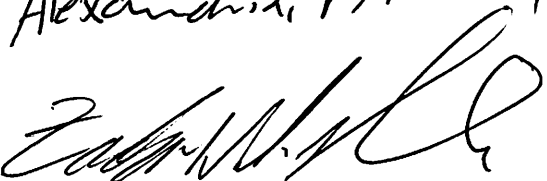
Regretfully we believe different COVID variants will breakout periodically and we feel we must be proactive to not only protect our customers but our employees and businesses. Allowing us to close King Street and build protected patios serves not only the business community but it continues to provide the City with sales and food tax revenues.

We do, however, have a comment about the suggestion that a five foot sidewalk be maintained between the building and the outside seating.

We all strongly believe that this is unnecessary. People enjoy the promenade effect of walking in the middle of the street with their dogs on a leash or pushing a baby carriage. It is a festive mood reminiscent of many European cities and towns.


Putting pedestrians between the buildings and crossing paths with wait and service staffs as they attempt to attend to the tables will potentially create some bumps, bruises and spilled dinners. The current plan is working fine and none of us have heard any complaints that pedestrians want to walk next to the buildings rather than in the street. All this proposed five foot path does is take away valuable outdoor seating and create a "crossing hazard" for pedestrians and wait staff.


Thank you for recognizing that our businesses are essential to the health and viability of Old Town and the City of Alexandria. We help make Alexandria a desirable destination for residents as well as visitors.

Il Porto Ristorante
Nah. Zahan
121 King street
Alexandria, VA 22314


* RIAHAN O'Donovan
O'Connells
112 King St.
Alexandria, VA, 22314.

Very truly yours,


Chad F. Sparrow
Managing Partner
Common Plate Hospitality
Urbano 116


NDE LANDINI
MANAGING DIRECTOR ; CEO
LANDINI BROTHERS ; FISHMARKET ; POP'S
115 KING ST.

Cyrus Coleman



Owner
The Wharf
119 King St.

Subject: Permanent closure of the 100 Block and the 5ft opening on the side walk per the staff recommendations.

Objective: To strike the 5ft opening on the side walk from the staff recommendations to be presented on October 5th public hearing and voted on by the council.

Statement of Merchants

At this time, everyone can agree on the precise point to the benefits of the permanent closure of the 100 block of King Street. However, several restaurant owners have expressed concern with the 5ft opening on the side walk that the city staff has added to its Staff Recommendations. We all strongly believe this is unnecessary as people enjoy the promenade effect of walking in the middle of the street. The current plan is working fine with 90% approval rating from city data as is. In addition, we feel that the closure of the 100 block is a unique feature for the city and should be treated as such, separate from the cities overall outdoor dining programs or other requirements.

That said, the merchants of the 100 block need to work directly with the city to develop the details of the plan before it is being presented to the public and the city council as these decisions affect our businesses, city revenue, the safety of our staff and the public, and the overall vibe of the heaviest populated area of Old Town Alexandria.

Safety and Functionality Issues with the 5ft sidewalk opening

It is our understanding the fire department is requesting to have the 5ft access for the reason of protecting against a possible fire on the 100 block. Several restaurant owners feel this precaution opens the door for other and more frequent safety concerns between pedestrians, bicyclist, motorized scooters, and restaurant staff, which a few examples are listed below:

- Injury due to staff crossing with food and beverage through heavy pedestrian traffic
 - Burns
 - Cuts from broken glass or dishes
 - Collision causing injuries

Additional Restaurant Owners concerns

- Reduces outdoor dining at a time when we need it the most leaving some restaurants with as much outdoor dining as the previous outdoor program
- Reduces ease of normal business operations when serving outdoor seating area

Alternative Recommendations

In a show of good faith for future discussions, and as a part of the 100 block merchants working together with city staff, we are providing some alternative recommendations below.

- Develop a unique fire evacuation plan for the 100 block merchants
- Businesses extending out to the 22ft walking path would be required to have ADA ramp