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~~2-12-05~~ ~~2-7-05~~ ~~10~~
~~2-8-05~~

City of Alexandria, Virginia

MEMORANDUM

DATE: FEBRUARY 4, 2005
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: JAMES K. HARTMANN, CITY MANAGER
SUBJECT: ORDINANCE TO EXTEND A PILOT PROGRAM FOR OUTDOOR DINING IN THE KING STREET CORRIDOR

ISSUE: Ordinance to Extend a Pilot Program for Outdoor Dining in the King Street Corridor.

RECOMMENDATION: That City Council introduce the ordinance on February 8 and set it for public hearing, second reading, and final passage on Saturday, February 12.

DISCUSSION: In September 2004, City Council passed an ordinance establishing a pilot program for sidewalk café dining along Old Town's King Street corridor. This pilot program remained in effect through the end of 2004, and was designed to see if sidewalk café dining would be successful, as well as to identify potential issues and gauge input from the public on the desirability of this outdoor dining.

This pilot program, which was very successful with 29 restaurants receiving 486 approved new outdoor dining seats, helped to produce a lively and active street scene that has been favorable to businesses, as well as enjoyable for residents and visitors. Both residents and business owners have been generally enthusiastic about the program, and there appears to be strong support to warrant continuing such a program on a permanent basis.

Restaurant owners have been pleased to see an administratively easy and quick process to obtain outdoor dining approval, increased sales, and a more exciting environment for their customers. Likewise, many residents have stated that outdoor dining has added a favorable new aspect to King Street's retail scene – a very important and unique component of the City's overall quality of life. Staff has formally surveyed the participating restaurants and has received very positive feedback. Of the 17 restaurants who have responded to date 15 have indicated that their business improved, and all wish to have the program re-authorized by Council.

Further, the aggregate results of the pilot program are consistent with the guiding principles of the draft *King Street Retail Strategy* which will be coming forward for public discussion this coming March/April. This major planning effort, led by a task force of citizens, businesses, and property owners, focuses on increasing the overall competitiveness of King Street's retail sector in the face of new competition elsewhere in the Washington region. The *Strategy* advocates, among other things, increasing street-level vitality, specifically outdoor dining, in order to create a more interesting retail experience for shoppers and restaurant patrons. The outdoor dining pilot program has achieved this goal.

The draft *King Street Retail Strategy* includes provisions for outdoor dining as part of a permanent ordinance implementing the *Strategy*. The new overlay zone for the King Street area include the specific standards for outdoor dining which incorporate the assessment of the pilot program. Since final adoption of the zoning ordinance changes recommended in the *Strategy* is anticipated for this May, in order for all restaurant operators along the King Street corridor to lawfully provide outdoor dining until the permanent ordinance is enacted, we are recommending that the Council pass the attached ordinance extending the pilot program until the permanent program is enacted. Passage in February will allow outdoor dining to begin as early as March.

The proposed outdoor dining King Street corridor area would be the same as in the pilot program (King Street from the Unit block to Daingerfield as well as the 100 north and south blocks of intersecting streets). A map of this area is included in Attachment IV.

With respect to implementing outdoor dining along Mt. Vernon Avenue, the Mt. Vernon Plan and its accompanying ordinance will address this. This Plan will be considered by Council in March.

OUTDOOR DINING ISSUES:

While the outdoor dining pilot program was generally a success, there were some issues identified which will need to be addressed in the extension of the pilot program. Other issues can be addressed as part of the permanent program.

Pedestrian Sidewalk Access: The pilot ordinance mandated “adequate space remaining within the public right-of-way to facilitate safe circulation of pedestrian traffic.” Applicants were required to submit site plans for their outdoor seating areas, showing dimensions of the seating areas and of the sidewalks. Staff required that 5 feet of unobstructed sidewalk space be maintained, or 4 feet (for a maximum length of 30 inches) around permanently fixed obstructions such as light posts, hydrants, trash cans, and tree wells.

All approved site plans conformed to this standard; however, some restaurants deviated from their site plans. Also, in some instances the determination of the 4 foot area included tree well space, which proved problematic to some disabled persons. Several site plans were not accurate and included incorrect dimensions and/or excluded sidewalk obstructions. Some restaurants ended up using more sidewalk space than shown on their site plans. The City received complaints about this and notified restaurant operators, who were usually responsive in readjusting their outdoor dining area.

The staff has met with the restaurant community, and they understand the need to maintain pedestrian access. In some cases, restaurant owners will need to use smaller tables or get by with fewer tables in order to maintain appropriate sidewalk clearance. The Planning and Zoning and Code Enforcement staff will monitor pedestrian access conditions during this extension of the pilot program and require adjustments when appropriate. Also, when restaurants submit new site plans to the City before the start of the spring 2005 program, it will be necessary in some cases to make adjustments to sidewalk clearance and to clarify umbrella overhang prohibition.

Umbrellas: Umbrellas were permitted under the pilot program and help to protect restaurant patrons from the sun and instill a festive atmosphere to outdoor dining. However, some umbrellas

extended over the pedestrian walkway when they were supposed to be confined to the dining area only. Again, outreach to the restaurants and enforcement during this interim period will address this issue.

SUMMARY:

The *King Street Retail Strategy* ordinance will incorporate standards to address all of these issues as well as guidance for plans at outdoor dining facilities. In the interim period during this extension of the pilot program, the interagency conditions adopted for the pilot program begun last fall will be enforced (Attachment I).

ATTACHMENTS:

- Attachment I. Outdoor Dining Conditions
- Attachment II. Ordinance 4360
- Attachment III. Proposed Ordinance
- Attachment IV. Pilot Program Boundary Map
- Attachment V. List of Participating Restaurants

STAFF:

- Mark Jinks, Assistant City Manager
- Eileen Fogarty, Director, Department of Planning and Zoning
- Rich Baier, Director, Department of Transportation and Environmental Services
- Kirk Kincannon, Director, Department of Recreation, Parks & Cultural Activities
- Arthur Dahlberg, Director, Code Enforcement
- Tom Fairchild, Business Facilitator

**CITY OF ALEXANDRIA
OUTDOOR DINING CONDITIONS
KING STREET PILOT PROGRAM**

The following is a summary of City requirements as applied to the King Street pilot program for outdoor dining in the public right-of-way.

OVERVIEW:

- The pilot area includes restaurant properties that abut King Street (from the waterfront to the King Street Metro Station) and on the immediate blocks of all intersecting north-south streets (See map).
- This pilot program will continue until December 31, 2005 or until the permanent program is implemented, whichever is sooner.
- Restaurants will submit an application for a permit, which will include a dimensional plan for the outside dining area that depicts the location and size of the seating area, and width of the sidewalk. The plan will also illustrate the number of chairs, tables, and any other improvements. There will be no charge for the permit.
- If all information is provided, the application will be reviewed by Planning and Zoning and Code Enforcement at the counter and will normally be approved at the first visit.
- Any proposed change in the outdoor dining plan must be approved by the City through a revised application before the change is implemented.
- Hours of service for outside dining can be anytime between 6:00 AM to 11:00 PM, seven days a week consistent with any previously approved restaurant hours.

PROGRAM CONDITIONS:

- The outside dining area should be attractive, and promote pedestrian and retail friendly vitality in the King Street corridor.
- The total number of seats (both outdoor and indoor) shall not exceed the restaurant's previously approved maximum number of seats by more than 20. (Note: If diners are already seated/served outside and it starts to rain, diners may be relocated inside, which can create a dangerous overcrowding issue if the restaurant is already full. Restaurant owners should consult with Code Enforcement about Building Code requirements for egress capacity, number of exits, and the number and type of restroom facilities to make sure that potential overcrowding will not occur.)
- The outside dining area shall be located on the public sidewalk in front of the restaurant property and must be under the responsible direction and control of the restaurant. It may be located adjacent to the building or near the curb.
- At least 5 feet of unobstructed corridor space must be maintained past the outside dining area for sidewalk pedestrian traffic in order to ensure a clear pedestrian

passageway along the sidewalk. Exceptions may be granted on a case-by-case basis to reduce the sidewalk corridor space to 4 feet for short spans not to exceed 30 inches. Such exemptions will be granted at the time the application is submitted. City inspectors will monitor the restaurants to ensure that the approved distances are always maintained.

- At least 44 inches of unobstructed ingress/egress space must be maintained between any restaurant doorway and the pedestrian traffic corridor.
- An unobstructed clearance of 5 feet must be maintained between a fire hydrant and any furniture or fixtures related to outdoor dining.
- All improvements (furniture and fixtures) used in the outdoor seating area must be temporary in nature. There shall be no penetration of the sidewalk surfaces.
- The outside dining area must be kept neat and clean at all times. It shall be free from accumulation of litter, snow, ice, and other potentially dangerous matter. The restaurant must participate in an approved rodent control program.
- No food preparation is permitted in the outside dining area.
- Tents or awnings are not permitted without obtaining a separate building permit. Table umbrellas are permitted if they do not have signs or advertisements on them and if the umbrellas are completely contained within the outdoor dining area, even when fully extended. Within the outdoor dining area, the bottom edge of the umbrella must have a minimum vertical clearance of 7 feet from the sidewalk to allow for patron and server circulation.
- No signs except small table tent signs are permitted in the outside dining area except those signs that have a valid City permit.
- Loudspeakers outside are prohibited, and amplified sounds from inside the restaurant must not be audible in the outside dining area.
- Any door leading into a restaurant must not be propped open or otherwise supported in an open position.
- The restaurant must comply with all applicable city, state and federal laws and regulations.

STATE ALCOHOLIC BEVERAGE CONTROL (ABC) CONDITIONS

As a courtesy, the following is a summary of conditions that apply if restaurants wish to serve alcoholic beverages in the outside dining area. A restaurant applicant must make a request in writing to the Virginia Department of Alcoholic Beverage Control (ABC) and provide a plan that shows the proposed seating area. It will take 2 to 4 days for ABC to review and approve an application.

- The dining area must have a sturdy enclosure.

- There must be only one well defined entrance to the outdoor dining area. This entrance must be directly in front of the egress doors so patrons are not exiting into a “corral” situation.
- Customers are not permitted to carry their own alcohol to the outdoor dining area.
- The dining area must have adequate illumination during evening hours.

ORDINANCE NO. 4360

AN ORDINANCE to establish a pilot program for the administrative approval of outdoor dining or sidewalk cafe dining along the King Street corridor, from the Potomac River to the King Street Metro Station.

WHEREAS, the King Street Retail Advisory Committee has identified outdoor dining or sidewalk cafe dining as an important component in promoting pedestrian and retail friendly vitality in the King Street corridor from the Potomac River to the King Street Metro Station; and

WHEREAS, the fall 2004 Festival of the Arts, during which outdoor dining or sidewalk cafe dining along portions of King Street, demonstrated the desirability and feasibility of such outdoor dining; and

WHEREAS, current law requires that the City Council approve a site-specific encroachment ordinance to authorize outdoor dining in the public sidewalk right-of-way; and

WHEREAS, the City Council finds and determines that the public interest would be served by the establishment of a pilot program to permit more expeditious approval of outdoor dining or sidewalk cafe dining, which will promote pedestrian and retail friendly vitality, ensure that the public's use of the sidewalks will not be significantly impaired by such seating, and ensure that adjacent commercial and residential uses will be protected from any adverse impacts from such seating; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That outdoor dining shall be permitted to encroach into the public sidewalk right-of-way along King Street, from the Potomac River to the intersection of King Street and Daingerfield Road, and along all streets intersecting therewith, north to Cameron Street, and south to Prince Street, as shown on the map entitled "Proposed Boundary for Outdoor Dining Pilot Program," attached hereto, until December 31, 2004; provided, that such permission shall be subject to the provisions set forth below.

Section 2. That no such encroachment shall be permitted unless and until an application therefor, which shall consist of a dimensional plan for the area which reasonably depicts the location, size and space of the seating area, chairs, tables and other facilities to be located in the public right-of-way, and such additional information as the Director may reasonably require, has been approved by the Director of Planning and Zoning, after determining that the proposed encroachment will be reasonable, attractive, and promote pedestrian and retail friendly vitality in the King Street corridor, and that there is adequate space remaining within the public right-of-way to facilitate safe circulation of pedestrian traffic. No material change to the approved plan shall be made without prior written approval by the Director.

Section 3. That any such encroachment shall be subject to the following terms and conditions:

- (A) The seating area shall be adjacent to the property of an existing and lawfully operating restaurant, and outdoor dining shall be under the responsible direction and control of such restaurant.
- (B) The total number of seats (both outdoor and indoor) shall not exceed the restaurant's previously approved maximum number of seats by more than 20 seats. Any temporary increase in number of seats for outdoor dining in the public sidewalk right-of-way authorized pursuant to this ordinance shall not be deemed by the Director to constitute intensification of use.
- (C) Hours of operation for the outdoor dining area shall not exceed 6:00 a.m to 11:00 p.m., seven days per week. All patrons must leave the outdoor dining area by the closing hour.
- (D) Loudspeakers shall be prohibited, and amplified sounds from inside the restaurant shall not be audible, within the encroachment area.
- (E) All furniture and fixtures placed in the right-of-way shall be temporary and shall be readily removable without any damage to the surface of the right-of-way.
- (F) The restaurant shall maintain the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other similar matter.
- (G) The restaurant shall comply with all applicable city, state and federal laws and regulations.
- (H) Such additional, reasonable terms and conditions as the Director may include in the written approval for the encroachment.

Section 4. That any such encroachment shall be subject to and conditioned upon the restaurant maintaining liability insurance, with commercially reasonable limits and coverages, including for its operation within the encroachment area, and permission to establish and maintain the encroachment shall not be construed to relieve the restaurant of liability for any negligence on the restaurant's part on account of or in connection with the encroachment.

Section 5. That by accepting the authorization granted by a permit authorized by this ordinance to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, the restaurant shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 6. That the authorization granted by this ordinance to establish and maintain the encroachment is not intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. Neither the City of Alexandria nor any public utility company shall be responsible for damage to property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.

Section 8. That the authorization granted by this ordinance to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from the restaurant the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by the restaurant without cost to the city. If the restaurant shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of the restaurant, and shall not be liable to the restaurant for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Section 9. That no fees or charges imposed pursuant to Sections 3-2-81 through 3-2-85 of the City Code shall be applicable to encroachments authorized by this ordinance.

Section 10. That this ordinance shall be effective upon the date and at the time of its final passage, and shall expire on December 31, 2004.

WILLIAM D. EUILLE
Mayor

Attachment: Map depicting Boundary for Outdoor Dining Pilot Program

Final Passage: September 28, 2004

Introduction and first reading:	2/08/05
Public hearing:	2/12/05
Second reading and enactment:	2/12/05

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend Ordinance No. 4360, to extend the King Street Outdoor Dining Pilot Program until December 31, 2005.

Summary

The purposed ordinance extends the King Street Outdoor Dining Pilot Program until December 31, 2005, or until such time as Council adopts a permanent program as part of the implementation of the King Street Retail Advisory Committee's recommendations.

Sponsor

Staff

Eileen P. Fogarty, Director, Planning and Zoning
Ignacio B. Pessoa, City Attorney

Authority

§ 2.03(e), Alexandria City Charter

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

Ordinance No. 4369

ORDINANCE NO. 4360

AN ORDINANCE to establish a pilot program for the administrative approval of outdoor dining or sidewalk cafe dining along the King Street corridor, from the Potomac River to the King Street Metro Station.

WHEREAS, the King Street Retail Advisory Committee has identified outdoor dining or sidewalk cafe dining as an important component in promoting pedestrian and retail friendly vitality in the King Street corridor from the Potomac River to the King Street Metro Station; and

WHEREAS, the fall 2004 Festival of the Arts, during which outdoor dining or sidewalk cafe dining along portions of King Street, demonstrated the desirability and feasibility of such outdoor dining; and

WHEREAS, current law requires that the City Council approve a site-specific encroachment ordinance to authorize outdoor dining in the public sidewalk right-of-way; and

WHEREAS, the City Council finds and determines that the public interest would be served by the establishment of a pilot program to permit more expeditious approval of outdoor dining or sidewalk cafe dining, which will promote pedestrian and retail friendly vitality, ensure that the public's use of the sidewalks will not be significantly impaired by such seating, and ensure that adjacent commercial and residential uses will be protected from any adverse impacts from such seating; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That outdoor dining shall be permitted to encroach into the public sidewalk right-of-way along King Street, from the Potomac River to the intersection of King Street and Daingerfield Road, and along all streets intersecting therewith, north to Cameron Street, and south to Prince Street, as shown on the map entitled "Proposed Boundary for Outdoor Dining Pilot Program," attached hereto, until December 31, 2004; provided, that such permission shall be subject to the provisions set forth below.

Section 2. That no such encroachment shall be permitted unless and until an application therefor, which shall consist of a dimensional plan for the area which reasonably depicts the location, size and space of the seating area, chairs, tables and other facilities to be located in the public right-of-way, and such additional information as the Director may reasonably require, has been approved by the Director of Planning and Zoning, after determining that the proposed encroachment will be reasonable, attractive, and promote pedestrian and retail friendly vitality in the King Street corridor, and that there is adequate space remaining within the public right-of-way to facilitate safe circulation of pedestrian traffic. No material change to the approved plan shall be made without prior written approval by the Director.

Section 3. That any such encroachment shall be subject to the following terms and conditions:

- (A) The seating area shall be adjacent to the property of an existing and lawfully operating restaurant, and outdoor dining shall be under the responsible direction and control of such restaurant.
- (B) The total number of seats (both outdoor and indoor) shall not exceed the restaurant's previously approved maximum number of seats by more than 20 seats. Any temporary increase in number of seats for outdoor dining in the public sidewalk right-of-way authorized pursuant to this ordinance shall not be deemed by the Director to constitute intensification of use.
- (C) Hours of operation for the outdoor dining area shall not exceed 6:00 a.m to 11:00 p.m., seven days per week. All patrons must leave the outdoor dining area by the closing hour.
- (D) Loudspeakers shall be prohibited, and amplified sounds from inside the restaurant shall not be audible, within the encroachment area.
- (E) All furniture and fixtures placed in the right-of-way shall be temporary and shall be readily removable without any damage to the surface of the right-of-way.
- (F) The restaurant shall maintain the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other similar matter.
- (G) The restaurant shall comply with all applicable city, state and federal laws and regulations.
- (H) Such additional, reasonable terms and conditions as the Director may include in the written approval for the encroachment.

Section 4. That any such encroachment shall be subject to and conditioned upon the restaurant maintaining liability insurance, with commercially reasonable limits and coverages, including for its operation within the encroachment area, and permission to establish and maintain the encroachment shall not be construed to relieve the restaurant of liability for any negligence on the restaurant's part on account of or in connection with the encroachment.

Section 5. That by accepting the authorization granted by a permit authorized by this ordinance to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, the restaurant shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 6. That the authorization granted by this ordinance to establish and maintain the encroachment is not intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. Neither the City of Alexandria nor any public utility company shall be responsible for damage to property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.

Section 8. That the authorization granted by this ordinance to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from the restaurant the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by the restaurant without cost to the city. If the restaurant shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of the restaurant, and shall not be liable to the restaurant for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Section 9. That no fees or charges imposed pursuant to Sections 3-2-81 through 3-2-85 of the City Code shall be applicable to encroachments authorized by this ordinance.

Section 10. That this ordinance shall be effective upon the date and at the time of its final passage, and shall expire on December 31, 2004.

WILLIAM D. EUILLE
Mayor

Attachment: Map depicting Boundary for Outdoor Dining Pilot Program

Final Passage: September 28, 2004

ORDINANCE NO. _____

AN ORDINANCE to amend Ordinance No. 4360 to extend the King Street Outdoor Dining Pilot Program until December 31, 2005.

WHEREAS, Ordinance No. 4360, adopted September 28, 2004, established a pilot program for the administrative approval of outdoor dining or sidewalk café dining along the King Street corridor, from the Potomac River to the King Street Metro Station; and

WHEREAS, Section 10 of Ordinance No. 4360 provided for the expiration of the pilot program on December 31, 2004; and

WHEREAS, the Council of the City of Alexandria finds and determines that the pilot program should continue in effect until such time as the report and recommendations of the King Street Retail Advisory Committee are considered by Council, and a decision is made as to a permanent program; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 10 of Ordinance No. 4360, be, and the same hereby is, amended and reordained to read as follows:

Section 10. That this ordinance shall be effective upon the date and at the time of its final passage, and shall expire on December 31, ~~2004~~ 2005, unless sooner amended or repealed by City Council.

Section 2. That this ordinance, adopted February 12, 2005, shall be effective as of December 31, 2004, *nunc pro tunc*.

WILLIAM D. EUILLE
Mayor

Introduction: 2/8/05
First Reading: 2/8/05
Publication:
Public Hearing:
Second Hearing:
Final Passage:

List of Participating Restaurants

Address	Restaurant	Applicant	Seats
121 S Union St.	Union Street Public House	Thomas J. Stevens	16
105-107 King St.	Fish Market	Glenda R. Govannoni	20
111 King St.	Bugsy's Pizza Restaurant & Sports Bar	Bryan J. Watson	20
115/117 King St.	Landini Brothers Inc.	Pier Landini	20
119 King St.	The Wharf	Ralph T. Davis	19
210 King St.	Subway/Mamma Illardo's	Surendra S. Chauhan	6
214 King St.	The Warehouse Bar and Grill	Hossein Pishdadazar	20
300 King St.	Thai Old Town	Surapol Stierasuta	16
138 N Royal St.	Gadsby's Tavern	Paul Carbe'	18
480 King St.	Annabelle's Pub	Timothy Ruth	20
111 N Pitt St.	Pat Troy's Restaurant & Pub	Pat Troy	20
112 N St. Asaph St.	King Street Blues	Lisa Capobianco	12
607 King St.	Founders Restaurant & Brewing Co.	Sylvia Winterling	18
611 King St.	Bread & Chocolate	Katy Levin	18
101 Washington st.	Mezzagiorno Restaurant	Said Oudghiri	19
109 N Washington	Old Town Deli	Roger Foddoul	12
710-714 King St.	Las Tapas	Douglas Bolandos	20
808 King St.	Café Salsa	Mike Corden	8
809 King St.	Asian Bistro	Thanan Peree	12
815½ King St.	Old Town Theater	Roger D. Fons	20
818 King St.	Taverna Cretekou	Adrian Manouskis	20
102 S Patrick St	Misha's	Andrea Seward	12
1018 King st.	Lite 'n' Fare	Ki Sup Choi	10
1019 King St.	Masaya Thai Cuisine	Thidaporn Chindatraitat	20
1024 Cameron St.	Pasta Peasant	Said Oudghiri	20
1106 King St.	Le Gaulois	Corey Dumitrescili	20
1118 King St.	Bistrot Lafayette	Marie Koumtakoun	20
107 N. Fayette St.	Five Guys, Inc.	Jane K. Murrell	20
1404 King St.	Hard Times Café	Fred Parker	10

November 5, 2004

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2-12-05

AMENDMENT IN THE NATURE OF A SUBSTITUTE
ORDINANCE NO. _____

AN ORDINANCE to amend Ordinance No. 4360 to extend the King Street Outdoor Dining Pilot Program until December 31, 2005.

WHEREAS, Ordinance No. 4360, adopted September 28, 2004, established a pilot program for the administrative approval of outdoor dining or sidewalk café dining along the King Street corridor, from the Potomac River to the King Street Metro Station; and

WHEREAS, Section 10 of Ordinance No. 4360 provided for the expiration of the pilot program on December 31, 2004; and

WHEREAS, the Council of the City of Alexandria finds and determines that the pilot program should continue in effect until such time as the report and recommendations of the King Street Retail Advisory Committee are considered by Council, and a decision is made as to a permanent program; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 1 of Ordinance No. 4360 be, and the same hereby is, amended and reordained to read as follows:

Section 1. That outdoor dining shall be permitted to encroach into the public sidewalk right-of-way along King Street, from the Potomac River to the intersection of King Street and Daingerfield Road, and along all streets intersecting therewith, north to Cameron Street, and south to Prince Street, and into the public sidewalk right-of-way along the south side of Diagonal Road to a point 772 feet west of the intersection of Diagonal Road and Daingerfield Road, as shown on the map entitled "Proposed Boundary for Outdoor Dining Pilot Program Extension," attached hereto; ~~until December 31, 2004;~~ provided, that such permission shall be subject to the provisions set forth below.

Section 2. That Section 10 of Ordinance No. 4360 be, and the same hereby is, amended and reordained to read as follows:

Section 10. That this ordinance shall be effective upon the date and at the time of its final passage, and shall expire on December 31, ~~2004~~ 2005, unless sooner amended or repealed by City Council.

Section 3. That this ordinance, adopted February 12, 2005, shall be effective as of December 31, 2004, *nunc pro tunc*.

WILLIAM D. EUILLE
Mayor

1 Attachment: Map depicting Boundary for Outdoor Dining Program Extension
2
3 Introduction: 2/8/05
4 First Reading: 2/8/05
5 Publication:
6 Public Hearing:
7 Second Hearing:
8 Final Passage:

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C:\ORDINANCES 2005\02 February 05\King Street Dining Ord Substitute.wpd

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2-12-05



<mmeans@marymeans.com>

02/09/2005 11:18 AM

Please respond to
<mmeans@marymeans.com>

To <alexvamayor@aol.com>, <delpepper@aol.com>,
<council@joycewoodson.net>, <councilmangaines@aol.com>,
<rob@krupicka.com>, <macdonaldcouncil@msn.com>,

cc

bcc

Subject City of Alexandria Website Contact Us - EMail for Mayor,
Vice-Mayor and Council Members (alexvamayor@aol.com,
delpepper@aol.com, council@joycewoodson.net,
councilmangaines@aol.com, rob@krupicka.com,
macdonaldcouncil@msn.com, paulcsmedberg@aol.com,
rose.boyd@ci.alexandria.va.us,
jackie.henderson@ci.alexandria.va.us,
tom.raycroft@ci.alexandria.va.us)

**City of Alexandria Website Contact Us - EMail for Mayor,
Vice-Mayor and Council Members (alexvamayor@aol.com,
delpepper@aol.com, council@joycewoodson.net,
councilmangaines@aol.com, rob@krupicka.com,
macdonaldcouncil@msn.com, paulcsmedberg@aol.com,
rose.boyd@ci.alexandria.va.us,
jackie.henderson@ci.alexandria.va.us,
tom.raycroft@ci.alexandria.va.us)**

Time: [Wed Feb 09, 2005 11:18:32] IP Address: [68.165.167.218]

Response requested:

First Name: Mary
Last Name: Means
Street Address: 108 Commerce Street
City: Alexandria
State: VA
Zip: 22314
Phone: 703 684 7237
Email Address: mmeans@marymeans.com
Mr. Mayor and Members of Council:

Were we not going to be out of town this weekend, my partner Chris Forbes and I would be at Saturday's Council Meeting, speaking in strong support of the Outdoor Dining Ordinance for King Street. As residents and homeowners half a block off King, we find the increased bustle and vitality of the area well worth any minor downsides (so far, none that I can see).

Ours is one of the most livable core areas of any

Comments: city I know. Outdoor dining will make it even more so.

Cheers,

Mary C. Means
Mary Means & Associates, Inc.
814 King Street, Suite 400
Alexandria, VA 22314
703 684 2215 V
703 684 2216 F
www.marymeans.com

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2-12-05



<jandpmcallister@comcast.net>

02/11/2005 03:54 PM

Please respond to
<jandpmcallister@comcast.net>

To <alexvamayor@aol.com>, <delpepper@aol.com>,
<council@joycewoodson.net>, <councilmangaines@aol.com>,
<council@krupicka.com>, <macdonaldcouncil@msn.com>,
cc
bcc

Subject City of Alexandria Website Contact Us - EMail for Mayor,
Vice-Mayor and Council Members (alexvamayor@aol.com,
delpepper@aol.com, council@joycewoodson.net,
councilmangaines@aol.com, council@krupicka.com,
macdonaldcouncil@msn.com, paulcsmedberg@aol.com,
rose.boyd@ci.alexandria.va.us,
jackie.henderson@ci.alexandria.va.us,
tom.raycroft@ci.alexandria.va.us)

**City of Alexandria Website Contact Us - EMail for Mayor,
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rose.boyd@ci.alexandria.va.us,
jackie.henderson@ci.alexandria.va.us,
tom.raycroft@ci.alexandria.va.us)**

Time: [Fri Feb 11, 2005 15:54:44] IP Address: [68.83.222.153]

Response requested: []

First Name: Joan
Last Name: McAllister
Street Address: 2181 Jamieson Avenue
Unit 911
City: Alexandria
State: VA
Zip: 22314
Phone: 703 567 3524
Email Address: jandpmcallister@comcast.net
To: Mayor William Euille and City Council
Members

From: Joan McAllister

Date: 2/11/05

Re: Item #10 for Saturday, February 12th:
Ordinance to Extend King Street Outdoor Dining

I will not be able to attend the public hearing on

Saturday, but I would like to give my thoughts on this matter.

I think the outdoor dining along the King Street corridor certainly adds ambiance to the area, however, there are a few issues that need to be addressed.

1) There needs to be a five (5) foot pedestrian passageway maintained on all sidewalk area, without exception, so safe passage is assured for all pedestrians, including those using mobility aids.

Comments: 2) Allowing restaurants to place tables along the curb prevents passengers in parked vehicles, especially those using wheelchair lifts, from exiting the parked vehicle.

3) Since the establishments are using the public right away, there should be a charge for this allowance because they are effectively increasing their retail space. Since the city charges private groups for the use of publicly owned facilities, this should be no different.

4) To eliminate any confusion, perhaps the Director of Planning and Zoning, or an employee of that department, could visit each site that applies for a use permit before any set up is allowed and show the owner/manager of the establishment exactly where the boundaries would be on their outdoor seating area. This would eliminate any doubt and would ensure uniform compliance with legally required pedestrian passageways.

Thank you for your time and consideration.

Joan McAllister

10
242-05

S. Frances Weisberg
1250 S. Washington St. #202
Alexandria, VA 22314
(703) 549-8111

February 9, 2005

The Honorable William D. Euille, Mayor
City of Alexandria, Virginia
301 King Street
Suite 2300
Alexandria, Virginia 22314

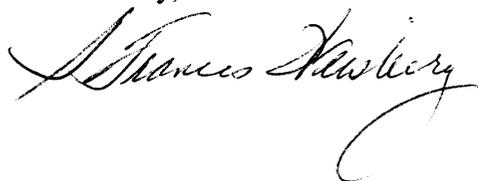
Dear Mayor Euille:

My appreciation for your prompt response to my letter about Old Town outdoor dining/cafes, and your support for enhancing outdoor dining.

I would like to bring up a separate but related issue, namely the excessive litter in Old Town. There certainly are enough receptacles for pedestrian's convenience, but the litter is ever present because of pedestrian irresponsibility. Particularly unsightly is the intersection at Washington Street and King Street where the bus stops are. Often the receptacles are overflowing as well and detract from that area.

Undoubtedly, this problem has been addressed, but has a solution been proposed?

Sincerely,



10

2-12-05



"Chet and Sabra Avery"
<csavery@verizon.net>
02/11/2005 04:20 PM

"William Euille" <alexvamayor@aol.com>, "Rob Krupicka"
To <krobk@aol.com>, "Redella Pepper" <delpepper@aol.com>, "Paul
Smedberg" <smedbergpc@aol.com>, "mICHELE eVANS"
<Rich.Baier@alexandriava.gov>,
cc <arthur.dahlberg@ci.alexandria.va.us>, "Tom Sachs"
<dimondedad@aol.com>, "Tiffanie Carrington"

bcc

Subject Public Hearing Comments on Outside Dining

ALEXANDRIA COMMISSION ON PERSONS WITH DISABILITIES

Department of Human Services
2525 Mount Vernon Avenue
Alexandria, Virginia 22301
Tel. 703 838-0711
Fax 703 838-0886

February 11, 2005

COMMENTS ON OUTSIDE DINING

Dear Mayor Euille and Members of Council:

At its February 9 monthly meeting, the members of the Alexandria Commission On Persons With Disabilities(ACPD) expressed its support of the King Street Outside Dining Proposal that is subject to a Council Public Hearing on Saturday, February 12 with appropriate safeguards to maintain sidewalk access for pedestrians, persons with disabilities using wheel chairs, walkers, canes and other aids, and parents and other persons using strollers and other wheel devices.

Members of the Commission strongly recommended that dining areas be clearly marked and roped off to remind restaurant managers and employees as well as diners that an accessible path is required on the sidewalk's right of way for pedestrians and persons with special needs. Additionally, restaurant managers should be aware that persons with disabilities, like other customers, are interested in outside dining and seating accommodations. Therefore these customers need to be taken into consideration as well. Appropriate ADA, state and local right of way codes should be used with the right of way being at least a five foot wide pathway along the curbside allowing access for passengers from parked vehicles.

We also recommend that any press releases, notices or other information on outside dining contain contact information for restaurant staff and members of the public concerning whom to call for guidance and enforcement standards for outside dining.

The members of the Commission fully support the obvious benefits of outside dining to restaurants, customers, and the cosmopolitan flavor this dining option gives to Alexandria and realize that the Commission's recommendations support the outside dining

option proposal that is the object of this hearing.

If you have any questions, please contact me at 703 549-4617.
Members of the Commission commend Council and city staff for its
initiatives that enhance the quality of life for all residents of
Alexandria.

Sincerely,
Chet Avery, Chair, ACPD

□

Chet and Sabra Avery
16 East Linden Street
Alexandria, Virginia 22301
703 549-4617

10
2-12-05



<michele@galleriemichele.com>

02/09/2005 08:49 PM

Please respond to
<michele@galleriemichele.com>

To <alexvamayor@aol.com>, <delpepper@aol.com>, <council@joycewoodson.net>, <councilmangaines@aol.com>, <rob@krupicka.com>, <macdonaldcouncil@msn.com>

cc

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Time: [Wed Feb 09, 2005 20:49:32] IP Address: [152.163.100.71]

Response requested:

First Name: Michele
Last Name: Richardson
Street Address: Gallerie Michele
113 King Street
City: Alexandria
State: VA
Zip: 22314
Phone: 703-683-1521
Email Address: michele@galleriemichele.com
10 February 2005

I am a long term resident and business owner in Old Town, Alexandria. I have seen the community improve and change over these many years, and I now need to provide you my views on the recent changes that allowed outdoor seating at most of the restaurants in Old Town.

I applaud City Leaders who create new ideas and business practices that encourage more people to

visit Old Town Alexandria and perhaps increase local business volume. The decision to allow outdoor seating for most restaurants in Old Town is one example of this innovative desire to improve the image of the city and improve its business climate.

The unintended consequence of this decision is reduced access to my business. My Gallerie and neighboring businesses are unique in the way customers gain access to our property. My gallerie, for example, has just a single entry way (42 inches wide) that fronts on King Street; therefore, all of my "walk-in" customers need to be able to see my door way, to notice the display inside the narrow hall that leads to the stair that provides the only access to my Gallerie, and then climb the stair to enter the Gallerie.

Supporting outdoor seating at nearby restaurants is probably a good idea, but the space allocated such seating is constrained by the width of the sidewalk (10 feet), on street parking, light poles, trees and information signs on the curb side of the street. This results, for example, in the restaurant next door to my gallerie maximizing the number of tables and chairs that can be placed under very large umbrellas (10 foot diameter) on or near the property line between our businesses. This practice leaves just enough room for pedestrians to walk in a very narrow corridor, in a tunnel made by their very large umbrellas, with parked cars on one side and tables on the other.

Allowing outdoor seating, then, makes sidewalk traffic difficult as people must pass through this narrow corridor to pass the tables and chairs and not walk in the street. The effect on my business is that all too often, the combination of the use of large umbrellas, multiple tables and chairs, and associated control barriers leads to a perceived if not actual barrier to my door, to my gallerie. That is, these sidewalk distractions seem to force people to move through the clear space in front of my doorway as rapidly as possible, rather than taking the time to look at my displays and perhaps deciding to visit my gallerie. They see the need to escape the confines of this new, narrow corridor/tunnel by walking faster or even crossing the street to avoid pedestrian collisions. This situation is further aggravated as restaurant customers come and go causing the tables and chairs to move toward my door way, blocking the entry way and making it seem smaller still.

Comments:

I propose, therefore, that the City reconsider this

innovation and provide City Businesses explicit guidance on the "rules" to be followed if a restaurant is to choose to move some of its business to the sidewalk. That is, establish limits for placing these tables near adjacent business that do not have the space or need to use sidewalk tables.

Further, I suggest that City Leaders review the long term plans for the lower end of King Street. For Example, I would suggest that the City close lower King street, eliminate on street parking and then allow restaurants to set up their "sidewalk" cafes in the street instead of on the confining sidewalks. This would allow a new look to the area, one that more closely approaches the legacy of Old Town and one that provides a relaxed pedestrian zone for this part of the city. I would see this as a win-win solution for lower King Street, one that meets the desires of restaurants and retail sale business as well.

Closing King street to on street parking would also mitigate the warm weather collection of motor cycles. These day long gatherings have not caused problems in the past but do establish an impression, an image that does not seem to support the Old Town heritage and business philosophy.

I would be happy to discuss this proposal with City Staff as appropriate and I look forward to a thorough review and improvement of this situation.

Sincerely,

Michele Richardson
Owner
Gallerie Michele
703-683-1521
michele@galleriemichele.com

ORDINANCE NO. 4380

AN ORDINANCE to amend Ordinance No. 4360 to extend the King Street Outdoor Dining Pilot Program until December 31, 2005.

WHEREAS, Ordinance No. 4360, adopted September 28, 2004, established a pilot program for the administrative approval of outdoor dining or sidewalk café dining along the King Street corridor, from the Potomac River to the King Street Metro Station; and

WHEREAS, Section 10 of Ordinance No. 4360 provided for the expiration of the pilot program on December 31, 2004; and

WHEREAS, the Council of the City of Alexandria finds and determines that the pilot program should continue in effect until such time as the report and recommendations of the King Street Retail Advisory Committee are considered by Council, and a decision is made as to a permanent program; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 1 of Ordinance No. 4360 be, and the same hereby is, amended and reordained to read as follows:

Section 1. That outdoor dining shall be permitted to encroach into the public sidewalk right-of-way along King Street, from the Potomac River to the intersection of King Street and Daingerfield Road, and along all streets intersecting therewith, north to Cameron Street, and south to Prince Street, and into the public sidewalk right-of-way along the south side of Diagonal Road to a point 772 feet west of the intersection of Diagonal Road and Daingerfield Road, as shown on the map entitled "Proposed Boundary for Outdoor Dining Program Extension," attached hereto; provided, that such permission shall be subject to the provisions set forth below.

Section 2. That Section 10 of Ordinance No. 4360 be, and the same hereby is, amended and reordained to read as follows:

Section 10. That this ordinance shall be effective upon the date and at the time of its final passage, and shall expire on December 31, 2005, unless sooner amended or repealed by City Council.

Section 3. That this ordinance, adopted February 12, 2005, shall be effective as of December 31, 2004, *nunc pro tunc*.

WILLIAM D. EUILLE
Mayor

Attachment: Map depicting Boundary for Outdoor Dining Program Extension

Final Passage: February 12, 2005



Proposed Boundary for
Outdoor Dining Pilot Program