

APPLICATION for SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2009-0057

PROPERTY LOCATION: **106 South Union Street, Alexandria, Virginia**

TAX MAP REFERENCE: **75.01 05 05** ZONED: **CD/Commercial Downtown**
KR King Street Urban Retail Zone

APPLICANT Name: **Strand Union Wales, LLC dba The River House**
Address: **4853 Rock Spring Road, Arlington, Virginia 22206**

PROPERTY OWNER Name: **Grosvenor Urban Retail, L.P., c/o Andrew Galbraith**
1701 Pennsylvania Avenue, Suite 1050, Washington, D.C.

PROPOSED USE: **Special Use Permit to operate a restaurant.**

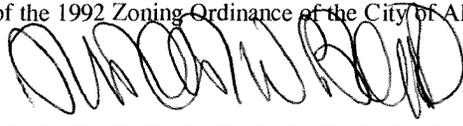
THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning Commission on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Land, Clark, Carroll, Mendelson & Blair, P.C.
Duncan W. Blair, Esquire



Print Name of Applicant or Agent

Signature

524 King Street

Mailing/Street Address

(703) 836-1000

Telephone #

(703) 549-3335

Fax #

dblair@landclark.com

Alexandria, Virginia 22314

City and State

Zip Code

September 22, 2009

Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____ DATE: _____

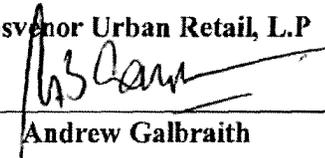
ACTION - CITY COUNCIL: _____ DATE: _____

SUP 2009-0057

Property Owner's Authorization

On behalf of property owner of 106 South Union Street, I hereby grant the applicant authorization to apply for the Special Use Permit to operate the Restaurant as described in this application.

Name: Grosvenor Urban Retail, L.P

By: 

Andrew Galbraith

Date: September 23, 2009

Address: 1701 Pennsylvania Avenue, Suite 1050, Washington, D.C

Phone: (202) 293-1235

E-mail: Andrew.galbraith@grosvenor.com

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request

2. The applicant is the (*check one*)

the Owner

Contract Purchaser of the building

Lessee or

Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

Strand Union Wales, LLC is a Virginia limited liability company. The sole member and manager of the limited liability company is James Matthews. James Matthews's mailing address is: 4853 Rock Spring Road, Arlington, Virginia 22207. It is anticipated that additional individuals or entities will become members of the limited liability company.

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

Yes. Provide proof of current City business license

No. The agent shall obtain a business license prior to filing application, If required by the City Code.

NARRATIVE DESCRIPTION

Strand Union Wales, LLC, a Virginia limited liability company, is requesting a Special use permit to open and operate the River House at 106 South Union Street on the Alexandria Waterfront. The River House will have a first floor and three level outdoor porch dining area. The second level will feature a marquee-value entertainment venue in a "quiet please" atmosphere similar to the Birchmere in the Arlandria area of Alexandria. The music venue will feature a wide variety of musical styles (bluegrass, blues, jazz and Americana) and a state of the art sound system. It is contemplated that shows will start around 7:30 p.m. and will be ticketed. A full menu and beverage service will be offered in the music hall.

NARRATIVE DESCRIPTION

- 3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

SEE ATTACHED.

USE CHARACTERISTICS

- 4. The proposed special use permit request is for: *(check one)*

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: _____ .

- 5. Please describe the capacity of the proposed use:

- A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

The Applicant anticipates The River House will have approximately 300 dining patrons. Dining patrons will consist primarily of nearby residents, employees of nearby businesses, shoppers and visitors to the Old and Historic District of Alexandria and it is anticipated the music venue will be a destination venue similar to the Birchmere in the Arlandria area of Alexandria. It is anticipated that the River House will draw heavily from National Harbor.

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

Approximately Sixty (60) to Seventy-five (75) individuals will be employed on a full or part time basis working in shifts. The anticipated maximum number of employees on site at any one time is Ten (10) during the daytime hours and Thirty (30) at night.

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

Day:

Hours:

Seven Days a week

10:00 A.M. – 1:00 P.M.

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

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

It is not anticipated that noise levels will exceed permitted levels under the Alexandria City Code.

B. How will the noise from patrons be controlled?

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

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

It is not anticipated that offensive odors will emanate from the use of the property as a restaurant.

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use? (i.e. office space, food wrappers)

The type of volume of trash and garbage generated by the restaurant will be mainly refuse from products received (i.e. cardboard delivery boxes) and from general restaurant operations (product remnants). Trash and garbage will be deposited and stored in the commercial dumpster on the dumpster pad shown on the site plan.

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

The River House will generate approximately one dumpster per day.

C. How often will trash be collected?

Trash and garbage will be collected by a commercial collector six (6) days a week.

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

Litter is not an anticipated problem; however, the restaurant's staff will self-police the adjacent right-of-way.

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

Yes. No.

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

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

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

Yes. No.

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

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

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

The location in the central business district and the proposed hours of operations of The River House should provide a safe environment for its patrons and staff. It is not anticipated that extraordinary security measures will be required.

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

On-premise consumption of beer, wine and spirits.

PARKING AND ACCESS REQUIREMENTS

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

None. The property is located in the Downtown Central Business District.

-0- Standard spaces.

-0- Compact spaces.

-0- Handicapped accessible spaces.

-0- Other.

Planning and Zoning Staff Only	
Required number of spaces for use per Zoning Ordinance Section 8-200A	
Does the application meet the requirement?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No

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

Not Applicable. The property is located in the Downtown Central Business District.

on-site

off-site (check one)

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

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

C. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

Parking reduction requested; see attached supplemental form.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are available for the use?

None, per Alexandria Zoning Code Section 8-200(B)(5), the building was constructed prior to June 25, 1963.

Planning and Zoning Staff Only
Required number of loading spaces for use per Zoning Ordinance Section 8-200
Does the application meet the requirement?
<input type="checkbox"/> Yes <input type="checkbox"/> No

B. Where are off-street loading facilities located?

Deliveries vehicles will be directed to use Wales Alley.

C. During what hours of the day do you expect loading/unloading operations to occur?

It is anticipated that loading and unloading activities will occur Monday – Friday 9:00 a.m. – 5:00 p.m.

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

It is anticipated that there will be ten (10) deliveries per week.

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Street access to the property is adequate.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes* No

How large will the addition be? **3933 square feet.**

*** The Applicant is requesting the Alexandria City Council to adopt an encroachment ordinance to permit the construction of a two (2) story porch with rooftop dining deck on a portion of the Wales Alley public right-of way to be used for ingress and egress and outdoor dining.**

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

7908 sq. ft. (existing) + 3933 sq. ft. (addition if any) = 11,841 sq. ft. (total)

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

a stand alone building

a house located in a residential zone

a warehouse

a shopping center. Please provide name of the center:

an office building. Please provide name of the building:

Other, please describe:

RESTAURANT SUPPLEMENTAL APPLICATION

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

1. How many seats are proposed?

Indoors: 285 Outdoor: 224 Total number proposed: 509

*** The number of outdoor seats, requested hours of operation, year round use and there location on the property requires that the outdoors seating be granted as part of the Special Use Permit and by the adoption of an encroachment ordinance and not as part of the King Street Outdoor Dining Program.**

2. Will the restaurant offer any of the following?

Alcoholic beverages (SUP only) X Yes ___ No.

Beer and wine - on-premises X Yes ___ No.

Beer and wine - off-premises ___ Yes X No.

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

The River House will serve traditional American cuisine.

4. The restaurant will offer the following service (check items that apply):

X table service X bar ___ carry-out ___ delivery

5. If delivery service is proposed, how many vehicles do you anticipate? **N/A**

Will delivery drivers use their own vehicles? ___ Yes. ___ No.

Where will delivery vehicles be parked when not in use?

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? X Yes. ___ No.

If yes, please describe:

SEE ATTACHED NARRATIVE DESCRIPTION OF THE MUSIC VENUE.

SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN

OLD TOWN RESTAURANT POLICY

(Changes to Old Town Small Area Plan Chapter of the Master Plan, Adopted by City Council on November 13, 1993.)

On November 13, 1993 the City Council adopted Resolution No. 1672 outlining new policy and criteria used in applying the revised Old Town Restaurant Policy. Individuals who apply for a special use permit to operate a restaurant in Old Town must address in their entirety five criteria in order to be considered for a special use permit. An application will not be formally accepted for processing until this questionnaire is completed.

Goals of the Old Town Restaurant Policy

1. To lessen the on-street parking impact of restaurants in Old Town and adjacent areas;
2. To prevent rowdiness and vandalism from patrons leaving restaurants, particularly in the late evening; and
3. To control the spread of litter in Old Town.

Policies to attain the goals of the Old Town Restaurant Policy

City Council shall not approve a request for special use permit for any new restaurant, carry-out or fast food establishment or an expansion of an existing restaurant, carry-out or fast food establishment, unless it finds that the request does not significantly impact nearby residential neighborhoods. City Council shall consider the cumulative impact of the proposal and the number of already established restaurants, carry-outs, fast food establishments and the number of food service seats, bar seats and standing service areas in the immediate area. In the case of an expansion or other intensification, the entire operation of the establishment may be taken into account in determining its impact upon the nearby residential neighborhoods. In making that determination, City Council shall consider the following factors:

- a) The availability of off-street parking.
- b) The predicted impact of the restaurant on parking supply in the adjacent neighborhood.
- c) The extent to which the restaurant is open in the late night hours.
- d) The extent to which alcohol (such as spirits, mixed drinks, wine, and beer) consumption will predominate over food consumption, including consideration of the number of bar seats, if any, and the standing areas in the vicinity of bars.
- e) The predicted extent of litter generated in nearby neighborhoods.

SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN

***CRITERIA TO BE USED TO EVALUATE NEW OR EXPANDED RESTAURANTS
ADOPTED BY CITY COUNCIL BY RESOLUTION, NOVEMBER 13, 1993***

Parking

The applicant must submit a parking management plan (PMP), which specifically addresses the following issues:

- A. The parking demand generated by the proposed restaurant.
- B. The availability of off-street parking for patrons. For the purpose of this policy, availability shall be measured in terms of the number of vacant off-street parking spaces within 500 feet from the entrance to the restaurant.
- C. How employees who drive will be accommodated off the street at least in the evenings and on weekends.
- D. The predicted impact of the restaurant on the parking supply at the evening peak, weekend peak, and daytime peak.
- E. A proposal to reduce the impact of parking created by the restaurant on nearby areas. Acceptable alternatives for reducing parking impacts include, but are not limited to, the following: validated parking or valet parking for patrons, and off-street parking or transit subsidies for employees.

Parking impacts. Please answer the following:

A. What percent of patron parking can be accommodated off-street?

(Check one)

 X 100%

Existing Public and Private off-street parking facilities within walking distance of the restaurant have sufficient capacity to serve patrons of the restaurant.

 75-99%

 50-74%

 1-49%

 No parking can be accommodated off-street

B. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends?

(Check one)

 X All

Existing Public and Private off-street parking facilities, specifically the Court House Parking Garage within walking distance of the restaurant have sufficient capacity to provide parking for those employees of the restaurant that drive to work.

 75-99%

 50-74%

 1-49%

 None

C. What is the estimated peak evening impact upon neighborhoods?

(Check one)

 No parking impact predicted

 Less than 20 additional cars in neighborhood

 20-40 additional cars

 More than 40 additional cars

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

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

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

 438 Maximum number of patron dining seats

 71 Maximum number of patron bar seats

 Maximum number of standing patrons

 Maximum number of patrons

2. 30 Maximum number of employees by hour at any one time

3. Hours of operation. Closing time means when the restaurant is empty of patrons. (check one)

- Closes by 8:00 P.M.
- Closes after 8:00 P.M. but by 10:00 P.M.
- Closes after 10:00 P.M. but by Midnight
- Closes after Midnight

4. Alcohol Consumption (check one) **NONE.**

- High ratio of alcohol to food
- Balance between alcohol and food
- Low ratio of alcohol to food