EXHIBIT NO. 1512-13-08

DOCKET ITEM #6

Special Use Permit #2008-0079**320 King Street – Sandella's Flatbread Cafe**

Application	General Data	
Request: Consideration of a request for a special use permit to operate a restaurant.	Planning Commission Hearing:	December 2, 2008
	City Council Hearing:	December 13, 2008
Address: 320 King Street	Zone:	CD/Commercial Downtown
Applicant: DC Sandella's Franchise, LLC represented by Duncan Blair, attorney	Small Area Plan:	Old Town

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

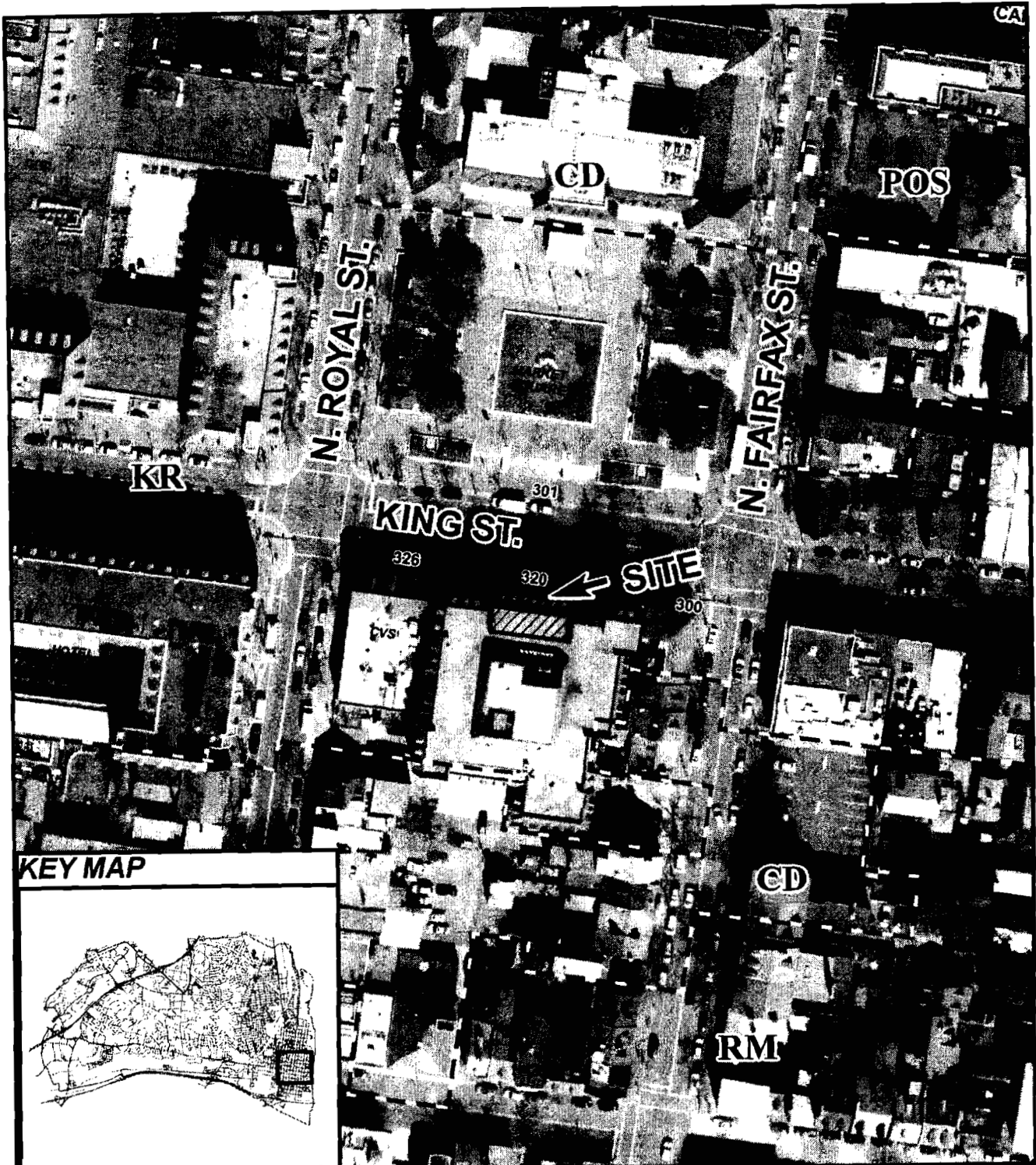
Staff Reviewers: Eileen Oviatt Eileen.oviatt@alexandriava.gov

PLANNING COMMISSION ACTION, DECEMBER 2, 2008: On a motion by Mr. Dunn, seconded by Ms. Lyman, the Planning Commission voted to **recommend approval** of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers: There were no speakers for this item.

City Council Action:



SUP #2008-0079

12/02/08



I. DISCUSSION

REQUEST

The applicant, DC Sandella's Franchise LLC, requests special use permit approval for the operation of a restaurant located at 320 King Street.

SITE DESCRIPTION

The subject property is one lot of record with 148 feet of frontage on King Street, 49 feet of frontage on S. Fairfax Street, 35 feet of frontage on S. Royal Street, and a total lot area of 26,024 square feet. The site is developed with the five-story Kay Building that consists of office space on the top floors and retail space within the arcade level. The arcade level is known as Gadsby's Arcade. Access to the property is from King Street.



The surrounding area is occupied by a mix of retail, office, and restaurant uses. Immediately to the north are Market Square and City Hall. To the west is a Long and Foster office branch. The Kay Building surrounds the space to the south and east and includes retail and personal service uses.

BACKGROUND

Prior to the current application, the subject unit was used for by-right retail uses. Most recently, the space was occupied by a Wilfred-Rogers retail store which closed in June of this year.

PROPOSAL

The applicant proposes to operate a restaurant at the subject location in accordance with the following:

Hours: Monday through Sunday, 11:00 a.m. – 9:00 p.m.

Number of seats: 42 indoor seats
8 outdoor seats

Noise Impacts: None anticipated

Entertainment: No live entertainment is proposed.

Alcohol: Alcohol sales are not proposed.

Trash/Litter: Cardboard boxes and from general restaurant operations. Trash and garbage will be deposited and stored in the commercial dumpster on the dumpster pad at the rear of the building. The applicant proposes approximately ½ dumpster of trash and garbage per day. Restaurant staff will self-police the adjacent right of way, and dedicated employees will frequently walk the perimeter and clean up any Sandella's generated trash.

PARKING

According to Section 8-300(B) of the Zoning Ordinance, a restaurant in the Central Business District is not required to provide off-street parking.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the King Street Urban Retail KR zone. Section 6-702 (A)(2) of the Zoning Ordinance allows a restaurant in the King Street Urban Retail KR zone only with a special use permit

The proposed use is consistent with the Old Town Small Area Plan, and the King Street Retail Study chapters of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff has no objection to the proposed restaurant at 320 King Street.

In its analysis of the proposed restaurant, staff took into account the following:

- Prior restaurant uses in the 300 block of King Street
- Conformance with the King Street Retail Strategy
- Mix of restaurant and retail uses in the immediate vicinity
- Compatibility of quick service
- Impact of the proposed restaurant on parking in the area
- Conformance with the Old Town Restaurant Policy

Prior Restaurant Uses in the 300 Block of King Street

The south side of the 300 block of King Street is currently occupied by a number of retail uses, and one full service restaurant. Historically there have been two restaurants on this block that were quick service establishments. The Thai Old Town Restaurant is located in a unit at the southwest corner of King Street and Fairfax Street that has been occupied by various restaurants since 1975. The Kay Building previously had two other restaurants located within the arcade level, known as Gadsby's Arcade. One unit within the arcade was occupied by Le Petit Café

Carryout Restaurant from 1976 through 1979, and later by a Subway Restaurant between 1979 and 1996. In 1996, the Subway Restaurant relocated from this location to another in the 200 block of King Street, and has since closed for business at that location. In addition to these, a special use permit was approved for Mancini's, a gourmet café and espresso bar, in another unit on the Arcade level in 1993. A two year inspection of the special use permit in 1995 revealed that Mancini's never opened for business.

King Street Retail Strategy

The King Street Retail Strategy found that there will be a warranted demand for additional restaurant space along King Street. The proposed restaurant will contribute to the increased vitality of King Street and will also add to the mix of restaurant opportunities in the area.

The proposed restaurant is compatible and complementary with existing surrounding retail spaces, commercial offices, and Market Square. The goals of the ongoing King Street Retail Strategy are very relevant to this application. One of the major areas of the Strategy is to improve the feel of King Street by maintaining active retail and restaurant uses on the ground floor. Having an active restaurant tenant in this site would help to add more street level activity to King Street.

Additionally, the applicant is a local franchisee with office space in the upper levels of the Kay Building. An active restaurant tenant in this space will be an improvement for Lower King Street and will provide a convenience for area office workers and residents. Staff also believes that having an on-site franchise office will result in this location serving as a model location for other potential franchisees.

Compatibility of Quick Service

The issue of quick service restaurants has been discussed as part of the King Street Retail Strategy and there is general agreement that quick service restaurants, especially if part of a national chain and especially in a location where there are a number of similar restaurants, can have the potential to detract from King Street's unique and eclectic retail character. In addition, the higher rents that such restaurants can typically afford can drive out local non-franchise entrepreneurs. Also of concern is that some conventional fast food restaurants employ a design with garish lighting and signage and plastic furniture and fixtures that is not compatible with the character of King Street.

The Department of Planning and Zoning considers the desirability of quick service restaurants on a case by case basis and in this instance feels that the proposed restaurant would be appropriate in this location. There are no other quick service restaurants on the subject block or blocks immediate adjacent. There has actually been a decrease in the number of quick serve restaurants in the past in this block. The applicant has agreed to provide a higher quality of design and material for this establishment, consistent with the character of King Street.

Mix of Restaurant and Retail Uses in the Immediate Vicinity

In reviewing this request, staff looked at whether it was compatible with King Street's eclectic retail character and whether there were too many similar restaurants in the proposed location.

Staff found that in the two blocks east and west of the proposed location there are neighboring restaurants that are not national chains and are not the typical fast food restaurants.

Between the 100 block and the 500 block of King Street, there are:

- Fifteen (15) restaurants
- Thirty-six (36) retail and personal service establishments
- Of the 15 restaurants, ten (10) are considered to be full service and include full table service.
- The restaurant uses are mostly clustered to the east, toward the waterfront in the 100 and 200 blocks of King Street.
- There are no “quick service” or “fast food” restaurants in the 200, 300, or 400 blocks of King Street.

Impact of the Proposed Restaurant on Parking in the Area

The proposed restaurant does not have a parking requirement under the Central Business District section of the Zoning Ordinance; however the restaurant is required by the Old Town Restaurant Policy to address the need for off street parking.

The business is expected to serve a combination of local workers, residents and tourists who walk to the restaurant from nearby shops and hotels. There is ample off-street parking located within existing parking garages in the immediate vicinity of the proposed restaurant. As this restaurant will not be open late at night and is not considered a destination restaurant, it is anticipated that patrons will consist primarily of those workers and visitors already in the area. Even so, staff is recommending that the applicant participate in a parking validation program for the area, once it is established.

Conformance with the Old Town Restaurant Policy

The proposed restaurant is in conformance with the Old Town Restaurant Policy. Factors to be taken into consideration per the Policy include the availability of off-street parking, the impact of the restaurant on parking in the adjacent neighborhood, late night hours, alcohol, and litter.

As mentioned above, there is ample off-street parking in existing garages in the immediate vicinity to accommodate patrons, many of whom will already be in the area as workers and visitors. The parking impact on nearby residential areas should be minimal. The applicant is not proposing any alcohol sales, and there will be no late night hours or alcohol sales - the hours of operation will be from 11:00 a.m. and 9:00 p.m., seven days per week. Litter will be controlled by the applicant through required daily pick-ups.

The applicant has requested approval for outdoor seating as a part of this application. The subject property is subject to approval through the King Street Outdoor Dining Program. Staff would support outdoor seating as long as the applicant can satisfy the requirements of the King Street Outdoor Dining program.

Finally, staff has included a condition requiring a review of the restaurant one year after this approval so if there are any problems with its operation additional conditions may be imposed.

With the following conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the restaurant shall be limited to between 11:00 a.m. and 9:00 p.m., seven days per week. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. No live entertainment shall be provided at the restaurant. (P&Z)
5. No alcohol service shall be permitted. (P&Z)
6. No food, beverages, or other material shall be stored outside. (P&Z)
7. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
8. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
9. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z) (T&ES)
10. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z) (T&ES)
11. The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Study. (P&Z)

12. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)(T&ES)
13. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
14. Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
15. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
16. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
17. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business. (Police)
18. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees. (Police)
19. The applicant shall comply with any requirement adopted as part of a smoke-free ordinance. (P&Z)
20. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
21. The applicant shall prepare a design plan to include interior finishes colors materials furniture lighting and specifications which shall be to the satisfaction of the Director of Planning and Zoning and shall include the following elements: (P&Z)
 - a. No lighted signage in the windows is permitted.
 - b. Lighting fixtures in the dining area and the serving area shall not contain fluorescent bulbs tubes or other fluorescent lighting elements.
 - c. Furniture to be situated near the windows shall consist of wood tables and wood chairs with cloth upholstery.
 - d. Flooring within the dining area shall be ceramic tile.
 - e. Any tiling on the vertical surface of the cashier service counter shall be a generally solid color and or design.

- f. Interior doors leading to or from the dining area shall be constructed of paneled wood.
 - g. Decorative wood interior trim shall include moldings and other detail such as rosettes.
 - h. Menu boards, if any, shall not be backlighted or have any internal lighting or show pictures or photos of food items.
22. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions; or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Richard Josephson, Deputy Director, Department of Planning and Zoning;
Eileen Oviatt, Urban Planner.

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

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.
- R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-4 Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am.
- R-5 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- R-6 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public.
- R-7 Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval.
- R-8 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees.
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- C-1 The current use is classified as B- Business; the proposed use is A-2 Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 508.
- C-6 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-7 Toilet Rooms for Persons with Disabilities:
(a) Water closet heights must comply with USBC 1109.2.2
(b) Door hardware must comply with USBC 1109.13

- C-8 Toilet Facilities for Persons with Disabilities: Larger, detailed, dimensioned drawings are required to clarify space layout and mounting heights of affected accessories. Information on door hardware for the toilet stall is required (USBC 1109.2.2).
- C- 9 The USBC limits the occupant loading for the outdoor seating area to 15 square feet per person.
- C- 10 Any configuration of outdoor seating shall comply with the following conditions:
- (a) Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
 - (b) Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
 - (c) Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
 - (d) The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.
- C-11 A new fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-12 The following code requirements apply where food preparation results in the development of grease laden vapors:
- (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-13 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
- (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.
- C-14 The proposed use is a change in use group classification; a new Certificate of Occupancy is required (USBC 116.1).

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.

- C-2 Permits must be obtained prior to operation.
- C-3 Five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for plans review of food facilities.
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Parks and Recreation:

- C-1 Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owners front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1)

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.
- F-1 The applicant is not seeking an A.B.C. permit. The Police Department concurs.

Special Use Permit # 2008-0079

APPLICATION for SPECIAL USE PERMIT # _____

PROPERTY LOCATION: **320 King Street, Alexandria, Virginia**

TAX MAP REFERENCE: **075.01 08 02**

ZONED: **CD/Commercial Downtown**

APPLICANT Name: **DC Sandella's Franchise, LLC**

Address: **320 King Street, Suite 250, Alexandria, Virginia 22314**

PROPERTY OWNER Name: **320 King Street LC**

Address: **c/o Simpson Properties Ltd., P. O. Box 430, Alexandria, Virginia 22313**

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 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 to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) 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 Planning Commission or City Council in the course of public hearings 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

July 29, 2008

Date

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

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

SUP # 2008-0079

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 320 King Street, L.C., I hereby
(Property Address)
grant the applicant authorization to apply for the restaurant use as
(use)
described in this application.

Name: Paul Damere II Phone: 703-519-0200
Please Print
Address: 320 King St., Alexandria, VA 22314 Email: _____
Signature: Paul Damere II Date: 8/28/08

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

☒ Required floor plan and plot/site plan attached.

☐ Requesting a waiver. See attached written request.

2. The applicant is the (check one):

☐ Owner

☐ Contract Purchaser

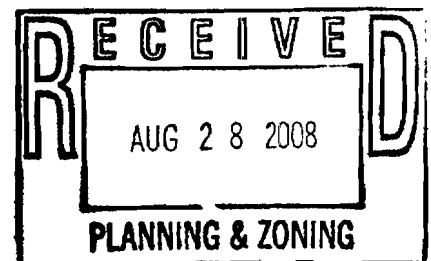
☒ Lessee or

☐ Other: _____ of the subject property.

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

The owners of DC Sandella's Franchise, LLC are Daniel A. Rowe and

B. Thomas Reiser, Jr. Each owns 50% respectively.



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

☒ Yes. Provide proof of current City business license

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

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, 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)

DC Sandella's Franchise, LLC (the "Applicant") is requesting a special use permit to open a Sandella's Flatbread Café at 320 King Street in the Central Business District of the Old and Historic District of the City of Alexandria. Sandella's Flatbread Cafés are fast casual restaurants primarily serving lunch and dinner offering both eat-in and take-out service. (See: www.sandellas.com for additional information.)

Sandella's is an upscale, fast casual café serving premium quality, health conscious, and great tasting menu items served on Sandella's proprietary flatbread. Sandella's serves the most popular panini's, grilled flatbreads, sandwiches, quesadillos and salads – all made using our delicious, brick-oven flatbread. Sandella's has over 125 locations nationwide and 300 more currently in development.

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 Sandella's Flatbread Café will server approximately 2,700 patrons a week. Patrons will consist primarily of nearby residents, employees of nearby businesses, shoppers and visitors to the Old and Historic District of Alexandria.

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

Sandella's Flatbread Café will employ on a full or part time basis approximately eight (8) employees working in two overlapping shifts per day. The anticipated number of employees on site at any one time is five (5), a general manager and four (4) line servers from 9:00 A.M. to 10:00 P.M.

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

Day:

Hours:

Monday – Sunday

11:00 A.M. – 9:00 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 café.

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?

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 at the rear of the building.

B. How much trash and garbage will be generated by the use?

Sandella's Flatbread Café will generate approximately ½ dumpster of trash and garbage per day.

C. How often will trash be collected?

Trash and garbage will be collected by a commercial collector at least three (3) 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. We will have dedicated employees frequently walk the perimeter and clean up any Sandella's generated trash.

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:

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

☐ Yes. ☒ No.

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

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

The location and hours of operations Sandella's Flatbread Café 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 alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

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

-0- Standard spaces.

-0- Compact spaces.

-0- Handicapped accessible spaces.

-0- Other.

- B. Where is required parking located? ☐ on-site ☐ off-site *(check one)*

N/A

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.

- B. Where are off-street loading facilities located?

Deliveries will be made in the front where a loading zone is already designated.

- 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 once a week before 9:00 A.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 one (1) delivery 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? _____ square feet.

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

1500 sq. ft. (existing) + -0- sq. ft. (addition if any) = 1500 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: **320 King Arcade**

☒ 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: 42 Outdoor: 8 Total number proposed: 50

2. Will the restaurant offer any of the following?

Alcoholic beverages (SUP only) _____ Yes X No.

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

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

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

Sandella's serves the most popular panini's, grilled flatbreads, sandwiches, quesadillos and salads - all made using our delicious, brick-oven flatbread.

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

_____ table service _____ bar X carry-out _____ delivery

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

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

Where will delivery vehicles be parked when not in use?

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

If yes, please describe:

Parking impacts. Please answer the following:

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

(Check one)

- X 100%
 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)

- A All
 75-99%
 50-74%
 1-49%
 None

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

(Check one)

- X 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:

- 50 Maximum number of patron dining seats
 Maximum number of patron bar seats
 Maximum number of standing patrons
 Maximum number of patrons

2. 5 Maximum number of employees by hour at any one time

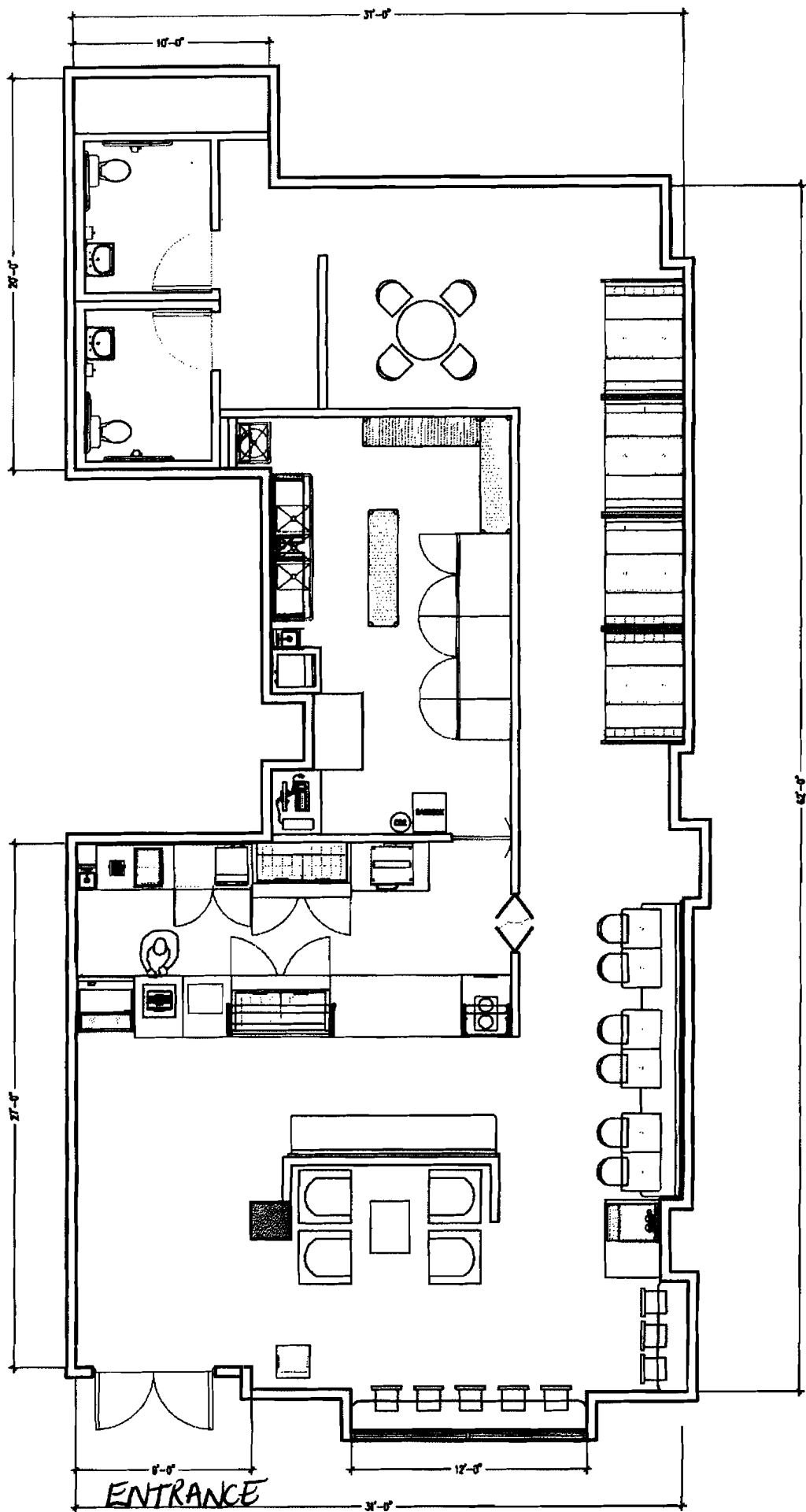
3. Hours of operation. Closing time means when the restaurant is empty of patrons. (check one)

 Closes by 8:00 P.M.
 X 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

HL 07-8008-00 79



December 2, 2008

Alexandria Planning Commission
Eric Wagner, Chairman
City Hall, Room 2100
Alexandria, Virginia 22314

RE: Special Use Permit #2008-0079

Dear Chairman Wagner and Planning Commissioners,

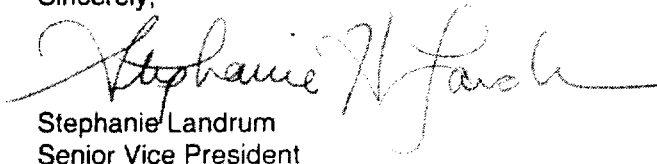
The Alexandria Economic Development Partnership strongly supports the Special Use Permit before you for Sandella's Flatbread Cafe.

This business, new to the City of Alexandria, will be a welcome addition to the mixture of unique restaurants, cafes and shops in the Old Town area. In line with the King Street Retail Strategy, which calls for active uses on the ground floor along the length of King Street, Sandella's will provide significant pedestrian traffic and activity, creating an activated storefront and atmosphere. This type of dining establishment will cater to the residents, daytime workers and visitors to the Old Town area.

This restaurant will also provide a positive tax return to the City of Alexandria. As the City Council-adopted Economic Sustainability recommendations note, "the City should expand its focus on retail expansion" as retail and restaurants provide more tax dollars to the City than they require in services. Sandella's will contribute real estate, business license, business personal property, restaurant meals and sales taxes to the City.

The AEDP is committed to working with quality businesses expanding and locating in the City of Alexandria. Sandella's is a perfect example of such a use, and we strongly support the approval of their SUP request proposal before you tonight.

Sincerely,



Stephanie Landrum
Senior Vice President

cc: Richard Josephson, Deputy Director, Planning & Zoning
Eileen Oviatt, Urban Planner, Planning & Zoning



City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 12, 2008

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: JAMES K. HARTMANN, CITY MANAGER *J*

FROM: FAROLL HAMER, DIRECTOR, PLANNING AND ZONING *JA*

SUBJECT: CORRECTION TO SUP 2008-0079, SANDELLA'S

A condition on the above referenced SUP was inadvertently left out of the staff's recommendation. The condition that should be included is:

Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval.

As we have discussed recently, this is a standard condition where the \$500 contribution is for maintenance and is typically applied in SUP cases where there already exists a trash can (within one-half a block), but there is a new use proposed that will contribute to waste at street level and the funds are used for repair and replacement of the existing cans.

We have discussed this condition with the applicant and they concur.

SPEAKER'S FORM

DOCKET ITEM NO. 5

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.**

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. **NAME:** Duncan W. Blair, Esquire
2. **ADDRESS:** 524 King Street, Alexandria, Virginia 22314
TELEPHONE NO. 703 836-1000 **E-MAIL:** dblair@landclark.com
3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**
DC Sandella's Franchise, LLC
4. **WHAT IS YOUR POSITION ON THE ITEM?**
For
5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):**
Attorney
6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?**
Yes

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker

SPEAKER'S FORM

DOCKET ITEM NO. 5

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM**

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: H. (SKIP) MAZINIS
2. ADDRESS: 209 COMMERCIAL ST.
- TELEPHONE NO. 713-548-0460 E-MAIL ADDRESS: mazclerk@msn.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? APPLICANT/OWNER JULIE WADDE
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: ☒ AGAINST: ☐ OTHER: ☐
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
REPRESENTING APPLICANT (OWNER)
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES ☐ NO ☒

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

(a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.

(b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.

(c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.

(d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.

(e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.

Special Use Permit # 2008-0079

APPLICATION for SPECIAL USE PERMIT # _____

PROPERTY LOCATION: **320 King Street, Alexandria, Virginia**

TAX MAP REFERENCE: **075.01 08 02**

ZONED: **CD/Commercial Downtown**

APPLICANT Name: **DC Sandella's Franchise, LLC**

Address: **320 King Street, Suite 250, Alexandria, Virginia 22314**

PROPERTY OWNER Name: **320 King Street LC**

Address: **c/o Simpson Properties Ltd., P. O. Box 430, Alexandria, Virginia 22313**

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 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 to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) 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 Planning Commission or City Council in the course of public hearings 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

July 29, 2008

Date

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

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

ACTION - PLANNING COMMISSION: Recommended Approval 7-0 12-2-08

ACTION - CITY COUNCIL: CC approved PC recommendation w/amendments 12/13/08
(see attachment) 7-0

1/4

Public Hearing and Consideration of a request to operate a home child day care; zoned RB/Residential. Applicant: Darnella and James Shelby Sr.

PLANNING COMMISSION ACTION: Recommend Approval 7-0

END OF ACTION CONSENT CALENDAR

City Council adopted the consent calendar as follows:

3. City Council approved the Planning Commission recommendation.

Council Action: _____

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

4. TEXT AMENDMENT #2008-0008
PUBLIC RECYCLING CENTERS IN INDUSTRIAL ZONES
Public Hearing and Consideration of a request for a text amendment to the Zoning Ordinance to allow public recycling centers in the industrial zone as a permitted use. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION: Recommend Approval 7-0

City Council approved the Planning Commission recommendation.

Council Action: _____

5. SPECIAL USE PERMIT #2008-0079
320 KING STREET
SANDELLAS FLATBREAD CAFE
Public Hearing and Consideration of a request to operate a restaurant; zoned CD/Commercial Downtown. Applicant: DC Sandella's Franchise, LLC by Duncan Blair, attorney

PLANNING COMMISSION ACTION: Recommend Approval 7-0

City Council approved the Planning Commission recommendation, with the amendment presented by staff to add the condition to require the \$500 contribution toward the litter fund.

Council Action: _____

6. DEVELOPMENT SPECIAL USE PERMIT #2007-0035