

DOCKET ITEM #11 A&B

**Text Amendment #2010-0001 Small Business Zoning**

<b>Issue:</b> Small Business Zoning Regulations	Planning Commission Hearing:	May 4, 2010
	City Council Hearing:	May 15, 2010
<b>Description:</b> Initiation of a text amendment and an amendment to the City's Zoning Ordinance regulations related to small businesses. Applicant: City of Alexandria Department of Planning and Zoning		
<b>Staff:</b> Faroll Hamer, Director, Barbara Ross, Deputy Director, Nathan Randall, Urban Planner, Mary Christesen, Urban Planner, Kendra Jacobs, Supervisory Administrative Officer.		
<b>Staff recommendation:</b> Staff recommends that the Planning Commission INITIATE and recommends APPROVAL of the text amendment.		

**PLANNING COMMISSION ACTION, JUNE 3, 2010:** On a motion by Mr. Dunn, seconded by Ms. Fossum, the Planning Commission initiated the text amendment. The motion carried on a vote of 7 to 0.

On a motion by Mr. Dunn, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the text amendment with amendments. The motion carried on a vote of 7 to 0.

**Reason:** The Planning Commission agreed with the staff analysis but made the following changes:

- 1) Accepted staff substitute pages 18 and 19 in its memorandum dated May 26, 2010,
- 2) Approved staff's proposed changes in its memorandum dated June 1, 2010,
- 3) Amended Section 11-513(A)(2) to clarify notice requirements,
- 4) Amended Section 11-511(A)(2)(e) to address community issues in SUP approvals in the minor amendment context, and
- 5) Amended staff's changes to 11-513(M) to add the West Old Town neighborhood and to change the closing hours for outdoor dining to 10:00pm Sunday-Thursday and 11:00pm Friday and Saturday.

**Speakers:**

Tina Leone, president and CEO, Alexandria Chamber of Commerce, spoke in support of the text amendment.

Heidi Ford, president, West Old Town Civic Association, raised concerns about the appeal process, adequate notice, and minor amendments.

Sarah Becker, 1200 Princess Street, raised concerns about alcohol sales in West Old Town and about the completeness of information being presented regarding Special Use Permit cases.

Leslie Zupan, 1309 Queen Street, expressed concerns with regard to appeals, failure to notify civic associations and loopholes in minor amendments.

Charlotte Landis, 433 North Patrick Street, echoed concerns regarding adequate notice to civic associations and welcomed recent updates to the proposal that recognize neighborhood standards for West Old Town.

Scott Kersjes, president, West End Business Association, spoke in support of the proposed text amendment and stated that the amendments will help existing and prospective businesses.

Dak Hardwick, representing Cameron Station Civic Association and Cameron Station Homeowners' Association, spoke in support and stated that the changes will help encourage growth of the business in Cameron Station.

Amy Slack, Co-Chair, Del Ray Land Use Committee, raised questions about the definition for outdoor seating, agreed with changes in staff's June 1 memo, and had concerns about the changes related to parking.

Harry 'Bud' Hart, attorney and resident, spoke in support of the text amendment.

Mike Anderson, business owner, spoke in support of the text amendment.

David Fromm, president, Del Ray Citizens' Association, noted his appreciation for the concept of streamlining processes for businesses, asked for a delay of items #6 and #7 in the proposal so that a neighborhood standards table could be included, asked for a delay for the shared parking portion of the proposal, and expressed concern for the FAR bonus for day care centers as applied to development on Mount Vernon Avenue.

Val Hawkins, president, Alexandria Economic Development Partnership (AEPD), spoke in support and stated that the recommendations stem from the mayor's economic sustainability initiative and align with the City's Strategic Plan. He urged the City to be careful about creating too many layers and different standards that would be hard for businesses to understand but offered to work on a document that listed different standards in different neighborhoods.

Bill Regan, Executive Director, Alexandria Small Business Development Center, spoke in support and stated that the City's current process is still too difficult and costly for prospective businesses.

**PLANNING COMMISSION ACTION, MAY 4, 2010:** The Planning Commission noted the deferral.

## I. SUMMARY

Planning and Zoning presents a series of new recommendations in this report which adjust, improve and continue the work on the small business zoning program begun over a year ago. The following is a summary list of the proposed zoning changes discussed in detail in this report, with the specific text changes shown in Attachment 1.

- **New administrative SUP uses**
  - valet parking
  - outdoor dining
  - massage establishment
- **Additional industrial zone uses**
  - Personal service
  - Health and athletic club
  - Business or professional offices
  - Light assembly/crafts
- **Additional flex space uses in OCH**
  - Light auto repair
  - Catering
  - Health and athletic club
- **Cameron Station business relief**
  - Additional uses permitted
  - Eliminate SUP or administrative SUP requirement
- **Restaurants**
  - Increase administrative restaurant seating to 100
  - Refine “full service” requirement for administrative SUP
  - Add definitions for accessory restaurant and nightclub
- **Expansion of Minor Amendments**
  - Allow up to 20% expansion, with maximum threshold
  - Allow additional features, consistent with administrative SUP standards
- **Bonus density for day care centers**
  - Up to maximum 10,000 square feet
  - SUP required to change use in future
- **Administrative parking reduction for shared parking**
  - Each use must have required parking for its hours of operation
- **Text corrections**
  - Parking for outdoor dining in NR and Mount Vernon Overlay Zone
  - Day care and outdoor dining in NR zone
  - Day care in KR zone
  - Health Department review of overnight pet boarding

## II. BACKGROUND

In June 2006 the City Manager created the Small Business Task Force whose mission was to review the full scope of issues related to how the City interacts with small businesses. Working over the course of a year, the Task Force developed and Council endorsed a wide range of recommendations for change. The effort is designed to streamline processes and avoid unnecessary regulatory hurdles, thereby giving small business operators an easier and clearer path to choosing Alexandria as their business location and being successful here. As to those suggestions related to zoning requirements and processes, Planning and Zoning continues to work to ease or eliminate unnecessary hurdles for businesses. A variety of steps have already been implemented. Improvements in 2009 include:

- Opening of Permit Center (12/08)
- A Frame Sign Program for King Street
- Outdoor display of rental bikes
- Administrative approval of BAR signs
- Wayfinding Program (in progress)
- Small Business Zoning Program (12/08)

### *Small Business Zoning Program*

As to the Small Business Zoning Program of 2008 it changed the zoning ordinance by eliminating the Special Use Permit requirement in some cases and adding:

New permitted uses:

- child care center in commercial zones
- small schools, up to 20 students
- health and athletic center in shopping center, flex space center or office complex
- convenience store in office complex
- restaurant in shopping center, hotel or flex space (not KR, CD or CRMUX)

New Administrative SUP uses:

- child care center or preschool in church or school building in residential zones
- small garden centers
- outdoor food and crafts market
- overnight pet accommodations in shopping center
- light auto repair in flex space center
- catering in flex space center
- restaurants (60 seats, full service)

The administrative special use permit system has been a principal component of the small business program. While change of ownership cases, minor amendments and a handful of administrative SUPs were available previously, the small business zoning program expanded the concept significantly. It increased the number of uses available as administrative SUPs, added clear standards in the zoning ordinance for approved permits, and created a process that includes notice to civic and business associations prior to the Director making decisions on a particular administrative SUP case. The program is codified at section 11-513 of the zoning ordinance.

As with any new program, P&Z staff has spent a considerable amount of time providing internal training for counter staff, working with its sister agencies involved in the review process, finalizing and implementing the administrative SUP checklist for applicants and staff, and working with the Small Business Development Center, the Permit Center, and with citizens and applicants to make the process of applying for and receiving an administrative SUP as clear, simple and quickly achieved as possible.

***Experience under Small Business Zoning Program***

Council requested that staff report on the success of the program after a year's time, and also report as to whether additional steps could be taken to adjust and advance the program. As discussed at work sessions with the Planning Commission and City Council earlier this year, the following statistics indicate that the small business zoning has been successful. In 2009, there were 36 applications for SUPs, 21 of which were for amendments, that required a full hearing.

<b>SUP Hearing Cases</b>	<b>36</b>
Restaurant	19
Convenience Store	3
General Auto Repair	2
Home Day Care	2
Other SUPs	10

There were 30 cases filed that met the criteria for administrative SUPs. The Director determined that three of those cases should require a full hearing because there were significant objections from neighbors, owners, and others. No cases were denied. There were no appeals.

<b>Administrative SUP Cases</b>	<b>30</b>
Approved	27
Denied	0
Appeal	0
Sent to hearing	3

Finally, it is significant to note that 25 new uses were allowed as permitted uses as a result of the small business zoning changes.

<b>New Permitted Uses Approved</b>	<b>25</b>
Small schools	18
Restaurants	2
Day Care	2
Light Automobile Repair	2
Catering	1

A full 50% of the cases that in 2008 would have required a full SUP, with two public hearings, were able to proceed in a shorter time, without hearings, and with success. They included 11 new administrative SUP cases and 25 permitted uses.

***Community Discussion***

Over the past several months, P&Z staff has discussed the Small Business Zoning program with the community in a series of meetings, including initially with members of the following groups:

Small Business Task Force  
Small Business Development Center  
Chamber of Commerce's Alexandria Business Association Group  
Old Town Business and Professional Association  
Del Ray Business Association  
West End Business Association  
Federation of Civic Associations  
Del Ray Civic Association  
Old Town Civic Association  
Cameron Station (with representatives of both the Civic Association and the Homeowners' Association)

Staff solicited reactions to the existing program and suggestions for improvements. With input it received from its initial meetings, from work sessions with the Planning Commission and City Council and from a Community Meeting held on March 25, staff recommends that the following changes be made.

Since the deferral from the Planning Commission in May, staff has met with West Old Town Civic Association, Seminary Hill Civic Association and the Federation of Civic Associations, and held another community meeting on May 20, 2010.

**III. SMALL BUSINESS ZONING RECOMMENDATIONS (2010)**

***1. NEW ADMINISTRATIVE SUPS***

Staff recommends adding the following three uses so that they are allowed by administrative SUP in each nonresidential zone.

- Massage establishment
- Valet parking
- Outdoor dining

Outdoor dining and massage establishments are now allowed in most commercial zones but require a special use permit. Valet parking is not now allowed except by administrative SUP in the KR (King Street) zone. Outdoor dining is permitted by administrative SUP in the NR and Mount Vernon Overlay zones, as well as within the area covered by the King Street Outdoor Dining Program. There appears to be no reason not to allow these uses and features of uses where appropriate throughout the City, and the administrative SUP process, with standards, is a reasonable mechanism for determining if the proposal is appropriate at a given location. As an example, when the Chez Andre restaurant recently sought to add outdoor dining, it was required

to be reviewed by the regular SUP process, with full public hearings. The change proposed now would have allowed that restaurant to take advantage of the administrative process.

## ***2. ADDITIONAL INDUSTRIAL ZONE USES***

The industrial zone was originally designed in the 1992 comprehensive zoning revision as a true industrial zone. It allowed a large number of industrial and service uses as permitted and special uses but prohibited other uses, such as office, residential or retail uses. The thought at the time was that, with so little industrial land in the City, it was important to retain it for industry; otherwise, it was possible that there would be little or no land for these uses, historically part of this and other cities. However, over time, the restricted uses in the zone have changed. Retail, office uses and restaurant uses were added in 1994. Amusement enterprises (movie theaters) and bakeries were added in 1995 and 1997, respectively.

Much of the City's industrial land, for example in the Oakville Triangle, on Colvin Street, and along South Pickett Street (south of Edsall), contain good "incubator" space, where small businesses often seek to locate. Staff frequently receives requests for fairly benign uses, such as personal training classes, in those locations and it must typically reject the businesses because they are not allowed in the I/Industrial zone. Therefore, staff reviewed the zoning ordinance to find uses that would be compatible with existing and future industrial or service uses and proposes to add the following to the I/Industrial zone.

- Personal service (includes small schools)
- Health and athletic club
- Business or professional offices
- Light assembly/crafts

Staff held a community meeting in March to discuss its small business recommendations and heard concern expressed about this proposal, given that there has been no formal study to determine the City's overall future needs for industry and service uses, and the economic consequence to the tax base of allowing more uses to erode the available land for industry. Staff understands the concern, and shares it to some extent. Staff also heard support for this change from business interests and individual applicants. On balance, staff supports the change, noting that the significant industrial users are unlikely to be affected and that the City's more typical "industrial" uses in its few industrial land areas tend to be auto related. That situation will not change: auto and other service uses will continue to be allowed. The few proposed additional uses are neither inappropriate nor likely to overwhelm other uses in such areas.

Although not staff's recommendation, this proposal could be limited only to uses within flex space buildings within the I/Industrial zone. Such buildings now exist within the Oakville Triangle and along South Pickett, but are not present on Colvin Street. The rationale would be that such buildings were built for just the desired purpose: they are flexible and an appropriate location for a variety of uses under one roof.

### ***3. ADDITIONAL FLEX SPACE USES***

One popular change in the prior small business zoning package has been allowing administrative approval for some uses in the industrial or flex space buildings along Eisenhower Avenue which contain multiple tenants and, again, provide good incubator space for small businesses. The prior change allowed light auto repair and catering uses in an industrial or flex space building as administrative SUP uses instead of by the traditional SUP. In addition, a health and athletic club in an industrial or flex space building is permitted in OCM (100) as a permitted use. These changes were limited to the OCM-100 zone because that zone covers most of the land targeted for change on Eisenhower Avenue. The 2008 amendments also included a definition of "industrial or flex space center."

There are still a few additional flex space buildings, however, on Eisenhower Avenue which are outside the OCM-100 zone which could also be allowed similar uses under similar conditions. Six flex space buildings on four properties are located at 5202-5432 Eisenhower Avenue and are zoned OCH. Staff therefore recommends that the same uses in flex space centers that are allowed in OCM-100 be also allowed in OCH. Staff has reviewed the zoning map and found that, while there are other areas zoned OCH, they do not include the flex space building types, so this proposed change will affect only the Eisenhower Avenue locations.

### ***4. WHOLESALE BUSINESSES***

Staff has been concerned about the burden of SUP approval for wholesale businesses outside of the I/Industrial zone even though some wholesale operations amount to little more than office uses. Staff has determined that this problem is best solved internally, by interpretation, to make clear that what is essentially an office is deemed an office as a zoning matter. No zoning text change is necessary.

### ***5. CAMERON STATION BUSINESSES***

Since it opened, the commercial area along two blocks of Ben Brenman Drive in Cameron Station has suffered from its location, its size and the overall economic downturn. As originally adopted, the DSUP for the area was extremely limited as to what uses could be allowed in the space and the regulatory process that was required for those uses. Over time, the City has assisted with additional signage, a farmer's market, and with zoning changes. Last year, under TA2009-03, the space was brought within the small business zoning program, allowing it to take advantage of that new system.

Staff is now recommending additional zoning assistance. Specifically, staff recommends that additional uses be permitted, restrictions on uses be lifted and that no SUP or even administrative SUP be required. These new regulations will supersede the restrictions in the DSUP that governs the development as a whole.

**Retail uses** are currently limited to antiques, appliances, commercial art galleries, art supplies, bakeries, books, candy, clothing, clothing accessories, dry goods, department stores, floor coverings, florists, furniture, groceries, hardware, paint and wallpaper, household goods, jewelry,



leather goods, luggage, lawn and garden supplies, musical instruments, photographic equipment and supplies, sporting goods, tobacco, toys, variety goods and video rental and sales. Staff proposes to expand the list to be consistent with the zoning ordinance definition of “retail shopping establishment,” which provides for a few more uses, namely: drugstores, secondhand articles, and auto parts (without service or installation on premises)

**Personal service** uses are also limited under the DSUP. They are limited to arts and crafts studio, banks, savings and loans, credit unions, bicycle repair, barber shop and beauty shops, dressmaker and tailor, dry-cleaning (pick up and drop off), musical instrument repair, optical center, professional photographer studio, furniture upholstery and printing/photocopying. Staff proposes to allow the full list of personal service uses from the zoning ordinance section which will add appliance repair and rental, contractor’s office (without accessory storage), Laundromat, locksmiths, pawnshops, shoe repair and watch repair.

**Office use** is now restricted in two ways. First, only professional offices are permitted. The conditions include medical offices, but not clinics, and exclude general business or sales offices, as permitted elsewhere in the commercial zones. In addition, of the 24,000 total square feet of commercial space, offices are limited to no more than 30% of the gross floor area of the commercial space, but may be increased to 40% after retail space remains vacant for two years. Staff proposes to allow business and professional offices, as well as medical offices, consistent with the zoning ordinance definitions, and also to remove the restrictions on the relative amount of space that offices may occupy.

**Additional permitted uses** are also proposed by staff, to include

- Church
- Medical Laboratory
- Pet supplies, grooming and training with no overnight accommodations
- Convenience store
- Health and athletic club
- Catering
- Medical Offices
- Medical Care Facility

The above changes will bring the commercial space into conformity with other commercially zones areas of the City.

**By Administrative SUP** the following uses are currently allowed: restaurant, day care center, and massage establishments. Staff proposes to eliminate the need for an administrative SUP. Staff proposes these comprehensive changes, removing essentially all zoning requirements that limit the use of the commercial space at Cameron Station. The text is found in Attachment 1 at Section 5-513(O)(1), p. 47.

## 6. RESTAURANTS

Staff is recommending four changes with regard to the manner in which the City reviews restaurant uses, including:

- Increase size criteria for administrative SUP from 60 to 100 seats
- Revise “full service” requirement for administrative SUP
- Add definition of “accessory restaurant” and
- Add definition of “nightclub”

None of these proposals will change the way restaurants are treated now in Old Town.

### ***Increase size criteria for administrative SUP to 100 seats***

Staff is recommending that the size criteria for administrative SUP for a restaurant, now capped at 60 seats, be changed, increasing the maximum size of administratively approved restaurants to 100. Staff, with the help of the Health Department, as well as its own restaurant data, surveyed the size of restaurants in the City. The vast majority of restaurant businesses have 60 seats or fewer. A summary of the City’s restaurant statistics is as follows:

<u>Number of seats</u>	<u>Number of restaurants</u>
0-60	175
61-100	59
101-125	13
126-200	48
201 +	29

Restaurants in the 61 to 100 seat category include such establishments as Overwood, Thai Peppers, Royal Restaurant, Bread and Chocolate, Layla’s, Vaso’s Kitchen, Chicken Out, Perk’s Coffee Shop, Noodles & Company, Potbelly Sandwich Works, Monroes, Bittersweet, Jimmy John’s, Asian Bistro, Tempo, Yves Bistro, Majestic Café, Red Rocks Pizza, Villa D’Este, the International House of Pancakes on Duke Street, and King Street Blues.

This change would increase the number of restaurants that could be allowed administratively – based only on the number of seats – by approximately one-third, for a total of approximately two-thirds of all restaurants in the City.

Staff supports the change because it believes there are sufficient protections in the administrative standards and process already in place, and because the proposal is a simple change to ease the burden on what could be a significant number of new businesses.

***Revise “full service” requirement for administrative SUP***

Most restaurants that cannot be processed administratively do not meet the requirement of being a “full service” restaurant. In order to qualify for administrative review, Section 11-513(L) of the zoning ordinance now requires that a restaurant offer:

*full service, including printed menus and wait service provided at tables and preset tables with nondisposable tableware.*

When staff discussed its tentative recommendations with City Council in January, it highlighted this issue and the option of eliminating the full service requirement. City Council suggested that staff retain the requirement, finding it an important distinction because it separates fast food establishments and other take out restaurants that may not be compatible with the character of some neighborhoods. Council suggested that staff look at different ways to define “full service” in order to allow some restaurants of less impact to proceed administratively.

Coffee shops and ice cream stores

Staff has spent considerable time researching options within the full service – fast food continuum, and recommends that the full service language specifically exclude coffee and ice cream shops, defined as:

*A small restaurant, typically no more than two thousand square feet in area, where the principal business is either the sale of coffee and other hot beverages or the sale of ice cream, frozen yogurt or other related confections. Pastries, baked goods, cold beverages, sandwiches and other light fare may also be sold incidental to the service of coffee, but no alcohol is served, no entertainment takes place and no significant cooking, other than the application of heat by microwave, electric burner, espresso machine, the heating of soup or the boiling of water, typically takes place.*

The above language attempts to isolate very small operations that, while not without some potential small impact, are qualitatively different from other non-full service restaurants, and therefore appropriate for administrative review. Examples of existing businesses that would have been able to be approved administratively under this proposal include Mishas, the Uptowner, Starbucks, Firehook, Dunkin Donuts, Grape and Bean, Perk Up Coffee House on South Washington Street, Cold Stone Creamery, Dairy Godmother, Pop’s, Baskin Robbins, and Ben & Jerry’s. Some restaurants that would not fit within this new category include Buzz (alcohol, entertainment), St. Elmos (entertainment), Caboose Café (meals), Bread and Chocolate (meals), Cosi (meals), Perk’s Coffee Shop, North Fairfax (meals), Breugger’s (4000 sf). In addition, the restaurants in the first, potentially permitted group are offered as examples only; those that are located in Old Town, where the administrative SUP is not applicable, would not be able to be approved administratively.

Staff acknowledges that some of the uses that may be permitted under this proposal constitute “fast food” facilities, such as Starbucks and Dunkin Donuts, but finds that the potential harm of

allowing some formulaic businesses at this very small scale is outweighed by the significant benefit of processing the group of small businesses without the burden of the full SUP process.

#### “Fast Food” Restaurants

As an alternative to the above refinement of the full service requirement, staff considered whether the City could easily distinguish between “fast food” and other restaurants, with the goal of requiring the traditional SUP process for “fast food,” and allowing others, even if not full service as now defined, to proceed administratively. Staff is not recommending this alternative, because it finds it difficult to fairly define “fast food” and to do so in a way that captures problem restaurants and does not include those that have fewer land use impacts. While it is true that there are many jurisdictions that define and regulate fast food restaurants, they operate very differently from Alexandria. The distinction is that Alexandria begins by regulating *all restaurants*, and seeks to isolate from that universe only “fast food establishments;” other jurisdictions define “fast food” restaurants, isolating them from the remainder of restaurants *which are not regulated*.

As an example, the following potential definition includes language and fast food characteristics often found in other zoning ordinances:

*Fast food restaurant shall mean any restaurant in which the usual and customary operations include three or more of the following characteristics:*

- (1) Long hours of service, 12 or more hours;*
- (2) food is served in disposable containers;*
- (3) no seats or tables are provided;*
- (4) customers select and order food from a permanent menu board;.*
- (5) a grease fryer is used to prepare food; or*
- (6) a formula is followed and required by contractual or other arrangement, under which any of the following are offered: standardized menu, ingredients, employee uniforms, interior and/or exterior color scheme, architectural design, signage or similar standardized features; or which adopts a name, appearance or food presentation format which causes it to be substantially identical to another restaurant regardless of ownership or location.*

With the above language used to define those ineligible for administrative approval, the following examples are the few restaurants staff could identify that would be able to proceed but cannot under the current “full service” definition: Picca Deli, La Madeline, Eamon’s, Café Pizzaiolo, and Noodles and Company. Staff shares this information but does not recommend adding this refinement to the full service criteria for administrative SUP approval.

#### ***Add definition of “accessory restaurant”***

Staff is proposing two new definitions to the zoning ordinance which help distinguish the manner in which the city regulates restaurants, isolating certain types of food service businesses from others. First staff is proposing that its practice be codified by adding the following definition of an accessory restaurant:

*Accessory restaurant. A use involving the sale or presentation of food and beverages which is clearly subordinate in area, extent, and purpose to an approved principal use and which is customarily found in connection with and serving that principal use. Typically, an accessory restaurant is not larger than 33% of the floor area of the entire business; does not offer table or delivery service; does not have hours of operation longer than the principal use; and does not have a separate entrance.*

Some examples of existing and hypothetical accessory restaurants include:

- Starbucks Coffee outlet, with drinks, pastries and prepackaged sandwiches, within a bookstore, such as Barnes & Noble;
- Grocery stores of any size offering food, even prepared or heated sandwiches, and with or without small seating areas– Whole Foods, Harris Teeter, Gitum Grocery (Edsall Road);
- Restaurant within Costco, BJs or Target;
- Wine or beer shops that have tasting events – Planet Wine;
- Specialty food shops offering tastings or small scale food menu – Great Harvest Bread, La Fromagerie;
- Other retail shops offering tastings or informal food or beverage instruction – The Hour on King Street, kitchen shops offering accessory food classes or demonstrations;
- Museums or galleries (snack bar, café or catered receptions); and
- Coffee and tea accessory to a retail bakery.

***Add definition of “Nightclub”***

The city has experienced a number of instances of a very intense use of an existing restaurant, when it features live bands and dancing, includes a cover charge, and otherwise ceases to be a dining establishment. In those cases, in addition to typically being in violation of its restaurant SUP, the business is no longer a “restaurant,” and has become a different zoning use. In order to assist in enforcement, to identify those features of such businesses that the City considers being outside of the “restaurant” definition, and, again, to distinguish different uses for different regulatory mechanisms, staff proposes to add to the zoning ordinance the following definition:

*Nightclub. A restaurant where entertainment, live or otherwise, predominates over food service, becoming the principal use at least during part of the business’ operations, with or without dancing, and typically involving a cover or other charge for admission.*

Examples of facilities that would have been considered nightclubs include Floyds, on Stevenson Avenue; Nicks, on South Pickett Street; My Bakery/Club Lush, in Arlandria and Mr. Days, in Arlington.

It is not staff’s intention to require existing restaurants that are in compliance with their SUPs to be reclassified; rather, staff intends this new definition to assist enforcement when existing restaurants operate outside the bounds of their SUPs. Further, when new establishments seek

approval in the future, and include features within the new definition, they will be considered for SUP approval as a nightclub.

## **7. *POTENTIAL EXPANSION OF MINOR AMENDMENT***

Staff is recommending that the minor amendment provisions be amended to allow more expansions to proceed without the necessity of a full SUP review with public hearings. The current minor amendment procedure, found at section 11-511 of the zoning ordinance, is available only for SUPs approved by City Council. It does not apply to administratively approved SUPs; businesses outside Old Town that meet the administrative criteria can apply as many times as they wish for an administrative SUP until they meet the maximum size and extent that the administrative standards allow. To qualify as “minor” and be processed administratively, the proposed change to the approved SUP must not exceed the following:

- A minimal enlargement or extension;
- A change so insignificant, when compared to the overall use, that there will be little or no impact on the neighborhood;
- A change to the character of the use or an increase in intensity that is limited to:
  - two additional hours of operation, but consistent with neighborhood standard if there is one; and
  - 10% more restaurant or classroom seats, equipment, floor area, etc.

In addition, there may be no substantiated violations of the SUP within the prior five years. Only one minor amendment is permitted for any SUP

It is true that the minor amendment provisions were revised and the criteria expanded by the City in December 2008. It is also true that seven minor amendment cases were processed in 2009; none had been processed for several years before that under the prior zoning language. Nevertheless, Staff is recommending a series of changes to these provisions in order to resolve two things. First, it is concerned about the particular hardship of an applicant’s having to return to City Council for approval, after already having been through public hearings for initial SUP approval, and having made a success of its business such that expansion is possible and desirable. Second, since the advent of the administrative SUP program, it has become noticeably unfair not to afford SUP approved uses the ability to take advantage of those features of uses allowed as part of the administrative SUP program. To address these two concerns while recognizing that there will still be difficult cases which should be required to be heard by the Planning Commission and City Council, staff recommends the following changes:

1. Increase expansion to 20%. The language regarding the number of restaurant or classroom seats or the amount of floor area that may be allowed should be changed from 10% to 20% expansion, with the proviso with regard to restaurant seats that the increase may not exceed 12 seats (20% of 60 seats, the existing maximum for an administrative restaurant). If the size criterion for administratively approved restaurants is increased to 100, then the numerical cap would be increased to 20 seats. Parking and building code requirements would still apply and may limit even small expansions.

2. Allow expansion to include features allowed by administrative standards. A restaurant that meets the administrative criteria is allowed to have 60 seats, entertainment, on premise alcohol service, and other standard features considered to have minimal impacts. Staff recommends that a restaurant, even if approved originally by Council, should be able to achieve these same features if they were not part of the original approval, and that the change should be handled administratively. For restaurants already approved by full SUP, expansion would be allowed up to the extent permitted by administrative SUP, including:

- Add seats, up to 60 (or 100 if changed) total seats;
- Add delivery service limited to one vehicle with dedicated parking for restaurants with at least 40 seats;
- Add green (nonvehicular) delivery, with no seat restriction, if delivery is now prohibited;
- Add limited live entertainment, per administrative SUP condition language (no cover charge, background music, limitation on advertising);
- Add on-premises alcohol;
- Add hours up to neighborhood standard assuming there is one, without a limitation of two-hours.

Approval is not automatic. The application will be reviewed to determine whether it meets the minor amendment standards, and will follow the procedures under section 5-511 (C), including notice to civic and business associations, placarding the property and allowing for appeals of the Director's decision to the Planning Commission.

3. Allow more than one administrative change. The current minor amendment provisions limit a business to only one administrative change over its life, without a return trip to City Council. Staff believes that intent in that limitation was only as to increases in intensity under section 11-511(A)(2)(b) regarding the numerical increases permitted. Especially if staff's recommendation is accepted regarding adding features from the administrative standards as minor amendments, then it is important not to create additional restrictions on the ability of an applicant to return for an additional minor amendment. Therefore, staff proposes two things. First, staff has inserted language into section 11-511(A)(2)(b) to indicate that only one change of the type of increases listed there is permitted. In addition, staff recommends the following language change to Section 11-511(A)(2)(d), allowing more than one minor amendment, provided each complies with the criteria for minor amendments:

*The proposed change, when considered in conjunction with all amendments since City Council approval, ~~constitute no more than a single minor amendment~~ does not exceed in the aggregate the limitations prescribed in this section 11-511. as defined by this section and when compared to the original approval.*

Given the clear language of the minor amendment text, including the changes proposed here, even multiple changes will be limited by the proscriptions of the minor amendment criteria. Therefore, there is no reason to cap the amendment process to a one time event.

If the above suggestions had been in place in 2009, some full SUP amendment cases might have been processed administratively, including:

- Café Pizzaiolo at Calvert – asked for limited live entertainment;
- Bistro Lafayette – asked for two additional hours (until 1:00am on Thursdays only) and limited live entertainment; and
- Momo Sushi – asked for increase from 12 to 44 seats.

The above examples and the descriptions of potential changes relate to restaurants because most of the cases processed are restaurant cases. On the other hand, the minor amendment procedure is available for other uses as well. Staff also notes that, while the administrative SUP process itself is not available for uses in Old Town, the minor amendment procedure is applicable there. Certain features of the proposed new language, however, including with regard to restaurant seats, are based on discussions with Old Town Civic Association representatives.

#### ***8. FAR BONUS FOR DAY CARE CENTER***

Staff is recommending that a new bonus density provision be added to the zoning ordinance to provide for “free” space for day care and early learning centers in newly constructed buildings. The proposal recognizes the great need for additional child care space in the City, with the hope that the economics associated with bonus density will provide an incentive for property owners to provide child care space and to rent the space at subsidized rates. Both the adopted Landmark/Van Dorn Plan and the proposed plan for North Potomac Yard support this mechanism for priority land uses, although in those cases the priority uses identified go beyond early childhood programs to include a broad array of community uses and civic functions.

The provision will apply to new buildings only, and will allow additional floor area to the extent that dedicated space is provided for child care facilities. A maximum of 10,000 square feet of bonus space will be allowed, providing ample size for the largest of the City’s early learning facilities. The new language will appear at section 1-400(B)(3)(f) as follows:

(f) When calculating the floor area of an office, multifamily or mixed use building constructed after [effective date], space devoted to day care facilities and programs offering early childhood education and other related services may be excluded as floor area, provided:

(1) a maximum of 10,000 square feet of floor area may be excluded under this provision;

(2) space for which this floor area exclusion has been allowed shall remain devoted to day care facilities and programs offering early childhood education and other related services unless a special use permit is approved for alternative community facilities or civic function, including public schools; community arts, exhibition or performance space; private education center; neighborhood reading room or library; space for community meetings and functions; or a youth center.



Staff supports this proposal because it addresses the community need for additional child care facilities and begins to implement the City's goals, as reflected in the Landmark/Van Dorn and North Potomac Yard plans. The City looks forward to a significant amount of new development which has yet to be built, and the hope is that the new provision will be an incentive to locate child care facilities in new buildings.

#### ***9. ADMINISTRATIVE PARKING REDUCTION FOR SHARED PARKING***

Staff is recommending that a parking reduction be available by administrative SUP in one parking situation that occurs frequently and that the City, through its work on parking in Old Town and Del Ray, supports: shared parking.

The parking required under the zoning ordinance is full, dedicated parking, available to that use 24 hours a day, every day. This approach reflects the traditional manner in which zoning requirements are applied everywhere. However, there is often the opportunity to "share" parking with another use so that the same parking space can be used by more than one user, but at different times of the day and week. For example, a parking lot or garage associated with and dedicated to an office use during the work day and week may be largely vacant in the evenings and on weekends. The recent Old Town Parking Study and the 2005 Mount Vernon Business Area Parking Study discuss this circumstance and recommend that the City find ways to encourage the joint use of such parking. In Old Town there is extensive garage capacity that is not being used and that could be if garage owners and operators could count on sufficient business from increased waterfront or King Street activity. In Del Ray, what limited parking exists near Mount Vernon Avenue is typically associated with offices, and could be made available for the increasing numbers of retail and restaurant patrons.

Staff has often in the past been forced to process a parking reduction SUP for a restaurant or other use in order to permit a shared parking arrangement. Although there were other factors involved, the recent Los Tios application included a parking reduction of this sort. Other examples include Thai Peppers and La Strada. Staff is recommending that where an applicant can justify a parking reduction by showing that parking sufficient to meet the requirement is available *when each business using the parking is operational*, then staff may process that case administratively. Administrative approval of shared parking is already allowed in the NR zone at section 4-1407(B). Staff has included new language in the attached recommended text at Section 8-100 (Attachment 1, p. 34) to implement this recommendation.

#### ***10. TEXT CORRECTIONS***

When the small business zoning program was adopted in late 2008, there were a few mistakes and omissions in the text. Staff recommends the following specific changes to correct those mistakes.

Parking for Outdoor Dining. The administrative SUP regulations for outdoor dining allow for up to 20 seats. However, under 6-603(2) and 6-604(B) of the Mount Vernon Overlay Zone (Del Ray), and under 4-1407(B) of the Neighborhood Retail Zone (Arlandria), only 16 seats are

permitted without parking. These sections will be changed for consistency, to allow 20 seats without parking. As a result, Section 11-513(M)(10) becomes redundant and is being deleted. Elsewhere, except in Old Town, full parking is required for outdoor dining.

Day Care and Outdoor Dining in NR Zone. Day care center should be a permitted use in the NR Zone, as is now permitted throughout the remainder of the City. It will be removed from the list of SUP uses and added to the list of permitted uses. Outdoor dining was inadvertently omitted from the list of administrative uses and will be added.

Day Care in KR Zone. Day care was also omitted as a permitted use in the KR zone. It is being added as permitted on the second floor of buildings on King Street.

Use Limitations in the NR Zone. The use limitations applicable in every non residential zone are absent in the NR zone and may have been inadvertently omitted when other changes were made. They will be added back in, including language regarding permitted day care centers.

Health Department Review of Pet Facilities. The administrative standards for pet uses that permit overnight boarding, found at section 11-513 (K) require review by the Health Department. The Health Department no longer reviews such plans; the language requiring it will be deleted.

Minor Amendment and Mount Vernon Avenue Overlay Administrative Standards. The code company that formalizes the City's zoning text amendments inadvertently failed to delete certain old language when it codified the 2008 small business changes to the zoning ordinance. Staff is incorporating here the deletion of sections 5-511(D), (E), (F),(G), as to minor amendments, as those provisions were each updated and incorporated as part of the previous text amendment under section 5-511 (A),(B) and (C). In addition, section 6-607 from the Mount Vernon Avenue Overlay Zone should have been deleted because a more comprehensive set of administrative standards, applicable beyond Mount Vernon Avenue, was adopted at section 11-513. These code mistakes do not change the effect of Council's 2008 legislative action and the undeleted provisions have no force or legal effect.

## ***10. ADDITIONAL SMALL BUSINESS IMPROVEMENTS***

There are a number of additional improvements to assist small business planned to be implemented this year that do not require changes to the text of the zoning ordinance. Many of these issues have and continue to be discussed with Council and the Planning Commission as well as with the community.

- a. *Processing Administrative SUPs:* Staff proposes to eliminate the review by agencies outside of Planning and Zoning as an automatic part of the process for administrative change of ownership cases. P&Z staff will seek assistance from other agencies in unique cases that require it, including for example where there have been documented violations, but it is an unusual case where outside review is necessary. The result is that these cases will be processed more quickly.

- b. *Trees and Trash Fee:* Some members of Council questioned the need for the \$500 trees and trash fee on SUP applicants, given the burden it creates for small businesses. Staff recommends eliminating the SUP requirement as a general rule, but allowing the potential for a trash can requirement for a high-litter generating use, such as a convenience store or fast food restaurant, when no trash can is currently in place on the right of way.
- c. *Additional BAR administrative approvals.* As with the work last year in defining those sign cases in the historic districts that could be approved administratively, staff is working on additional types of cases, especially with regard to replacing roofing materials, windows and siding, that do not require a full hearing before the BAR. Staff is working with the BAR and the community to develop guidelines that will enable administrative approval and make the system more streamlined and the outcomes more certain.

**Staff notes that during the last six months, out of 13 total sign cases that previously would have required BAR approval, 10 have been able to proceed administratively as a result of the legislative changes adopted last October. The administrative sign process reduces the cost of a normal BAR application from \$250 to \$75 and the amount of time required from a minimum of 30 days to two.**

These results are significant and a great aid to small businesses. The proposed guidelines outlining appropriate replacement materials should help both business and residential property owners in the historic districts in a similar manner.

- d. *Simplified Site Plan Process.* Staff is developing a modified, less onerous process for very small building cases that meet the criteria for site plan review. The change will not require a text change, but rather a simplified application process.

Site plan review and approval by the Planning Commission is required for cases where the proposal includes construction of an addition that is more than one-third of the existing building, even if this addition is less than 3000 square feet in size. In these cases, and in other similarly small cases (i.e. where the addition or new building is only marginally larger than 3000 square feet), there will be a simplified checklist of requirements for submissions – much like the checklist currently used for grading plans. The goal is to have applicants submit no more than five to six sheets of drawings per application.

Additionally, staff hopes that in most of these cases the preliminary and final site plans can be combined (based on Section 11-405 of the Zoning Ordinance) which will result in a shorter and less expensive process for the applicant.

- e. *Small Business Guide Update.* This document, produced five years ago, in conjunction with other departments and the Small Business Development Center, is now in the process of being updated. In addition to staff names and contact information changes, sections will be added to highlight the Permit Center, the administrative SUP process and

the BAR administrative permit provisions. The Small Business Guide can be found on the Internet at [alexandriava.gov/planning](http://alexandriava.gov/planning).

- f. *Fee Reduction:* Staff proposes to reduce the fee for the administrative SUP for outdoor display of retail goods, allowed on Mount Vernon Avenue, from \$250 to \$50. This fee is a particularly irksome issue for some small businesses. Staff supports their efforts to adhere to City guidelines and proposes this fee reduction because businesses have cited the fee as a significant obstacle for shop owners who want to participate in the City's permit system. With Council approval, staff will implement the fee reduction immediately.

#### **IV. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission initiate and recommend approval of each of the above zoning text changes.

**Staff:** Faroll Hamer, Director, Planning and Zoning; Barbara Ross, Deputy Director; Nathan Randall, Urban Planner; Mary Christesen, Urban Planner; Kendra Jacobs, Supervisory Administrative Officer.

**Attachments:** Proposed Zoning Text Changes

**SMALL BUSINESS ZONING TEXT AMENDMENT**

**ARTICLE I. GENERAL REGULATIONS**

1-400 Interpretation of ordinance.

(B) *Interpretation of zone regulations.*

(3) Maximum floor area ratio and maximum density shall be calculated as follows:

**STAFF CHANGE APPROVED BY PLANNING COMMISSION.**

(f) When calculating the floor area of an office, multifamily or mixed use building constructed after [effective date], space devoted to day care facilities and programs offering early childhood education, elder care and other related services shall not be calculated as floor area, provided:

(1) a maximum of 10,000 square feet of floor area may be excluded under this provision;

(2) space for which this floor area exclusion has been allowed shall remain devoted to day care facilities and programs offering early childhood education, elder care and other related services unless a special use permit is approved for alternative community facilities or civic functions, including public schools; community arts exhibition or performance space; private education center; neighborhood reading room or library; space for community meetings and functions; or a youth center.

**ARTICLE II: DEFINITIONS**

2-190 Restaurant. A public place where food and beverages are sold to customers in a form suitable for carryout or delivery or for immediate consumption with facilities for consuming such food and beverages available on the premises. This definition shall not be construed to include special events sponsored by an athletic, charitable, civic, educational, fraternal, political or religious organization in a park or other public place, churches, synagogues, fraternal lodges, school cafeterias and dining halls, food vending machines, mobile food units, pushcarts, ball park and sports arena refreshment stands or retail stores.

2-190.1 Restaurant, accessory. A use involving the sale or presentation of food and beverages which is clearly subordinate in area, extent, and purpose to an approved principal use and which is customarily found in connection with and serving that principal use. Typically, an accessory restaurant is not larger than 33% of the floor area of the entire business; does not offer table or delivery service; does not have hours of operation longer than the principal use; and does not have a separate entrance.

2-190.2      **STAFF CHANGE APPROVED BY PLANNING COMMISSION.**  
Restaurant, nightclub. A restaurant where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising.

2-190.3      **STAFF CHANGE APPROVED BY PLANNING COMMISSION.**  
Restaurant, coffee or ice cream shop. A small restaurant, typically no more than two thousand square feet in area, where the principal business is either the sale of coffee and other hot beverages or the sale of ice cream, frozen yogurt or other related confections. Pastries, baked goods, cold beverages, sandwiches and other light fare may also be sold incidental to the service of coffee, and other confections, but no alcohol is served, no entertainment takes place and no significant cooking, other than the application of heat by microwave, electric burner, espresso machine, the heating of soup or the boiling of water, typically takes place.

#### **ARTICLE IV: COMMERCIAL, OFFICE AND INDUSTRIAL ZONES**

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

**4-102.1**      *Administrative special uses.* The following uses may be allowed in the CL zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- ~~(B)~~ (C) Outdoor garden center;
- ~~(C)~~ (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- ~~(D)~~ (F) Overnight pet boarding if located in a shopping center;
- (G) Valet parking.

**4-103**      *Special uses.* The following uses may be allowed in the CL zone pursuant to a special use permit:

- ~~(G.1) Massage establishment;~~

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

**4-202.1**      *Administrative special uses.* The following uses may be allowed in the CC zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- ~~(B)~~ (C) Outdoor garden center;

- ~~(C)~~ (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- ~~(D)~~ (F) Overnight pet boarding if located in a shopping center;
- (G) Valet parking.

- 4-203** *Special uses.* The following uses may be allowed in the CC zone pursuant to a special use permit:  
~~(K.1) Massage establishment;~~

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

- 4-302.1** *Administrative special uses.* The following uses may be allowed in the CSL zone with administrative approval, subject to section 11-513 of this ordinance:
- (A) Restaurant;
  - (B) Massage establishment;
  - ~~(B)~~ (C) Outdoor garden center;
  - ~~(C)~~ (D) Outdoor food and crafts market;
  - (E) Outdoor dining;
  - ~~(D)~~ (F) Overnight pet boarding if located in a shopping center;
  - (G) Valet parking.

- 4-303** *Special uses.* The following uses may be allowed in the CSL zone pursuant to a special use permit:  
~~(P.1) Massage establishment;~~

**Sec. 4-400 CG/Commercial general zone.**

- 4-402.1** *Administrative special uses.* The following uses may be allowed in the CG zone with administrative approval, subject to section 11-513 of this ordinance:
- (A) Restaurant;
  - (B) Massage establishment;
  - ~~(B)~~ (C) Outdoor garden center;
  - ~~(C)~~ (D) Outdoor food and crafts market;
  - (E) Outdoor dining;
  - ~~(D)~~ (F) Overnight pet boarding if located in a shopping center;
  - (G) Valet parking.
- 4-403** *Special uses.* The following uses may be allowed in the CG zone pursuant to a special use permit:  
~~(R.1) Massage establishment;~~

**Sec. 4-500 CD/Commercial downtown zone.**

**4-502.1** *Administrative special uses.* The following uses may be allowed in the CD zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- ~~(B)~~ (C) Outdoor garden center;
- ~~(C)~~ (D) Outdoor food and crafts market;
- (E) Outdoor dining (beyond the boundaries of the King Street Outdoor Dining Zone);
- ~~(D)~~ (F) Overnight pet boarding if located in a shopping center;
- (G) Valet parking.

**4-503** *Special uses.* The following uses may be allowed in the CD zone pursuant to a special use permit:

- ~~(O.1) Massage establishment;~~

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

**4-602.1** *Administrative special uses.* The following uses may be allowed in the CD-X zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- ~~(B)~~ (C) Outdoor garden center;
- ~~(C)~~ (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- ~~(D)~~ (F) Overnight pet boarding if located in a shopping center;
- (G) Valet parking.

**4-603** *Special uses.* The following uses may be allowed in the CD-X zone pursuant to a special use permit:

- ~~(N.1) Massage establishment;~~

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

**4-702.1** *Administrative special uses.* The following uses may be allowed in the CR zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- ~~(B)~~ (C) Outdoor garden center;
- ~~(C)~~ (D) Outdoor food and crafts market;



- (E) Outdoor dining;
- ~~(D)~~ (F) Overnight pet boarding if located in a shopping center;
- (G) Valet parking.

**4-703** *Special uses.* The following uses may be allowed in the CR zone pursuant to a special use permit:  
~~(I) — Massage establishment.~~

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

**4-802.1** *Administrative special uses.* The following uses may be allowed in the OC zone with administrative approval, subject to section 11-513 of this ordinance:  
(A) Restaurant;  
(B) Massage establishment;  
~~(B)~~ (C) Outdoor garden center;  
~~(C)~~ (D) Outdoor food and crafts market;  
(E) Outdoor dining;  
~~(D)~~ (F) Overnight pet boarding if located in a shopping center;  
(G) Valet parking.

**4-803** *Special uses.* The following uses may be allowed in the OC zone pursuant to a special use permit:  
~~(S.1) — Massage establishment;~~

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

**4-902.1** *Administrative special uses.* The following uses may be allowed in the OCM (50) zone with administrative approval, subject to section 11-513 of this ordinance:  
(A) Restaurant;  
(B) Massage establishment;  
~~(B)~~ (C) Outdoor garden center;  
~~(C)~~ (D) Outdoor food and crafts market;  
(E) Outdoor dining;  
~~(D)~~ (F) Overnight pet boarding if located in a shopping center;  
(G) Valet parking.

**4-903** *Special uses.* The following uses may be allowed in the OCM(50) zone pursuant to a special use permit:  
~~(S.1) — Massage establishment;~~

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

**4-1002.1** *Administrative special uses.* The following uses may be allowed in the OCM (100) zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment
- ~~(B)~~ (C) Outdoor garden center;
- ~~(C)~~ (D) Outdoor food and crafts market;
- ~~(D)~~ (E) Outdoor dining;
- ~~(E)~~ (F) Overnight pet boarding if located in a shopping center;
- ~~(F)~~ (G) Valet parking;
- ~~(G)~~ (H) Catering operation in an industrial or flex space center;  
and
- (I) Light auto repair in an industrial or flex space center.

**4-1003** *Special uses.* The following uses may be allowed in the OCM(100) zone pursuant to a special use permit:

- ~~(S.1) Massage establishment;~~

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

**4-1102(E.3)** Health and athletic club located in a shopping center, hotel, industrial or flex space building or office complex.

**4-1102.1** *Administrative special uses.* The following uses may be allowed in the OCH zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment
- ~~(B)~~ (C) Outdoor garden center;
- ~~(C)~~ (D) Outdoor food and crafts market;
- ~~(D)~~ (E) Outdoor dining;
- ~~(E)~~ (F) Overnight pet boarding if located in a shopping center;
- ~~(F)~~ (G) Valet parking;
- ~~(G)~~ (H) Catering operation in an industrial or flex space center;  
and
- (I) Light auto repair in an industrial or flex space center.

**4-1103** *Special uses.* The following uses may be allowed in the OCH zone pursuant to a special use permit:

- (L) Health and athletic club other than as a permitted or administrative SUP use pursuant to section 4-1002(E.3);
- ~~(Q.1) Massage establishment;~~

**Sec. 4-1200 I/Industrial zone.**

**4-1202**

*Permitted uses.* The following uses are permitted in the I zone:

- (A) Ambulance service;
- (B) Animal shelter or kennel;
- (C) Automobile service station;
- (D) Bottling plant;
- (E) Building materials storage and sales;
- (F) Business or professional office ~~office accessory to and on the same site as an industrial use;~~
- (G) Catering operations;
- (H) Drive through facility;
- (I) [*Reserved*];
- (J) Funeral home;
- (K) Glass shop;
- (L) Health and athletic club
- ~~(L.1)~~ Ice and cold storage facility;
- (M) Laundry, dry cleaning operations;
- (N) Light assembly and crafts
- ~~(N.1)~~ Light automobile repair;
- (O) Machine shop;
- (P) Manufacturing;
- (Q) Medical laboratory;
- (Q.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (R) Parcel delivery;
- (S) Personal service establishment
- ~~(S.1)~~ Pet supplies, grooming and training, with no overnight accommodation;
- (T) Printing and publishing facilities;
- (U) Radio or television broadcasting office and studio;
- (V) Research and testing laboratory;
- (V.1) Restaurant located within a shopping center or hotel;
- (V.2) Retail;
- (W) Sheet metal shop;
- (X) Stone monument works;
- (Y) Storage buildings and warehouses;
- (Z) Utilities, as permitted by section 7-1200;
- (AA) Wholesale businesses;
- (BB) Accessory uses, as permitted by section 7-100.

**4-1202.1**

*Administrative special uses.* The following uses may be allowed in the I zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;

- ~~(B)~~ (C) Outdoor garden center;
- ~~(C)~~ (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- ~~(D)~~ (F) Overnight pet boarding if located in a shopping center;
- (G) Valet parking.

**4-1203**

*Special uses.* The following uses may be allowed in the I zone pursuant to a special use permit:

- (A) Asphalt plant;
- (A.1) Amusement enterprise;
- (B) Automobile and trailer rental or sales area;
- (C) Business offices other than those listed in section 4-1202(F);
- (D) Bus shelter on private property;
- (E) Concrete mixing and batching plant;
- (F) Convenience store;
- (F.1) Day labor agency.
- (G) Freight distribution center;
- (G.1) Fuel yard;
- (H) General automobile repair;
- (I) Helistop;
- (J) Homeless shelter;
- (K) Hospital;
- (L) Interstate bus station;
- (M) Junkyard;
- (N) Medical care facility;
- (O) Motor vehicle parking or storage for more than 20 vehicles;
- (P) Motor vehicle storage yard;
- (P.1) Outdoor food and crafts market, other than pursuant to section 4-1202.2;
- (P.2) Outdoor garden center, other than pursuant to section 4-1202.1;
- (P.3) Overnight pet boarding, other than pursuant to section 4-1202.1;
- (Q) Public building;
- (R) Recycling and materials recovery facility;
- (R.1) Restaurant, other than pursuant to section 4-1202 (V.1) or 4-1202.1;
- (S) Stone crushing operation;
- (T) Vehicle towing service and associated impound lot;
- (U) Waste to energy plant;
- (V) Any other use not listed elsewhere in this ordinance.

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

**4-1403 Permitted uses.** In order to provide an active pedestrian-oriented retail environment along Mount Vernon Avenue, especially along the sidewalk and pedestrian way, permitted uses in the NR zone are limited as follows.

**(A) Permitted ground floor uses.** The following uses are permitted on the ground floor of buildings facing the sidewalk:

- (1) Retail establishment;
- (2) Personal service, except banks;
- (3) Banks, business and professional offices, medical laboratory or offices and laundromats, provided:
  - (a) The business facade shall be no wider than 30 feet along the street;
  - (b) No more than two such uses or entrances shall adjoin each other.
- (4) Restaurants, when located within a shopping center or hotel, or with administrative approval pursuant to section 4-1403.1;
- (5) Day care center.

**(B) Permitted uses above the ground floor:**

- (1) Uses listed under section 4-1403;
- (2) Dwelling unit;
- (3) Office;
- (4) Church;

**4-1403.1 Administrative special uses.** The following uses may be allowed in the NR zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Outdoor garden center;
- (C) Outdoor food and crafts market;
- (D) Overnight pet boarding located in a shopping center;
- (E) Massage establishment;
- (F) Valet parking;
- (G) Outdoor dining.

**4-1404 Special uses.** The following uses may be allowed with a special use permit:

- ~~(D) Day care center;~~
- ~~(H) Massage establishment;~~

**4-1407 Parking.** The parking requirements of article XIII of the zoning ordinance and with an administrative permit granted by the director of planning and zoning, the following provisions shall apply as to off-street parking:

- (A) In order to maintain the existing supply of private off-street parking spaces, these spaces shall be retained and may be shared until such time as centralized parking facilities are constructed. Such shared arrangements shall be reviewed and approved by the director of planning and zoning;
- (B) Existing restaurants may add up to ~~46~~ 20 outdoor dining seats with no additional off-street parking requirement;

**4-1413****Use limitations.**

- (A) All operations, except those administrative uses enumerated in section 14-1103(B), (C) and (G) shall take place within a completely enclosed building except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use.
- (B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.
- (D) The property owner and occupant shall maintain all building and property appurtenances located within or over the public right-of-way in a safe, clean and attractive fashion, as reasonably determined by the director.
- (E) A day care center, commercial school or massage establishment shall obtain all required state, federal and local licenses and certificates prior to the opening of its place of business.
- (F) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

**ARTICLE V. MIXED USE ZONES****Sec. 5-100 CRMU-L/Commercial residential mixed use (low).****5-102.1**

*Administrative special uses.* The following uses may be allowed in the CRMU-L zone with administrative approval, subject to section 11-513 of this ordinance:

- ~~(D)~~(A) Restaurant;
- (B) Massage establishment;
- ~~(E)~~ (C) Outdoor garden center;
- ~~(F)~~ (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (G) Valet parking.

**5-103** *Special uses.* The following uses may be approved, pursuant to the procedures and regulations for special use permits and subject to the criteria of section 5-109 below:

- (J.1) ~~Massage establishment;~~

**Sec. 5-200 CRMU-M/Commercial residential mixed use (medium).**

**5-202.1** *Administrative special uses.* The following uses may be allowed in the CRMU-M zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- ~~(B)~~ (C) Outdoor garden center;
- ~~(C)~~ (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Valet parking.

**5-203** *Special uses.* The following uses may be approved, pursuant to the procedures and regulations for special use permits and subject to the criteria of section 5-209 below:

- (J.1) ~~Massage establishment;~~

**Sec. 5-300 CRMU-H/Commercial residential mixed use (high).**

**5-302** *Administrative special uses.* The following uses may be allowed in the CRMU-H zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- ~~(B)~~ (C) Outdoor garden center;
- ~~(C)~~ (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- ~~(D)~~ (F) Valet parking

**5-303** *Special uses.* The following uses may be approved, pursuant to the procedures and regulations for special use permits and subject to the criteria of section 5-309 below:

~~(J.1) Massage establishment;~~

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

**5-402.1** *Administrative special uses.* The following uses may be allowed in the CRMU-X zone with administrative approval, subject to section 11-513 of this ordinance:

- ~~(D)~~(A) Restaurant;
- (B) Massage establishment;
- ~~(E)~~ (C) Outdoor garden center;
- ~~(F)~~ (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (G) Valet parking

**ARTICLE VI: SPECIAL AND OVERLAY ZONES**

**Sec. 6-600 Mount Vernon Avenue Urban Overlay Zone**

**6-603** **Uses.**

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

- (1) Restaurants, up to a maximum of 60 seats
- (2) Outdoor dining, ~~up to a maximum of 16 seats~~
- (3) Amusement enterprise, limited to live theater
- (4) Outdoor food and crafts markets
- (5) Neighborhood outdoor garden center, limited to a maximum size of 10,000 square feet
- (6) Outdoor display of retail goods
- (7) Massage establishment
- (8) Valet parking

**6-604** *Parking requirements.* The provisions of article VIII of this ordinance shall apply within the overlay zone the following additions and modifications:

- (A) The requirements of sections 8-200(F)(1) and (2) regarding provision of parking as a result of a change of use, a significant enlargement or a significant alternation shall not apply if the use after the change, enlargement or alteration is a retail establishment.
- (B) Outdoor dining requires no parking for the first ~~16~~ 20 seats.
- (C) Outdoor food and crafts markets shall have no parking requirement, and may, like other permitted temporary uses



approved by the director, occupy areas with required parking spaces for their limited duration.

- (D) For form based development pursuant to section 6-606, parking additions or modifications are provided in that section.

~~6-607 Standards and procedures for administrative approvals.~~

(This entire section of the zoning ordinance was deleted by Ordinance No. 4573, the small business zoning changes approved by Council on December 13, 2008. The company that prepares the city's code failed to delete the provisions in its codification of the changes and will be directed to do it now.)

**Sec. 6-700 KR/King Street Urban Retail Zone**

**6-702** *Uses.* Uses in the King Street urban retail zone are divided into two categories, depending on their location, in order to protect and enhance opportunities for existing and future retail uses. The two use categories, which are each further divided into permitted and special uses, are defined as followed:

(B) *Upper floor uses.*

(1) *Permitted uses:*

- (a) Any use permitted as a ground floor use under section 6-702(A)(1);
- (b) Multifamily dwelling units or accessory apartments;
- (c) Business and professional office;
- (c.1) Day care center
- (d) Medical office;
- (e) Medical laboratory;
- (f) Personal service establishment;
- (g) Radio or television broadcasting office and studio.

(2) *Special uses:*

- (a) Any use allowed as a ground floor special use under section 6-702(A)(2);
- (b) Apartment hotel;
- (c) Catering operation;
- (d) Congregate housing;
- ~~(e) Day care center, day nursery or nursery school;~~
- (f) Home for the elderly;
- (g) Fraternal or private club;
- ~~(g.1) Massage establishment;~~
- (h) Medical care facility;
- (i) Motor vehicle parking or storage;
- (j) Newspaper office, including printing and publishing facilities;

- (k) Private school, commercial or academic;
- (l) Rooming house;
- (m) Social service use;
- (n) Wholesale business.

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

- (1) Valet parking;
- (2) Massage establishment.

### VIII: OFF STREET PARKING AND LOADING

#### Sec. 8-100 Off-street parking requirement

- (A)
  - (6) Reduction of requirement by administrative special use permit. An administrative special use permit may be obtained pursuant to section 11-513, where sufficient parking to meet the requirement is available at all times the use is operational, despite the fact that the same parking spaces are used, dedicated or available for other uses at other times.

### ARTICLE XI: DEVELOPMENT APPROVALS AND PROCEDURES

#### Sec. 11-500 Special use permits.

11-503 *Procedure.*

11-511 *Administrative Amendment to SUP.* The director is authorized to approve the following amendments to special use permits under the following circumstances and procedures.

- (A) *Amendments Authorized.*
  - (1) *Change in ownership.* Where an application is necessitated solely by a change in ownership of the use, the director may administratively approve such application and transfer the special use permit to the new applicant after determining that there have been no substantiated violations of the special use permit conditions which were not corrected immediately, constitute

## Attachment #1 - Zoning Text Amendments

material or repeat violations or which created a material and direct adverse impact on the surrounding community.

- (2) *Minor Amendment.* Where an application proposes a change to a City Council approved special use permit which constitutes no more than a minimal enlargement or extension, the director may administratively approve the change after determining that:
- (a) the changes are so insignificant, when the overall use is considered, that they will have little or no zoning impact on the adjacent properties or the neighborhood;
  - (b) the proposal will not change the character of the use or increase its overall intensity, including, without limitation,
    - (i) no more than the following increases which may be permitted only once over the life of the permit:
      - (a) two additional hours of operation, but not to exceed hours consistent with an established neighborhood standard;
      - (b) ~~40%~~ 20% additional restaurant seats, up to a maximum of 12 additional seats;
      - (c) ~~40%~~ 20% additional classroom seats;
      - (d) ~~40%~~ 20% additional equipment;
      - (e) ~~40%~~ 20% additional floor area;
      - (f) similar increases for other aspects of the use; or alternatively,
    - (ii) the proposed change is no greater than what is allowed under the standards for administrative approval for the same use under Section 11-513;
  - (c) there have been no substantiated violations of the special use permit conditions within the last five years;
  - (d) the proposed change when considered in conjunction with all amendments since City Council approval, does not exceed in the aggregate the limitations prescribed under this Section 11-511. ~~constitutes no more than a single minor amendment as defined by Section 11-511 and when compared to the original approval.~~

**AMENDMENT BY PLANNING COMMISSION**

- (e) **the proposed change does not amend or delete conditions that were included to address community concerns.**
- (3) *Special Events.* Notwithstanding any provision of this ordinance to the contrary, the director may approve a temporary extension in the hours of operation of a business subject to an approved special use permit, to coincide with the hours of operation of an event, promotional program or city-sponsored festival in which the business is participating. The procedures required under this section 11-511 shall not apply in such cases.
- (B) *New Conditions.* New conditions or amendments to existing conditions may be added if they are either:
- (a) standard conditions promulgated by the director, approved by City Council and agreed to by the applicant in writing; or
  - (b) such additional conditions as the director finds necessary for the public benefit, in keeping with the use and the special use permit approved therefor, and agreed to by the applicant in writing.
- (C) *Procedure.*
- (1) The Director shall placard the property, cause email notice to the affected civic and business associations and prominently post a list of pending administrative applications on the department web page for review by the public. Such notice shall be given at least 14 days prior to the approval of an amendment under this section.
  - (2) An application for an administrative approval under this section 11-511 which is not approved by the director shall be subject to the same procedural requirements of any other application for a special use permit.
  - (3) The director is authorized to issue regulations governing administrative approvals issued under this section 11-511.
  - (4) The director's decision may be appealed to the planning commission by a person affected by the decision by filing a notice of appeal with the department of planning and zoning within 14 days from the date of the decision appealed; provided, however, that in the case of a restaurant use, the notice of appeal may be filed within 30 days from the date of the decision appealed. The notice shall be a written statement specifying the grounds on which

the appellant is affected and the basis of the appeal. The Planning Commission shall hold a public hearing on the appeal, with notice pursuant to section 11-300 provided, and may affirm, reverse or modify the director's decision, or vacate the decision and remand the matter to the director for further consideration.

~~(D) In addition to publishing newspaper notice of the proposed changes, the director has notified the planning commission and each docket subscriber under section 11-304, and no person, including a planning commission member, has requested that the proposal be docketed for consideration by the planning commission.~~

~~(E) The changes are so insignificant that they will have little or no zoning impact on the adjacent properties or the neighborhood.~~

~~(F) No new conditions and no amendments to existing conditions are necessary.~~

~~(G) Notwithstanding any provision of this ordinance to the contrary, the director may approve a temporary extension in the hours of operation of a business subject to an approved special use permit, to coincide with the hours of operation of a city sponsored festival, event, or promotional program in which the business is participating.~~

11-513 *Administrative Special Use Permit.* An applicant may seek the director's approval of a use identified in this ordinance as one for which administrative special use permit approval is available pursuant to the standards and procedures outlined in this section.

(A) Jurisdiction and procedures for administrative approval.

- (1) An applicant for an administrative SUP under this section shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose. The application shall include a statement identifying the applicant as required by section 11-503 of this ordinance.

**AMENDMENT BY PLANNING COMMISSION**

- (2) Notice of a pending administrative permit application shall be made in a newspaper of general circulation in the city, posted on the subject property, given to nearby civic and business associations by email, and prominently posted on the department web page in a list of pending administrative applications for review by the public. **Such notice shall be given at least 21 days prior to the approval of an amendment under this section.** The public may submit comments to the director regarding the application. ~~No application may be approved sooner than 21 days from the time notice is given to the public.~~
- (3) The application shall be reviewed for compliance with this section 11-513 as well as with applicable provisions of section 11-500.

- (4) As an alternative to an administrative approval, an applicant may choose to seek special use permit approval pursuant to section 11-500 of the zoning ordinance.
- (5) After review the director may approve, approve with conditions, or deny the application. An approval by the director shall be deemed to have the force and effect of a special use permit, under section 11-500, except that provisions of 11-507 shall not apply.
- (6) The director may determine that administrative approval is not appropriate and that special use permit approval shall be required if the proposal will not be compatible with the adjacent and surrounding properties, if the applicant fails to meet the standards for the permit, if the applicant fails to consent to the conditions of the administrative permit or if after consultation with the police department it is determined that there are criminal or nuisance activities or zoning ordinance violations at the proposed location or with the proposed operator.
- (7) In the event any person, whether owner, lessee, principal, agent, employee or otherwise, materially fails to comply with any standard of this section, the director may suspend or revoke the administrative approval in whole or in part and on such terms and conditions as deemed necessary to effect the cure of such failure. The applicant or his successor in interest may appeal this suspension or revocation pursuant to section 11-205(B) et. seq. of this ordinance, except that such appeal shall be heard by the planning commission.

(B) Appeals.

- (1) Any person affected by a decision of the director issued pursuant to section 11-513 (A)(5) may appeal the decision to the planning commission, by filing a notice of appeal, in writing, stating the grounds on which the person is affected and the grounds of appeal, with the director within 14 days of the issuance of the decision; provided, however, that in the case of a restaurant use, the notice of appeal may be filed within 30 days of the issuance of the decision.
- (2) The planning commission shall conduct a public hearing on any appeal filed pursuant to section 11-513(B)(1), notice for which shall be provided in accordance with the applicable provisions of section 11-300 of this ordinance. Following the conclusion of the hearing, the planning commission may affirm, reverse or modify the decision of the director, or vacate the decision and remand the matter to the director for further consideration.

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- (3) Any person affected by a decision of the planning commission issued pursuant to section 11-513(B)(2) may appeal the decision to the city council, by filing a notice of appeal, in writing, stating the grounds on which the person is affected and the grounds of appeal, with the city clerk within 5 days of the issuance of the decision.
- (4) The city council shall conduct a public hearing on any appeal filed pursuant to section 11-513(B)(3), notice for which shall be provided in accordance with the applicable provisions of section 11-300 of this ordinance. Following the conclusion of the hearing, the council may affirm, reverse or modify the decision of the commission, or vacate the decision and remand the matter to the planning commission or the director for further consideration.

(C) *General standards for all administrative uses:*

- (1) The administrative permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. Any change in the ownership of the use that is the subject of the administrative permit may be transferred administratively with the approval of the director pursuant to the requirements of section 11-511 of this ordinance.
- (2) The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods.
- (3) The applicant shall encourage its employees and customers to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities.
- (4) At such time as an organized parking program is adopted by city council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in the program.
- (5) The applicant shall require its employees who drive to work to use off-street parking.
- (6) The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking.
- (7) Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those

- containers. Outdoor trash receptacles shall be screened to the satisfaction of the director.
- (8) The applicant shall contact the crime prevention unit of the Alexandria Police Department for a security survey and robbery awareness program for employees prior to the operation of the business.
  - (9) Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation.
  - (10) The use must comply with the City's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.
  - (11) The administrative permit approved by the director pursuant to this section 11-513 shall be displayed in a conspicuous and publicly accessible place. A certificate provided by the city shall inform the public of its right to examine the list of standards associated with the permit. A copy of the list of standards associated with the permit shall be kept on the premises and made available for examination by the public upon request.
  - (12) Improvements may be required to the facade or the front of the business establishment, including landscaping and site improvements, consistent with design guidelines and principles enumerated in the adopted small area plan for the neighborhood, and as determined by the director to be necessary and appropriate to achieve the design and streetscape objectives of that plan.
  - (13) The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and methods to prevent underage sales of alcohol.
  - (14) The director may require conditions additional to those listed in the standards of this section if the director finds it to be reasonable to support the use and its compatibility with surrounding uses and the neighborhood.
  - (15) The request will not significantly and negatively impact nearby residential neighborhoods.
- (D) *Specific standards for day care in a church or school building.*
- (1) The facility shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.
  - (2) The facility shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
  - (3) The facility shall be located on a site so that adequate distance or buffering is provided to protect nearby residential uses from impacts from the use.



- (E) *Specific standards for live theater:*
- (1) The applicant may offer limited wine and beer sales in conjunction with performances at the intermission or one hour before the performances commence, with the appropriate licenses as required by law.
  - (2) The applicant may offer wine and beer in conjunction with a show opening or other wine and cheese event, with the appropriate licenses as required by law. A maximum of one event each month is permitted.
  - (3) The hours of performances shall be limited to 11:00 a.m. to 11:00 p.m. daily.
- (F) *Specific standards for outdoor food and crafts markets:*
- (1) No alcohol sales shall be permitted;
  - (2) No on-site storage of trailers is permitted;
  - (3) No on-site food preparation shall be permitted;
  - (4) The hours of operation shall be limited to 7:00 a.m. to sundown and the market shall be open on those days specified in the approved permit, not to exceed a maximum of two days a week.
  - (5) Market operations shall include:
    - (a) The applicant shall designate one person to serve as the market master, and another person to serve as alternate, and shall provide the names of those persons and their home and work telephone numbers to the director prior to the opening of the market;
    - (b) The market master or his/her designee shall be present prior to the opening of the market and at the closing of the market and shall oversee the cleanup of the lot and adjacent sidewalk areas at the end of the market;
    - (c) The market master shall prepare a plan for the layout of the market for approval by the director prior to beginning operations, and shall obtain approval of the director for any changes to those plans.
    - (d) The market master shall prepare a set of rules for operation of the market for approval by the director who shall review any changes to those rules. Copies of those rules shall be given to each vendor, to nearby residents and businesses, and to the civic associations in the vicinity;
    - (e) The rules shall state who is eligible to sell goods in the market and under what conditions. It is expected that the market shall include the sale of produce, and baked and prepared goods, and that the produce will be predominantly grown by the vendors, except during the spring and late fall when resale produce may predominate;

- (f) The market master shall maintain a list of vendors with addresses and telephone numbers.
  - (6) All vendors shall adhere to, and the market master shall enforce, appropriate food safety guidelines developed by the Alexandria Health Department.
- (G) *Specific standards for outdoor garden center:*
- (1) The site for the outdoor garden center may be no larger than 10,000 square feet.
  - (2) The hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m. Monday through Saturday, and from 8:00 a.m. to 8:00 p.m. on Sunday.
  - (3) A plan showing the layout of the garden center, including areas for storage, on site deliveries, and vehicles; appropriate screening; the design of any building or structure; and the view from Mount Vernon Avenue and neighboring properties shall be submitted for review and approval by the director.
  - (4) Deliveries shall be limited to during normal business hours and shall occur in the location shown in the approved plan.
  - (5) The use shall be located a suitable distance or otherwise protected from nearby residential uses in order to avoid undue impacts.
- (H) *Specific standards for outdoor display.* Notwithstanding any contrary provisions of this ordinance, the display of goods from a retail sales establishment is permitted, subject to the following:
- (1) The requirements of section 4-107(A) shall apply.
  - (2) Only goods from the adjacent store are permitted to be displayed.
  - (3) Signage for the outdoor display is allowed in addition to signage otherwise permitted for the business, but shall be limited to a maximum aggregate size of one square foot.
  - (4) No sales may occur in the outdoor display area.
  - (5) The outdoor display area may include no structures or other permanent changes to the exterior.
  - (6) There shall be no music, speakers, or amplified sounds associated with the outdoor display.
  - (7) The approved duration of the outdoor display shall be specified in the permit which may but is not required to be limited to four times a year.
  - (8) The outdoor sales may not encroach into the public right-of-way.
- (I) *Specific standards for catering operation.*
- (1) The applicant shall post the hours of operation at the entrance of the business.
  - (2) No alcohol service is permitted.
  - (3) No food, beverages, or other material shall be stored outside.

- (4) The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by Transportation & Environmental Services.
- (5) Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.
- (6) 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](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- (7) Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.

(J) *Specific standards for light automobile repair.*

- (1) Repair work done on the premises shall be limited to light automobile repair.
- (2) No repair work shall be done outside.
- (3) No junked, abandoned, or stripped vehicles shall be parked or stored outside.
- (4) No vehicles shall be loaded or unloaded on the public right-of-way.
- (5) No debris or vehicle parts shall be discarded on the public right-of-way.
- (6) No vehicles shall be displayed, parked, or stored on a public right-of-way.
- (7) No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure.
- (8) The area around the building shall be kept free of debris and maintained in an orderly and clean condition.
- (9) All waste products including but not limited to organic compounds (solvents), motor oils, and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and shall not be discharged to the sanitary or storm sewers.
- (10) The applicant shall comply with the City of Alexandria Best Management Practices manual for automotive related industries. Contact the T&ES Engineering division (703)383-4327 to obtain a copy of the manual.
- (11) The applicant shall control 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 and Environmental Services.

- (12) Car wash discharges resulting from a commercial operation shall not be discharged into a storm sewer. It is recommended that the car washes be done at a commercial car wash facility.

(K) *Specific standards for overnight pet boarding.*

- (1) The applicant shall comply with the Virginia Department of Agriculture and Consumer Services Division of Animal Industry Services laws and Animal Care, Control, Property and Protection Laws of Virginia regarding Boarding Establishments.
- (2) ~~The applicant shall submit a plan for review and approval to the Health Department that includes proposed methods of ventilation, storage and operations in order to address issues including, without limitation, noise, and waste and odor control.~~

(L) *Specific standards for restaurants.*

- (1) The number of seats at the restaurant may not exceed ~~60~~ 100.
- (2) The restaurant shall offer full service, including printed menus and wait service provided at tables and preset tables with nondisposable tableware, except that this full service requirement does not apply to a coffee or ice cream shop.
- (3) The hours of operation shall be no greater than the prevailing hours of similar uses in the area, but in no event shall the restaurant stay open later than 12:00 midnight or open earlier than 5:00 a.m. Within the Mount Vernon Avenue Overlay zone and the NR zone areas, hours are limited to from 6:00 a.m. to 11:00 p.m., Sunday through Thursday, and from 6:00 a.m. to midnight, Friday and Saturday and Sunday, although the closing hour for indoor seating may be extended until midnight four times a year for special events.
- (4) The applicant shall post the hours of operation as well as the location of off street parking at the entrance to the restaurant.
- (5) Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour.
- (6) Limited, live entertainment may be offered at the restaurant. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment.
- (7) Full service restaurants with a minimum of 40 seats may offer delivery service which shall be limited to one delivery vehicle,

with a dedicated off-street parking space, and shall not be parked on the public right-of-way. No delivery of alcoholic beverages is permitted.

**STAFF CHANGES APPROVED BY PLANNING COMMISSION**

- (8) Full alcohol service, consistent with a valid ABC license is permitted. No off-premise alcohol sales are permitted. Within the West Old Town neighborhood (bounded by Cameron, North West, Wythe and North Columbus Streets), no alcohol shall be served before 11:00 a.m. or after 10:00 p.m. daily. Within the Mount Vernon Avenue Overlay zone, ~~and~~ the NR zone and the West Old town neighborhood areas, alcohol service is limited to table service.
- (9) No food, beverages, or other material shall be stored outside.
- (10) Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- (11) The applicant shall control 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.
- (12) Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.
- (13) 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](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132.

(M) *Specific standards for outdoor dining.*

- (1) Outdoor dining shall be accessory to an approved indoor restaurant.
- (2) Outdoor dining, including all its components such as planters, wait stations and barriers, shall not encroach onto the public right of way unless authorized by an encroachment ordinance.
- (3) A maximum of 20 seats may be located at outdoor tables in front of the restaurant. The outdoor seats permitted are in addition to the indoor seats.

**STAFF CHANGES APPROVED AND AMENDED BY PLANNING COMMISSION**

- (4) The hours of operation for the outdoor dining shall be the same as permitted for the indoor restaurant, unless a neighborhood standard has been established with a different time. Within the NR Zone, the Mount Vernon Avenue Urban Overlay Zone and the West Old Town neighborhood areas, outdoor dining shall be closed and

cleared of all customers by 10:00 p.m. **Sunday through Thursday and by 11:00 p.m. on Friday and Saturday.**

- (5) No live entertainment shall be permitted in the outdoor seating area.
- (6) Outdoor seating areas shall not include advertising signage, including on umbrellas.
- (7) On site alcohol service, to the extent allowed for indoor dining, is permitted; no off-premise alcohol sales are permitted.
- (8) A plan shall be submitted with dimensions showing the layout for the outdoor dining area and depicting the design, location, size and space of the dining area, chairs, tables, barriers, umbrellas planters, wait stations, and other components to be located within the area, and such additional information as the Director may reasonably require.
- (9) The outdoor dining area shall be cleared and washed at the close of each business day that it is in use.
- ~~(10) Within the NR zone area, parking is not required for the first 16 outdoor seats.~~
- (11) The provisions of the King Street outdoor dining overlay zone in section 6-800 apply to regulate outdoor dining within the Central Business District.

(N) *Specific standards for valet parking.*

- (1) The applicant shall submit a detailed plan for approval by the director and the director of transportation and environmental services. The plan shall include the following at a minimum:
  - (a) The location of the drop off area as well as the location for the parked vehicles to be stored;
  - (b) The proposed days and hours of operation of the valet parking plan;
  - (c) The number of spaces available at the vehicle storage site, which shall be of sufficient capacity for the use or uses from which vehicles will be valeted;
  - (d) Adequate assurance that the owner and operator of the vehicle storage site is agreeable to the proposed valet plan;
  - (e) The size and design of the drop off site and identification of any on street parking spaces that will be lost during the period that the valet parking plan is in effect, such spaces to be kept to a minimum;
  - (f) Demonstration that the location of the drop off site will not interfere with traffic, remaining parking, bus stops, or transit passengers or pedestrians;
  - (g) The proposed graphics for the drop off site, including signage and uniformed staff, with sufficient visibility but designed to

- be compatible with the streetscape as determined by the director;
- (h) The proposed number of attendants, which shall be sufficient to adequately staff the operation; and
  - (i) If the proposed valet plan includes more than one business, the identity of the party or entity responsible for compliance with the approved valet parking plan.
- (2) No vehicle shall be parked or temporarily stored by an attendant on streets, sidewalks.
  - (3) No structures are permitted in conjunction with a valet parking program, unless associated with a shared parking program among several businesses, and only after the design is reviewed for comment by the Old and Historic Alexandria district board of architectural review.
  - (4) An approved permit for a valet parking operation shall be valid for an initial six month period, after which it shall be reviewed for compliance with these standards and for its effectiveness in handling the drop off, ferrying, parking and retrieving of vehicles efficiently and effectively, and without undue interference with non-valet parking and traffic. If, on review, the directors determine that the valet parking program has operated successfully and in compliance with its permit, then the permit shall be extended indefinitely, with a similar review to occur at the end of each one year period from that point forward. As part of the initial or annual review under this paragraph, the directors may require the operator to adjust the features of the program or, alternatively, to apply for a special use permit if there are concerns about the effectiveness, success or impacts of the valet parking program.
  - (5) The provisions of section 8-300 of this ordinance, requiring an SUP for valet parking, shall not apply for valet parking approved under this section 11-513(M). In addition, a permit approved under this section may authorize valet parking to displace otherwise required parking spaces, notwithstanding the requirements of section 8-200, if it is determined that those spaces are not in demand during the times that the valet parking program will be in effect and that the use of the spaces for the valet parking program will reduce potential parking congestion on the public streets.
- (O) *Application to Certain Development Special Use Permits.* The provisions of this section 11-513 have no application to any CO Planned Residential/Commercial Development and shall not preempt any conditions in any DSUP or CDD Concept Plan adopted prior to or after December 13, 2008, which conditions pertain to the establishment of restaurants and other uses which may be classified as permitted uses or as administrative SUP uses under this section 11-513 and under Ordinance #4573, adopted December 13, 2008, except as provided below:

- (1) Cameron Station, DSUP #2004-0026. In the commercial space along Brenman Park Drive, the following uses shall be permitted uses and the provisions of this section 11-513 and Ordinance #4573 are applicable with regard to restaurants, day care centers, private schools, academic or commercial, with a maximum of twenty students on the premises at any one time, and massage establishments and the provisions of this section 11-513(O)(1) shall preempt any conflicting provisions of such DSUP 2004-0026:
- (a) Business professional offices;
  - (b) Catering;
  - (c) Church;
  - (d) Convenience store;
  - (e) Day care center;
  - (f) Health and athletic club;
  - (g) Massage establishment;
  - (h) Medical care facility;
  - (i) Medical laboratory;
  - (j) Medical office;
  - (k) Personal service establishments;
  - (l) Pet supplies, grooming and training with no overnight accommodations;
  - (m) Restaurant; and
  - (n) Retail shopping establishments.



*City of Alexandria, Virginia*

**MEMORANDUM**

DATE: MAY 26, 2010

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: FAROLL HAMER, DIRECTOR, PLANNING AND ZONING

*Faroll Hamer/B*

SUBJECT: SMALL BUSINESS ZONING

Staff inadvertently omitted a paragraph in its recent staff report although it had been in prior versions, and substitutes the attached pages 18 and 19 for those in the report sent out last week. The only change adds back in item 'b.' on the list of Additional Small Business Improvements, language regarding the City's policy on requiring a \$500 fee for trash and trees from SUP applicants. The attached language adds one caveat to the statement that had been in the April docket report, and the paragraph should have been retained in the May report.

- b. *Trees and Trash Fee:* Some members of Council questioned the need for the \$500 trees and trash fee on SUP applicants, given the burden it creates for small businesses. Staff recommends eliminating the SUP requirement as a general rule, but allowing the potential for a trash can requirement for a high-litter generating use, such as a convenience store or fast food restaurant, when no trash can is currently in place on the right of way.
- c. *Additional BAR administrative approvals.* As with the work last year in defining those sign cases in the historic districts that could be approved administratively, staff is working on additional types of cases, especially with regard to replacing roofing materials, windows and siding, that do not require a full hearing before the BAR. Staff is working with the BAR and the community to develop guidelines that will enable administrative approval and make the system more streamlined and the outcomes more certain.

**Staff notes that during the last six months, out of 13 total sign cases that previously would have required BAR approval, 10 have been able to proceed administratively as a result of the legislative changes adopted last October. The administrative sign process reduces the cost of a normal BAR application from \$250 to \$75 and the amount of time required from a minimum of 30 days to two.**

These results are significant and a great aid to small businesses. The proposed guidelines outlining appropriate replacement materials should help both business and residential property owners in the historic districts in a similar manner.

- d. *Simplified Site Plan Process.* Staff is developing a modified, less onerous process for very small building cases that meet the criteria for site plan review. The change will not require a text change, but rather a simplified application process.

Site plan review and approval by the Planning Commission is required for cases where the proposal includes construction of an addition that is more than one-third of the existing building, even if this addition is less than 3000 square feet in size. In these cases, and in other similarly small cases (i.e. where the addition or new building is only marginally larger than 3000 square feet), there will be a simplified checklist of requirements for submissions – much like the checklist currently used for grading plans. The goal is to have applicants submit no more than five to six sheets of drawings per application.

Additionally, staff hopes that in most of these cases the preliminary and final site plans can be combined (based on Section 11-405 of the Zoning Ordinance) which will result in a shorter and less expensive process for the applicant.

- e. *Small Business Guide Update.* This document, produced five years ago, in conjunction with other departments and the Small Business Development Center, is now in the process of being updated. In addition to staff names and contact information changes, sections will be added to highlight the Permit Center, the administrative SUP process and

the BAR administrative permit provisions. The Small Business Guide can be found on the Internet at [alexandriava.gov/planning](http://alexandriava.gov/planning).

- f. *Fee Reduction:* Staff proposes to reduce the fee for the administrative SUP for outdoor display of retail goods, allowed on Mount Vernon Avenue, from \$250 to \$50. This fee is a particularly irksome issue for some small businesses. Staff supports their efforts to adhere to City guidelines and proposes this fee reduction because businesses have cited the fee as a significant obstacle for shop owners who want to participate in the City's permit system. With Council approval, staff will implement the fee reduction immediately.

#### **IV. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission initiate and recommend approval of each of the above zoning text changes.

**Staff:** Faroll Hamer, Director, Planning and Zoning; Barbara Ross, Deputy Director; Nathan Randall, Urban Planner; Mary Christesen, Urban Planner; Kendra Jacobs, Supervisory Administrative Officer.

**Attachments:** Proposed Zoning Text Changes

# City of Alexandria, Virginia

## MEMORANDUM

DATE: JUNE 1, 2010

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

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

SUBJECT: SMALL BUSINESS ZONING  
STAFF RECOMMENDED CHANGES

---

Staff has made a purposeful effort to discuss the proposed small business changes with both the residential and business community at a number of large and small meetings over the last several months. Staff and the Planning Commission have received a number of emails and letters voicing concerns as well as suggested changes to the zoning changes staff has previously proposed. Staff has reviewed all of the suggestions it received carefully and is recommending the following additional changes to its proposals, because they have merit, are relatively simple changes, and do not change the fundamental balance struck by the existing administrative system or staff recommendations to it.

1. Section 2-190.2: Definition of Nightclub

Nightclub. A restaurant where entertainment, live or otherwise, predominates over food service, becoming the principal use at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising.

This change simply adds a typical element to the definition, but does not require it.

2. Section 2-190.3: Definition of Coffee or Ice Cream Shop.

Restaurant, coffee or ice cream shop. A small restaurant, typically no more than two thousand square feet in area, where the principal business is either the sale of coffee and other hot beverages or the sale of ice cream, frozen yogurt or other related confections. Pastries, baked goods, cold beverages, sandwiches and other light fare may also be sold incidental to the service of coffee, ice cream and other confections, but no alcohol is served, no entertainment takes place and no significant cooking, other than the application of

heat by microwave, electric burner, espresso machine, the heating of soup or the boiling of water, typically takes place.

This change clarifies and makes the proposed language internally consistent.

3. Section 11-513(M): Hours for outdoor dining.

(4) The hours of operation for the outdoor dining shall be the same as permitted for the indoor restaurant, **unless a neighborhood standard has established a different time. Within the NR Zone and the Mount Vernon Urban Overlay Zone areas, outdoor dining shall be closed and cleared of all customers by 10:00 p.m.**

Staff supports this change, proposed by Del Ray Citizens Association, and supported by the survey of restaurant hours, indoors and outdoors, presented last month in the context of the new barbecue restaurant. The existing language is too generous when there is a neighborhood standard with much earlier hours and where residential uses are in close proximity to restaurants.

4. Section 1-400(B)(3)(f): Day Care FAR bonus

(f) When calculating the floor area of an office, multifamily or mixed use building constructed after [effective date], space devoted to day care facilities and programs offering early childhood education, elder care and other related services shall not be calculated as floor area, provided:

- (1) a maximum of 10,000 square feet of floor area may be excluded under this provision;
- (2) space for which this floor area exclusion has been allowed shall remain devoted to day care facilities and programs offering early childhood education, elder care and other related services unless a special use permit is approved for alternative community facilities or civic functions, including public schools; community arts exhibition or performance space; private education center; neighborhood reading room or library; space for community meetings and functions; or a youth center.

This change will allow elder care services the same advantage as child care centers.

5. Section 11-513 (N): WOTCA standard for alcohol/hours.

(8) Full alcohol service, consistent with a valid ABC license is permitted. No off-premise alcohol sales are permitted. **Within the West Old Town neighborhood (bounded by Cameron, North**

**West, Wythe and North Columbus Streets) no alcohol shall be served before 11:00 a.m. or after 10:00 p.m. daily.** Within the Mount Vernon Avenue Overlay zone, ~~and~~ the NR zone areas, **and West Old Town neighborhood,** alcohol service is limited to table service.

This change addresses two of WOTCA's requests, and is similar to the condition language in the SUP for the Shanghai Peking restaurant, within the Monarch building. Although there were several other suggestions in WOTCA's recent communication, staff cannot support them for a variety of reasons, including that they create too many significant changes, create an entire system of standards for an area of the City without many restaurants, and includes some standards already required by code.

STAFF: Barbara Ross, Deputy Director, Planning and Zoning

## **SUMMARY OF COMMENTS ON PROPOSED SMALL BUSINESS CHANGES**

Staff has been asked to summarize the various comments from interested citizens and businesses since its March presentation of proposed small business changes.

### **Industrial**

Industrial land should be kept for industrial uses

Don't support adverse rent policies at vacant storefronts outside industrial areas.

Support for changes to industrial zone.

### **Restaurants**

Strong support for changes.

Opposition to 100 seat threshold and "accessory restaurant" definition.

The city is making it too easy for restaurants to open relative to competition for retail space.

Coffee shop/ice cream exception allows fast food. Business groups support the change.

Refine definitions: Add "and event advertising" to end of nightclub definition. Add "ice cream and other confectionaries" to coffee shop definition after "incidental to the service of coffee."

### **Outdoor Dining**

Opposition to increasing the number of seats from 16-20 without parking.

If no parking required, outdoor seating should be required to stay "open" to ensure it is seasonal.

Hours in administrative standards (same as indoors) are too generous.

### **Valet Parking.**

Concern about standards, e.g., where will parking be located?

Support for valet parking as a remedy for some Del Ray parking problems and for the older population.

### **Neighborhood Distinctions**

Support for making distinctions among neighborhoods, especially as to hours, entertainment and alcohol for restaurants.

Support for having rules be the same for all neighborhoods.

### **Minor Amendments**

Support for changes.

Opposition to changes when contrary to residents' expectations.

No limit on time on when a change can be requested.

Time for citizens to react to an application, 14 days, is too short.

As to restaurants, number of seats (12 max) is too small.

In general, 20% is too great a change.

Industrial uses should not be allowed to participate in minor amendment process.

Staff could explain how request complies with minor amendment criteria at time of notice.

Idea: limit new hearing for industrial uses to the specific request, not entire scope of SUP.

### **FAR Bonus for Day Care**

Should not be allowed in all new buildings, such as on Mount Vernon Avenue

Should be extended to elder care

### **Shared Parking**

Need lighting standards for parking

### **General**

There should be individual notice to adjacent property owners.

Enforcement should be better.

Inner City should be treated the same as Old Town.

Small business should be defined.

Proposal should be deferred.

PC Docket (Item) #13B  
TA2010-0001

# Del Ray Citizens Association

Established 1954  
delraycitizens@yahoo.com

P.O. Box 2233, Alexandria, VA 22301  
http://www.delraycitizen.org

June 3, 2010

To: Chairman Komoroski and members of the Planning Commission,

Subject: DRCA partial support for Docket item #13AB, Small Business Zoning

This letter expresses concerns of the Del Ray Citizens Association's Executive Board and Land Use Committee concerning the Small Business Zoning Text amendment #2010-0001. Due to time constraints, the membership will not have an opportunity to vote on the matter prior to your meeting or city council on June 12<sup>th</sup>.

The following table summarizes the discussion below:

III.1 (New Administrative SUPs)	Support
III.2 (Additional Industrial Zone Uses)	Request wait for city-wide industrial zone needs assessment
III.3 (Additional Flex Space Uses)	Support
III.4 (Wholesale Businesses)	Support
III.5 (Cameron Station Businesses)	Support
III.6 (Restaurants)	Request return to staff to better incorporate "neighborhood standards". Support new definitions of "accessory restaurant" and a "nightclub"
III.7 (Potential Expansion of Minor Amendment)	Return to staff to better incorporate "neighborhood standards"
III.8 (FAR Bonus for Day Care Center)	Request clarification this does not apply to Mount Vernon Ave form-based redevelopment
III.9 (Administrative Parking Reduction for Shared Parking)	Request wait until parking study is completed, and incorporate into its recommendations.
III.10 (Text Corrections)	Support
III.11 (Additional Small Business Improvements).	Support

Among the goals of the Small Business Zoning Program of 2008 was the desire to make things easier for city staff and for businesses. The zoning was reviewed for items that could be modified to achieve those goals without being detrimental to the surrounding neighborhoods. The enhancement of the Administrative Special Use Permit (ASUP) process was an important part of that. There was much discussion and consensus built around a set of conditions that eased the burden of starting up some new small businesses. Importantly, the corresponding ASUP's could be fast-tracked because the neighborhoods agreed that the conditions were acceptable and well-defined in terms of their consequences. We did not need to be vigilant with respect to these ASUP's. Effectively the set of boilerplate standard conditions was expanded so that a complete set of conditions could be easily generated for certain businesses. Accept those conditions, and your business was essentially approved.

*Celebrating 100 years of the Town of Potomac*  
1908 - 2008



At the same time, the ASUP process added the ability for certain conditions to be increased by 10%. This was not as well accepted by the neighborhoods. Although couched in terms of allowing successful businesses to grow, it amounts to an administratively approved intensification of use. But since the baseline conditions to which the 10% would be applied resulted in very modest intensification, we acquiesced.

Moving on to the Small Business Zoning text amendment #2010-0001 that is before you.

As with the 2008 effort, staff has culled out some zoning items for changes that are not detrimental to the surrounding neighborhoods. We stand in support of items III.1 (New Administrative SUPs), III.3 (Additional Flex Space Uses), III.4 (Wholesale Businesses), III.10 (Text Corrections), and III.11 (Additional Small Business Improvements).

We also stand in support of III.5 (Cameron Station Businesses) since those changes have been sought and are accepted by the stakeholders of Cameron Station.

In contrast to the stakeholder acceptance in Cameron Station, we stand opposed to aspects of the recommendations contained in items III.6 (Restaurants) and III.7 (Potential Expansion of Minor Amendment). Specifically, the increase in size criteria for an ASUP to 100 seats, and the increase of expansion to 20%. We feel this is significantly shifting the baseline for ASUP's for restaurants and the administrative approved intensification is no longer modest. It may expand on the goal of making things easier for staff and businesses, but will increase the need for the neighborhood to be vigilant about future ASUP's and minor amendments!

To clarify, we are primarily concerned with the general application of these increases. We feel that the concept of "neighborhood standards" needs to be more thoroughly evaluated and incorporated into the ASUP text. It may in fact be appropriate to have an ASUP for a 100-seat restaurant or to allow 20% expansion in a shopping center but not when it is surrounded by residential.

Note that we are not entirely opposed to item III.6. The additional definitions of an "accessory restaurant" and a "nightclub" are good. Also, the modification of "full service" seems appropriate, although we are not certain the effort to allow accessory equipment for preparing secondary products is appropriately defined. The "no significant cooking" description seems incomplete but perhaps the problem is it is being too specific as opposed to giving examples?

Moving on to the remaining items:

In Item III.8 (FAR Bonus for Day Care Center), it is not clear if there are any limitations on locations within the city to which it applies. The text amendment seems to apply to any new buildings. Often, density bonuses have allowed taller buildings. The specific question is, would this apply to new construction on Mount Vernon Avenue and allow the new buildings to exceed the specified building envelopes of the form-based zoning? We don't think it should, but there is nothing in the discussion explaining the full applicability of this FAR bonus.

In item III.9 (Administrative Parking Reduction for Shared Parking), it is not clear that the shared parking arrangements proposed here have to meet any standards or requirements. Many daytime parking areas are not as pleasant/safe to use at night. Are there standards for lighting etc that need to be met? The shared parking for Potomac Yard is an important part of the plan. We assume the parking will be well lit, safe, and with appropriate signage to ensure it is used. There is nothing in the proposed text amendment that ensures this will be administered effectively. We believe this item should wait until the parking study is completed, and be incorporated into its recommendations.

In item III.2 (Additional Industrial Zone Uses), we are concerned about the further dilution of the industrial zone by allowing uses that are allowed elsewhere in the city. The city still has not done an assessment of its industrial zone needs, and allowing industrial sites to be filled with uses that can go somewhere else ultimately displaces uses that cannot. We believe this item should wait until a city-wide industrial zone needs assessment is completed.

If you have any questions, feel free to contact me.

Sincerely,  
David Fromm, President  
[president@delraycitizen.net](mailto:president@delraycitizen.net)  
703-549-3412 (H)  
202-404-4670 (W)

**Statement of Dak Hardwick**  
**representing the**  
**Cameron Station Civic Association, Inc.**  
**before the**  
**City of Alexandria Planning Commission Public Hearing**  
**June 3, 2010**

Mr. Chair and Members of Planning Commission,  
good evening.

My name is Dak Hardwick and I am the current Vice President of the Cameron Station Civic Association and am representing our organization before you this evening. I am also an individual member of the Alexandria Chamber of Commerce and a strong proponent of business development in West Alexandria. I am here to discuss the proposed changes to small business zoning for retailers in the Cameron Station community.

The message we want to send is clear - Cameron Station is open for business, but we need your help. We have shuttered storefronts in our community and that's not good for anyone. Just a few years ago, we had an expanded Cameron Perks coffee shop, a flower shop called Stems and a thriving day spa. However, due to the economic downturn and other unfortunate factors, the flower shop and day spa have both closed and not reopened. Our neighborhood coffee shop, which has gone through several management changes and was closed for a

period of time, recently reopened as the Cameron Café but utilizes less space than the original Cameron Perks.

We are fortunate to have Food Matters, Cameron Station's only restaurant, and the Bright Start Day Care Center, which expanded about a year ago and took over some of the space that was previously held by Cameron Perks.

As you know, the businesses in Cameron Station have some pretty significant barriers to overcome in order to be successful. Tucked in an area that has very little vehicular or foot traffic compared to other parts of Alexandria, the retailers in Cameron Station really have to make themselves a destination location in order to attract business. We are hopeful, however, that the coming installation of a synthetic turf field in Ben Brenman Park will lend itself to more foot traffic visiting our businesses.

To date, both the City and the community have gone to great lengths to encourage vehicular and

foot traffic for Cameron Station retailers, but more still needs to be done. We need to remove as many barriers as possible to encourage business growth in Cameron Station. The small business changes as proposed by City staff do just that.

For more than a year, the Cameron Station Civic Association, in conjunction with the Cameron Station Homeowners Association, has been working with City staff on improving the business environment in our community. Moreover, support from the Alexandria Chamber of Commerce for these changes has been outstanding and we welcome the Chamber's interest in Cameron Station. City staff should also be commended for their outreach efforts in our community. The proposed changes before you reflect the desire of the community as expressed to City staff through their outreach in Cameron Station.

You may be surprised to note that one of the proposed changes eliminates the need for either a full or administrative SUP to open a business in Cameron Station. Admittedly, this is the antithesis

of the City's standard operating procedure when issuing permits to open a business and we understand some in the City may be opposed to this proposal. However, because Cameron Station is a very unique situation, creative and unique solutions, like eliminating SUP requirements, should be considered. It should also be noted that we are seeking exemptions from the full or administrative SUP requirements for Cameron Station only and not for other neighborhoods in Alexandria.

In addition to eliminating the need for any type of SUP to open a business in Cameron Station, City staff is also recommending more potential uses for the space. While this is also a welcome proposal, it should be noted that the size of the space dictates the types of businesses that would be successful in Cameron Station. There is only so much you can do with 24,000 square feet of retail space.

As the small business zoning proposals have been considered and vetted with the community, we have heard the term "neighborhood standards" on a number of occasions. The neighborhood standard

for Cameron Station is one that encourages business growth, leading to a small but vibrant, walkable, community-based business district. This is the standard for Cameron Station and shuttered businesses simply do not conform to the standard.

Overall, we are very hopeful that the proposed small business zoning changes will go a long way in creating a positive business environment in Cameron Station. We want to bring additional business to our community. It's good for Cameron Station; it's good for West Alexandria, and good for the City of Alexandria. I encourage you to fully support the small business zoning changes for the Cameron Station community.

Thank you your time and attention.



Administrative Special Use Permits

Robert Burns

to:

'Kendra.jacobs@alexandriava.gov'

06/03/2010 10:11 AM

Show Details

PC Docket Item #13B  
TA 2010-0001

Ms Jacobs:

I am writing to voice my support for the Chamber of Commerce's position with respect to the proposed expansion of administrative special use permits, and I encourage the Planning Commission to approve the recommendations of City Staff on this matter. As a resident of Alexandria for over 6 years, the proposal makes sense and I definitely encourage its approval.

Robert Burns

64

SUP Process  
Dennis Auld  
to:  
Kendra.jacobs  
06/03/2010 03:39 PM  
Show Details

PC DECL= Item #BB  
TA 2010-0001

I support the Chamber of Commerce's position with respect to the proposed expansion of administrative special use permits, and I encourage the Planning Commission to approve the recommendations of City Staff on this matter.

Dennis Auld  
215 Park Rd.  
Alexandria, VA 22301  
(H) 703-683-3285  
(F) 703-683-4981

WJ

proposed expansion of Administrative Special Use Permits  
Donald Simpson Sr  
to:  
kendra.jacobs  
06/03/2010 03:12 PM  
Show Details

PC Socket Item #13B  
TA 2010-0001

To: Members of Planning Commission:

I support the Chamber of Commerce's position to the proposed expansion of Administrative Special Use Permits and encourage the Planning Commission to approve the recommendations of City Staff. Thank you for your consideration. Donald

66

special use permits  
Fay Carter  
to:  
Kendra.jacobs  
06/03/2010 01:33 PM  
Please respond to fay  
Show Details

PC Docket Item #13B  
TA 2010-0001

I support the Chamber of Commerce's position with respect to the proposed expansion of administrative special use permits, and I encourage the Planning Commission to approve the recommendations of City Staff on this matter.

Fay Hobbs-Carter  
The Christmas Attic  
fay@christmasattic.com

67

Administrative Special Use Permits  
Jay Thomas  
to:  
Kendra.jacobs  
06/03/2010 01:52 PM  
Show Details

DC DOCKET Item #13 B  
TA 2010-0001

Hi Kendra,

As a small business owner and property owner in the City of Alexandria, I support the Chamber of Commerce's position with respect to the proposed expansion of administrative special use permits, and I encourage the Planning Commission to approve the recommendations of City Staff on this matter

Thank you,

Something to think about. "If you spend \$100 with a local business, \$68 stays in your community; if you spend that \$100 with a non local business, \$43 stays in your community; and if you spend \$100 with an online merchant \$0 stays in your community to be spent at your business or to pay to support your community!"

Jay Thomas

We refuse to Participate in the recession!

1001 N Fairfax Street, Ste. 100, Alexandria, Va 22314  
Tel. 703.549.2432 Fax 703.549.2085 Email: [jaythomas@Alphagraphics.com](mailto:jaythomas@Alphagraphics.com)  
<<mailto:jaythomas@Alphagraphics.com>>  
[www.us635.alphagraphics.com](http://www.us635.alphagraphics.com) <<http://www.us635.alphagraphics.com>>

Information from ESET NOD32 Antivirus, version of virus signature database 5170  
(20100603)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

LG

Administrative Special Use Permits  
ceberwein4  
to:  
Kendra.jacobs  
06/03/2010 01:53 PM  
Show Details

PC Docket Item  
TA 2010-0001

Dear Honorable Members of the Planning Commission,

As a former member of the Board of Zoning Appeals, Alexandria School Board, and Alexandria City Council, I strongly encourage you to support the position of the Alexandria Chamber of Commerce with respect to the expansion of administrative special use permits. It is time to cut some of the red tape that our local business community faces. Please support the common sense and eminently practical and rational recommendations of City Staff in this matter.

With Best Regards,

Claire Eberwein  
Gardegasse 6, Top 27  
Vienna, Austria 1070

69

PC Docket (Item) #133  
TA 2010-0001

Administrative Use Permits  
Mary Giordano  
to:  
kendra.jacobs, gloria.sitton  
06/03/2010 02:38 PM  
Please respond to mg  
Show Details

I support the Chamber of Commerce's position with respect to the proposed expansion of administrative special use permits, and I encourage the Planning Commission and City Council to approve the recommendations of City Staff on this matter. Thank you.  
Mary Giordano, 2905 Argyle Drive, Alexandria, VA 22305

70



WEST END BUSINESS ASSOCIATION  
City of Alexandria, Virginia

PC Docket Item # 13A  
TH 2010-0001

3213 Duke Street, Box 128  
Alexandria, VA 22314  
E:alexandriaWEBA@gmail.com  
Website: [www.alexandriaWEBA.com](http://www.alexandriaWEBA.com)

WEBA letter to Planning Commission  
Small Business Zoning, Docket Item 13 A and B, June 3, 2010

Mr. Komoroske and Members of Planning Commission:

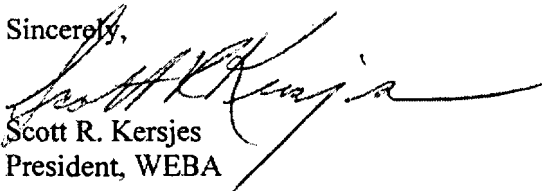
The West End Business Association (WEBA) has participated extensively in evaluating previous proposals to reduce the regulatory burden on small businesses, and has met with City staff on several occasions to present our thoughts on specific elements of the various proposals.

We support staff's efforts to identify individual elements of Alexandria's Zoning Ordinance that can be simplified, streamlined, or eliminated where they are unduly burdensome on our businesses. As a city, we should have as a goal to be welcoming to new businesses and to treat existing businesses with respect and support so that they may thrive and expand. Our small businesses contribute to the overall economic activity in the city, help the City government increase revenues to the General Fund, provide a variety of shopping and service opportunities to the city's residents, and are a major part of the quality of life in our historic and diverse community.

WEBA encourages Planning Commission to adopt the changes suggested by staff in Docket Item 13, Small Business Zoning. These changes are small, and will apply to only a few businesses each year. Nevertheless, they are an important signal that the city is "open for business". We trust the professionalism of the City's Planning staff and know that they will be as rigorous in evaluating an application for administrative approval as anyone could wish. Allowing more administrative approvals, and minimizing the number of applications that must go through the arduous Special Use Permit process saves everyone time and money. We see no need to make City staff spend untold hours in meetings and writing reports for minor changes to existing businesses or for new businesses to be allowed to do in one zone what is already allowed in another zone. We see no need to make a small and likely undercapitalized business go through an expensive process that will require them to retain professional services and delay their opening by several months, when their application can be evaluated using administrative criteria and common sense.

In short, we support all of the recommendations made by staff, and do not see them as negatively affecting any Alexandria neighborhoods or the rights of residents to be heard on specific matters. We hope that staff will continue to search for further provisions that can be simplified or eliminated, and are ready to continue working with staff in identifying and evaluating candidate proposals for future action.

Sincerely,

  
Scott R. Kersjes  
President, WEBA



PC Docket Item #1313  
TA2010-0001



To:  
Cc:  
Bcc:  
Subject: Fw: one more question

---

Here you go! I will try to come tomorrow night, but I do want to make sure that if I'm not there, the Commission will review my letter – and in particular, the part about the outdoor dining. My goal is to have them change the text at their meeting. Is there anything else I should do in order to make sure we're heard?

Thank you so much for your help,  
Jill

**Jill Erber, Proprietor/Cheese Lady**  
**Cheesetique Specialty Cheese Shop / Cheese & Wine Bar**

2411 Mt. Vernon Avenue  
Alexandria, VA 22301  
[jill@cheesetique.com](mailto:jill@cheesetique.com)  
[www.cheesetique.com](http://www.cheesetique.com) - sign up for our newsletter!  
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DRBA Response to Zoning Changes.doc

Jill Erber  
President, Del Ray Business Association

June 3, 2010

To Planning Commission Members:

I write today on behalf of the Del Ray Business Association in support of all but one of the proposed changes to small business zoning requirements in Alexandria. We are very encouraged by these initial changes and hope that once they are accepted and the positive impact can be assessed, even more steps will be taken to ease the process further.

One of the most challenging aspects of opening a business in Alexandria is the “great unknown”: how long will it take, how much will it cost, how supportive will the neighbors be? By having a clearly-defined administrative permit process, a business owner has a clearer expectation of the time and funds required. There will be less guesswork involved for everyone. Additionally, an increase in administrative permits will lead to more consistency in operational requirements, which will make enforcement that much easier. For instance, hours of operation, a sticking point for many new restaurants, would no longer be determined (sometimes painfully) on a case-by-case basis while businesses and their neighbors would know what the limits were.

**The segment that we strenuously oppose pertains to outdoor dining in the Mount Vernon Urban Overlay Zone (Del Ray).** This segment specifies that restaurants with outdoor dining must close their outdoor areas and clear them of all patrons by 10:00. This is completely out of sync with other hours of operation models. Restaurants expect that if they close at 10:00, they may seat patrons until 10:00. To require outdoor areas to be clear of patrons by the “closing time” of 10:00 would require that restaurants stop seating patrons outside by 9:00 at the latest. This requirement would put a huge dent in a restaurant’s outdoor business. If the hours are limited to 10:00 (which is already early), we should be able to treat our patrons the same outside as inside.

One point of opposition to these enhancements is that the citizens are cut out of the process. This is not the case. Parking requirements, hours of operation, noise and pollution ordinances, and applicable health and code administration rules must be respected. Citizens may still weigh in on pending permits and may appeal judgments if desired. Those who feel this is fundamentally different than the “regular” SUP process don’t realize that even in the hearing forum, significant support or opposition must be rallied in order to effect change. This is not a new feature of the administrative process.

The most interesting aspect of these changes is a very basic equation laid out in the Cameron Station “business relief” portion. Simply put, there are not enough businesses in Cameron Station. The city wants to encourage more businesses to open there. How do they plan to accomplish that? By reducing or eliminating regulations in that neighborhood. By eliminating the hoops that a business must jump through, the city is confident that business will boom there. We would love to see these same steps taken to some degree throughout the entire city. The changes that will result will benefit the businesses, citizens, and Alexandria as a whole.

Thank you for your attention,  
Jill Erber  
President, Del Ray Business Association

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**Fw: Small Business Zoning Text Amendment**  
Barbara Ross to: Kendra Jacobs

06/02/2010 03:33 PM

----- Forwarded by Barbara Ross/Alex on 06/02/2010 03:38 PM -----

**From:** <jill@cheesetique.com>  
**To:** <Barbara.Ross@alexandriava.gov>, <jill@cheesetique.com>  
**Date:** 06/02/2010 03:31 PM  
**Subject:** Re: Small Business Zoning Text Amendment

---

Thanks for sending this along, Barbara.

There is one issue that is very concerning in the outdoor dining section. It mentions that in the Mount Vernon Urban Overlay Zone, outdoor dining areas must close and be cleared of all patrons by 10:00. For those of us that close at 10:00, we are still allowed to have patrons in our establishments until 11:00. In order for the outdoor areas to be cleared of all patrons by 10:00, we would have to stop seating out there at 9:00 at the latest, which would be a huge dent in our outdoor business.

If the hours are limited to 10:00 for outside (which is already early based on other neighborhoods), we should be able to treat our patrons the same outside as inside ("closing" at 10:00 means last folks are seated by 10:00, out by 11:00). I can't stress enough what a big deal this is for restaurants.

To be clear, ideally the text should be altered so we can seat by 10 and clear out by 11. This is how Cheesetique has operated for the past 2 1/2 years and it would be really bad for us (and others) to lose an hour there.

Thanks,  
Jill

On Wed, 2 Jun 2010 14:44:47 -0400, Barbara.Ross@alexandriava.gov wrote:  
> Copies of the attached memo were at the hearing last night, but I am  
> sending one here in case you did not see it.

PC Docket Item #13B  
TA 2010-0001

From: Sarah Haut <hautsl@yahoo.com>  
To: barbara.ross@alexandriava.gov  
Date: 06/02/2010 12:45 PM  
Subject: Small Business Text Amendment

Hi Barbara,

I would like to send the comments below to the planning commission. Can I do that through you? If not, I would appreciate it if you could tell me the email address to send it to.

Dear Planning Commission Members,

I have reviewed the staff report regarding the small business text amendment and have serious concerns. It seems to me that most of the amendment addresses needs of restaurants. Del Ray is already saturated with restaurants and I fear that adding more restaurants to the neighborhood will ultimately lead to an undesirable change to the character of Del Ray (i.e., late night bar atmosphere). Mt. Vernon Avenue is zone "Commercial Low" because it is so close to residents. The purpose of the CL zone is to minimize the impact to residents. The text amendment conflicts with the purpose of the CL zone. I recommend that the text amendment be deferred until community organizations have additional opportunity to comment and discuss the impact. Should the text amendment be approved, I hope that the following issues and recommendations be considered:

- Valet Parking via administrative SUP - not appropriate for Del Ray - there are no large parking lots within a feasible distance of the business area. Patrons will likely just park in the residential areas if they are faced with a long wait for the valet to pick up and deliver their car to them.

- Parking reductions and the shared parking program - I didn't recall seeing a requirement that shared parking be located within 500 feet of the business. Patrons will park on side streets until the neighborhood is saturated before they will park in a lot that is located more than 500 feet away from a business. I also don't think a restaurant should be permitted a 100% parking reduction under an administrative SUP. I recommend that if the business is not able to provide more than 50% of its required parking on site that it be required to go through the formal SUP process. I also recommend that shared parking be located within 500 feet of the business.

Restaurant Changes:

- Hours for outdoor dining - 11:00 PM on weekdays and midnight on weekends is too late for a CL zone. Even the most recent SUP approved for Del Ray was approved by city council with outdoor seating until 10 PM 7 days a week. A 10 PM closing for outdoor dining is more appropriate.

- Indoor dining - an increase in the number of seats for an Admin SUP by 40. I recommend only allowing this increase if the applicant is able to provide 50% of the required parking on site.

- Minor amendment - I don't think that the minor amendment process should apply to restaurants. They are required to operate under an SUP in the CL zone for a reason and should be required to go through the full SUP application process for what is considered by some as an intensification of use.

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· Live music - live music (even if it is not amplified) should not be audible beyond the property line. I recommend this stipulation be added to the text amendment.

Thank you,

Sarah Haut

June 1, 2010

City of Alexandria Planning Commission  
301 King Street  
Alexandria, VA 22314

Dear Honorable Commissioners:

As both a member of the Commonwealth Crossing Homeowner's Association and the Association's Secretary/Treasurer, I would like to express my support as well as our neighborhood's support for the City's request for a Special Use Permit (SUP) for the property located at 4109 Mount Vernon Avenue - aka the Duron building (Special Use Permit #2010-0015, June 1, 2010 agenda item #8).

The SUP will allow the City of Alexandria to take important steps toward making the Duron building and adjoining areas productive and useable space for City residents. Existing proposals to convert the building into a low-maintenance, sustainable public forum for community events will add to and enhance the quality of life for those in the area. It will also revitalize what is now a long abandoned building. Granting the SUP request will also benefit efforts to improve land abutting Four Mile Run, a resource that is receiving significant attention from the governments and communities in both Alexandria City and Arlington.

Commonwealth Crossing is a small neighborhood located within a mile of the SUP site. Our residents routinely access this and the surrounding areas for shopping, recreation, and other activities. We strongly encourage the Commission to grant approval of the SUP.

Sincerely,

Melanie Cline  
24 W Glebe Rd  
Alexandria, VA 22305

PC Docket Item #13B  
TA 2010-0001



To:  
Cc:  
Bcc:

Subject: Fw: COA Contact Us: 13 A-B TEXT AMENDMENT #2010-0001 SMALL BUSINESS ZONING REGULATIONS

Cicely Woodrow	Dear Ms. Wasowski, Thank you for your email,...	06/02/2010 09:41:14 AM
Maria Wasowski	COA Contact Us: Planning and Zoning General...	06/01/2010 05:03:51 PM

From: Maria Wasowski <mariawasowski@comcast.net>  
To: pnzfeedback@alexandriava.gov, cicely.woodrow@alexandriava.gov, graciela.moreno@alexandriava.gov  
Date: 06/01/2010 05:03 PM  
Subject: COA Contact Us: 13 A-B TEXT AMENDMENT #2010-0001 SMALL BUSINESS ZONING REGULATIONS

Time: [Tue Jun 01, 2010 17:03:49] Message ID: [22007]

**Issue Type:** Planning and Zoning General Feedback  
**First Name:** Maria  
**Last Name:** Wasowski  
**Street Address:** 306 Hume Ave.  
**City:** Alexandria  
**State:** VA  
**Zip:** 22301  
**Phone:** 703-684-1490  
**Email Address:** mariawasowski@comcast.net  
**Subject:** 13 A-B TEXT AMENDMENT #2010-0001 SMALL BUSINESS ZONING REGULATIONS  
To Members of the Planning Commission:

Having just returned from a trip,

I'm jet lagged and will not be able to attend tonight's meeting. So, I'm writing to urge you to approve the proposed changes to the zoning code as it affects small businesses. We need a predictable, transparent process that entrepreneurs can use to determine whether or not they will be able to open their business. The current process is very unfair, especially to restaurant owners, because they have to invest a lot of their time and money and commit to opening the business without knowing whether they will be able to survive if they are not allowed to fully realize their business plan.

7B

**Comments:**

The shortcomings of our current SUP process were very obvious to anyone observing Hog Thaid's painful experience over the last few months. The owner had to beg and plead with the community for conditions that would allow his business to be profitable. He didn't know until the last minute whether he would be successful or not but he had already invested a large amount of money in the project. Under the current system, a restaurant owner has to fight his future customers tooth and nail just to be able to open his business, so he will have either antagonized his customer base or backed down and crippled his ability to make his business profitable. This just does not make sense.

Surrounding jurisdictions do not require restaurants to apply for a permit at all. If they are locating in a space that is zoned for commercial use and they conform with health department regulations, they can open their restaurant shortly after signing a lease. By contrast, in Alexandria, the restaurant owner has to pay several months of rent for an unused space while waiting for approval before he can go ahead with setting up and opening. Starting out with a large financial loss makes it very difficult for restaurants to succeed.

I hope you will vote to approve the currently proposed changes and view them as yet another step towards providing businesses with clear and simple rules that will make our costly and cumbersome system obsolete.

Thank you,  
Maria

Wasowski  
Co-owner, A Show of Hands



PC Docket Item # 13  
TA 2010-0001



To:  
Cc:  
Bcc:  
Subject: Fw: Admin SUP changes

**From:** Jody Manor [mailto:jody@bittersweetcatering.com]  
**Sent:** Friday, May 28, 2010 12:03 PM  
**To:** Kendra.jacobs@alexandria.gov  
**Subject:** Admin SUP changes

Hi Kendra:

I wanted to express my support for the changes the City is proposing to the SUP process. In 27 years of operating and expanding my business, I have often been frustrated by the ever shifting and sometimes capricious process that's been involved with obtaining changes in our SUP. Lack of clarity and the whims of some very vocal residents are often enough to derail what should be straightforward decisions – ones that would enhance the City and it's tax base.

Lack of clarity often leads to businesses unwillingness to grow – it is often easier to stay 'below the radar'. Or fosters an 'ask for forgiveness' mentality. Neither are good for the City.

It's high time the process is simplified and small businesses given clear and straightforward opportunities to grow. Our City's uniqueness is dependent on a mix of larger retail and strong small business community. There are many more competing areas for shopping and dining in recent years. Our regulations must change to acknowledge this reality.

Jody Manor

<b>BITTERSWEET</b> CATERING · CAFÉ · BAKERY	Jody Manor CFO jody@bittersweetcatering.com [P]: 703.549.2708 [F]: 703.549.3150
FIND US ON  	www.bittersweetcatering.com 

<b>BITTERSWEET</b> CATERING · CAFÉ · BAKERY	Jody Manor CFO jody@bittersweetcatering.com [P]: 703.549.2708 [F]: 703.549.3150
FIND US ON  	www.bittersweetcatering.com 

Re Docket Item  
13 A-15 TA 2010-0001

**From:** Heidi Ford [mailto:ha.ford123@yahoo.com]

**Sent:** Sunday, May 30, 2010 8:57 AM

**To:** hsdunn@ipbtax.com; Komoroske, John; jlr@cpma.com; erwagner@comcast.net; jjennings@casact.org;

Donna.Fossum@verizon.net; mslyman@verizon.net

**Cc:** Alicia Hughes; council@krupicka.com; William Euille; Paul Smedberg; Frank Fannon; Kerry Donley; Charlotte;

rcollinlee@gmail.com; Donna Reuss; missz@aol.com; wotca1@gmail.com

**Subject:** Proposed Small Business Zoning Changes

Planning Commissioners:

The West Old Town Citizens Association (WOTCA) supports measures encouraging small businesses to locate in our neighborhood, however we are concerned that Text Amendment #2010-0001, as written, represents an attempt by staff to ignore certain neighborhood standards as developed by, endorsed by, and upheld by city officials, the Alexandria Police Department, the civic association and the Virginia Alcohol Beverage Control Board.

As WOTCA officers testified in 2008, past civic association presidents have dealt successfully, for approximately 15 years, with the unrestricted flow of alcohol. In response, the neighborhood developed de facto alcohol standards including restaurants and other service establishments. The policy was developed in consultation with former city attorneys, the Alexandria Police Department and elected officials.

These standards have been upheld and reinforced in 15 of 15 cases brought by before the Virginia Alcohol Beverage Control Board, incorporated into various SUPs as approved by Planning Commission and City Council, and embodied in Memorandums of Understanding (MOU) between small business owners and the civic association.

WOTCA now asks that West Old Town be acknowledged as a neighborhood with documented standards and these standards codified in the zoning ordinance.

In 1993 the City Council by resolution created an Old Town Restaurant Policy which was designed to deal with problems created by the proliferation of restaurants there, including the ratio of food to alcohol consumption. This policy remains in effect as an amendment to the Old Town Small Area Plan.

In addition, the City has created overlay zones for Mount Vernon Avenue and for King Street outdoor dining, as well as the special NR zone in Arlandria. Although some of the administrative SUP provisions in the Mount Vernon Avenue and NR zones were deleted in 2008 and moved to section 11-513, the new section includes provisions applicable only to those zones.

We offer language that could be added to the proposed Text Amendment (see attached).

We thank you for your consideration and look forward to the hearing on June 1 and June 3.

THE WEST OLD TOWN CITIZENS ASSOCIATION



### **11-500 (C) Procedure**

(1) The Director shall placard the property, cause email notice to the affected civic and business associations and prominently post a list of pending administrative applications on the department web page for review by the public. Such notice shall be given at least 14 days prior to the approval of an amendment under this section.

(2) Failure of the Department of Planning and Zoning and the applicant to notify civic and business associations in writing of the submitted application at least 14 days before a decision is rendered, or the omission or falsification of associated documentation, constitutes immediate and unrestricted grounds for appeal. An appeal based on these reasons may be submitted at any point within 90 days of the issuance of the administrative SUP and will trigger a full public hearing before the Planning Commission in accordance with established appeal procedures.

### **Section 11-511 (Re expansion of minor amendments)**

Page 14 of the staff report recommends modifying 11-511 A, 2b to allow restaurants operating under a full SUP add the following administratively:

- Add seats up to 60 (or 100 if changed) total seats;
- Add delivery service limited to one vehicle with dedicated parking for restaurants with at least 40 seats;
- Add green (non vehicular) deliver, with no seat restriction, if delivery is now prohibited;
- Add limited live entertainment, per administrative SUP condition language (no cover charge, background music, limitation on advertising)
- Add on-premise alcohol;
- Add hours up to neighborhood standard assuming there is one, without a limitation of two-hours.

We request that item #4 (limited live entertainment) be removed as it does not meet the criteria specified on page 13 of the staff report which states that to qualify as "minor" and be processed administratively, the processed change must be "so insignificant, when compared to the overall use, that there will be little or no impact on the neighborhood." The addition of live entertainment, particularly in conjunction with alcohol sales, can substantially change the atmosphere of the business and thus impact the surrounding properties. Thus, it does not meet this above condition laid out by staff.

### **Section 11-513 Administrative special use permit.**

(A) Jurisdiction and procedures for administrative approval

(2) Notice of a pending administrative permit application shall be made in a newspaper of general circulation in the city, posted on the subject property, given to nearby civic and business associations by email, and prominently posted on the department web page in a list of pending administrative applications for review by the public. The public may submit comments to the

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**West Old Town Citizens Association  
Suggested Additions to Language for Text Amendment 2010-0001**

**Section 11-513(L) Specific standards for restaurants**

(3) The hours of operation shall be no greater than the prevailing hours of similar uses in the area, but in no event shall the restaurant stay open later than 12:00 midnight or open earlier than 5:00 a.m. Within the Mount Vernon Avenue Overlay zone and the NR zone areas, hours are limited to from 6:00 a.m. to 11:00 p.m. , Sunday through Thursday, and from 6:00 a.m. to midnight, Friday and Saturday, although the closing hour for indoor seating may be extended until midnight four times a year for special events. Within the West Old Town neighborhood (bounded by Cameron, N. West, Wythe and N. Columbus Streets) no alcohol shall be served before 11 a.m. or after 10 p.m. Sunday through Saturday.

...

(8) Full alcohol service, consistent with a valid ABC license is permitted. Within the Mount Vernon Avenue Overlay zone and the NR zone areas, alcohol service is limited to table service. Within the West Old Town neighborhood defined above, no off-premise alcohol sales are permitted. In addition, within West Old Town, all alcohol service must be tableside, in conjunction with a food purchase, and the food sales per hour must exceed alcohol sales per hour for an administratively approved restaurant. Within the West Old Town neighborhood the following restaurant variations are not eligible for an administrative SUP: Bars, nightclubs, and any accessory restaurant in which either the accessory restaurant or the principal use include alcohol service or sales.

...

(15) Noise levels associated with any restaurant, including from any entertainment, must not exceed the decibel level specified in city ordinance.

**Section 11-513(M) Specific standards for outdoor dining**

(7) On site alcohol service, to the extent allowed for indoor dining, is permitted; no off-premise alcohol sales are permitted. Within the West Old Town neighborhood defined above, alcohol permitted outdoors only when served with food.

(9) The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. Within the West Old Town neighborhood defined above, the outdoor dining furniture, including seating, must be secured inside the restaurant or stacked and secured outside after hours.

**Section 11-511 Administrative Amendment to SUP.**

The director is authorized to approve the following amendments to special use permits under the following circumstances and procedures. However, conditions that were included in a full SUP in response to community or civic association concerns may not be removed or altered via the minor amendment process.

director regarding the application. No application may be approved sooner than 21 days from the time notice is given to the public and nearby civic and business association in writing or via email.

(B) *Appeals.*

(1) Any person affected by a decision of the director issued pursuant to section 11-513(A)(5) may appeal the decision to the planning commission, by filing a notice of appeal, in writing, stating the grounds on which the person is affected and the grounds of appeal, with the director within 14 days of the issuance of the decision; provided, however, that in the case of a restaurant use, the notice of appeal may be filed within 30 days of the issuance of the decision.

(2) Failure of the Department of Planning and Zoning and the applicant to notify civic and business associations in writing of the submitted application at least 21 days before a decision is rendered, or the omission or falsification of associated documentation, constitutes immediate and unrestricted grounds for appeal. An appeal based on these reasons may be submitted at any point within 90 days of the issuance of the administrative SUP and will trigger a full public hearing before the Planning Commission in accordance with established appeal procedures.

FC Docket Item #13 A+B  
Small Business Zoning  
Text Amendment



Re: COA Contact Us: Proposed Small Business Text Amendment  
Cicely Woodrow to: Rainey Astin  
Cc: graciela.moreno, Barbara Ross, Kendra Jacobs

05/24/2010 01:58 PM

Dear Ms. Astin:

Thank you for your email, which will be forwarded to the Planning Commission and City Council for their consideration. The public hearings on the proposed Small Business Text Amendment are scheduled for June 1 (Planning Commission) and June 12 (City Council).

If you have any additional questions, please feel free to contact me.

Barbara Ross  
Deputy Director  
Planning and Zoning  
(703)746-3802

**ECO-CITY ALEXANDRIA**

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Rainey Astin	COA Contact Us: Planning and Zoning General...	05/24/2010 11:01:36 AM
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From: Rainey Astin <rastin@quad1.com>  
To: pnzfeedback@alexandriava.gov, cicely.woodrow@alexandriava.gov,  
graciela.moreno@alexandriava.gov  
Date: 05/24/2010 11:01 AM  
Subject: COA Contact Us: Proposed Small Business Text Amendment

Time: [Mon May 24, 2010 11:01:35] Message ID: [21841]

**Issue Type:** Planning and Zoning General Feedback

**First Name:** Rainey

**Last Name:** Astin

**Street Address:** 1406 Mount Vernon Avenue

**City:** Alexandria

**State:** Virginia

**Zip:** 22301

**Phone:** 703-836-9699

**Email Address:** rastin@quad1.com

**Subject:** Proposed Small Business Text Amendment

I am very much opposed to the proposed small business text amendment which would allow restaurants, especially in a mixed use neighborhood, to

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increase seating and hours via an administrative hearing (and without input from the very residents/citizens these changes would affect). The results proposed here are far too dramatic; I might support a process that allows minor increases in hours (30 minutes; but not 2 hours) or seating increase of 4 or 5 seats (and not 20 percent), but what you are proposing completely changes the parameters of restaurants (e.g., the addition of live music) which must be approved through the SUP process.

These proposed changes are NOT MINOR; they ARE MAJOR, and citizens deserve a voice in this process.

**Comments:** It is disingenuous to have citizens go through a lengthy SUP process, negotiate and compromise with them regarding what they ask for, and then take away these hard fought compromises (like a limit on hours) through an administrative process.

Residents are just now beginning to understand the consequences of what the City is proposing, and are quite upset that the City would support the amendment in its current form (as the proposed amendment does not achieve the necessary balance between promoting business and protecting residents). The amendment needs to be reworked with input from residents.

I ask that the City defer this matter until residents have a chance to understand the impact this amendment will have on our neighborhoods and suggest compromise positions.

In the interim,

I strongly object to the Small Business Text Amendment.

PC Docket Item # 13  
TA 2010-0001



Re: COA Contact Us: Administrative SUP Changes   
Cicely Woodrow to: Peter Morrison  
Cc: graciela.moreno, Barbara Ross, Kendra Jacobs

05/24/2010 01:56 PM

Dear Mr. Morrison:

Thank you for your email, which will be forwarded to the Planning Commission and City Council for their consideration. The public hearings on the proposed changes to the Administrative SUP process are scheduled for June 1 (Planning Commission) and June 12 (City Council).

If you have any additional questions, please feel free to contact me.

Barbara Ross  
Deputy Director  
Planning and Zoning  
(703)746-3802

**ECO-CITY ALEXANDRIA**

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Peter Morrison	COA Contact Us: Planning and Zoning General...	05/21/2010 06:30:56 PM
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From: Peter Morrison <peter\_a\_morrison@email.com>  
To: pnzfeedback@alexandriava.gov, cicely.woodrow@alexandriava.gov,  
graciela.moreno@alexandriava.gov  
Date: 05/21/2010 06:30 PM  
Subject: COA Contact Us: Administrative SUP Changes

Time: [Fri May 21, 2010 18:30:54] Message ID: [21804]

**Issue Type:** Planning and Zoning General Feedback  
**First Name:** Peter  
**Last Name:** Morrison  
**Street Address:** 2411 Leslie Ave  
**City:** Alexandria  
**State:** VA  
**Zip:** 22301  
**Phone:**  
**Email Address:** peter\_a\_morrison@email.com  
**Subject:** Administrative SUP Changes  
Sirs & Madams,

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I vehemently oppose the proposed changes in the Administrative SUP process.

To me, it ignores a well established due process of obtaining community and citizen input through the various associations which review land and space use. While the Administrative SUP may appear to be "innocent" to the average person - avoidance of such processes have repeatedly shown that the only result is a sloppy adherence to requirements - a haphazard enforcement process, and an overly "easy to ignore" approval process - that should include community involvement and input. In the end, the political scars are far smaller than the price that communities are forced to pay in terms of standards of living.

**Comments:**

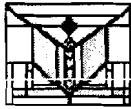
Most particularly, I am opposed to an Administrative SUP that increases in seating for indoor dining from 60 to 100 seats. This places a large demand in parking for areas which may not be able to accommodate such a traffic load - such as our community of Del Ray. It is ill suited to areas which are not as easily able to cope with limited public transportation needs or avenues of entrance or egress.

I am sorry, but in my opinion this is not using good governance practices - and I believe this is simply sloppy, haphazard, and inconsistent with the precepts where the citizens should be involved in their community development. We should not ignore the public review process in any way, shape or form... including the use of wider ranging or broadened Administrative SUPs.

Respectfully,

Mr. Peter A. Morrison

PC Docket Item  
TA 2010-0001



**Fw: COA Contact Us: Proposed Small Business Text Amendment to Zoning Ordinance**

Cicely Woodrow to: Cheryl Kim

05/24/2010 02:01 PM

Cc: Graciela Moreno, Elaine Scott, Faroll Hamer, Kendra Jacobs

History: This message has been forwarded.

Dear Ms. Kim,

Thank you for your email, which will be forwarded to the Planning Commission and City Council for their consideration. The public hearings on the proposed Small Business Text Amendment are scheduled for June 1 (Planning Commission) and June 12 (City Council).

If you have any additional questions, please feel free to contact me.

Barbara Ross  
Deputy Director  
Planning and Zoning  
(703)746-3802

**ECO-CITY ALEXANDRIA**

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--- Forwarded by Elaine Scott/Alex on 05/24/2010 12:37 PM ---

From: Cheryl Kim <cmlk@aol.com>  
To: william.euille@alexandriava.gov, frank.fannon@alexandriava.gov, kerry.donley@alexandriava.gov, alicia.hughes@alexandriava.gov, council@krupicka.com, delpepper@aol.com, paulcsmedberg@aol.com, rose.boyd@alexandriava.gov, jackie.henderson@alexandriava.gov, elaine.scott@alexandriava.gov, rob.krupicka@alexandriava.gov  
Date: 05/22/2010 09:17 AM  
Subject: COA Contact Us: Proposed Small Business Text Amendment to Zoning Ordinance

Time: [Sat May 22, 2010 09:17:06] Message ID: [21807]

**Issue Type:** Mayor, Vice Mayor, and Council Members  
**First Name:** Cheryl  
**Last Name:** Kim  
**Street Address:** 511 West Windsor Ave  
**City:** Alexandria  
**State:** VA  
**Zip:** 22302  
**Phone:** 703-299-4475  
**Email Address:** cmlk@aol.com

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**Subject:** Proposed Small Business Text Amendment to Zoning Ordinance  
The City Staff's proposed "Small Business Text Amendment," which would allow the Director of Planning and Zoning to make decisions without consulting with affected citizens, is an attack on democratic process. It would allow the Director to approve larger restaurant establishments (increasing the limit from 60 to 100, which is a major jump in size), parking reductions, as well as the introduction of nightclubs. The Small Business Text Amendment would significantly reduce Alexandrians' ability to be heard on issues which directly affect their quality of life. Many of us

**Comments:** moved to the Del Ray, because we liked the small shops and village-like feel of Del Ray. The supposedly minor administrative amendments could dramatically change the flavor of the neighborhood, introducing night clubs, creating larger restaurants that will create parking and noise problems for residents -- all without consultation. The City Staff describes this amendment as "in lieu of going through the formal more lengthy SUP process." That so-called more lengthy process is the one which enables citizens' voices to be heard. Please vote against this amendment.



**Comments on TEXT AMENDMENT #2010-0001**  
David Fromm or Amy Slack to: Barbara Ross  
Cc: Faroll Hamer

05/24/2010 10:44 AM

Barbara,

First, I understand the desire to make things administratively easier for small businesses and for city staff.

The current and proposed ASUP and minor amendment processes amount to administratively approved intensifications. I think the direction to make things uniform city-wide is a mistake. It flies in the face of neighborhood standards and although the discussion says neighborhood standards will be taken into account, that is not the same as constructing the code explicitly to reflect the fact.

Part of the stated purpose of implementing the various zones was to protect the residential neighborhoods. I think this is getting lost in the the current and proposed ASUP and minor amendment processes.

There is a difference between a restaurant that is surrounded by residential, or located on Duke Street, or in a shopping center. But the ASUP process and now the minor amendment process, see no difference.

This is unfair, and as long as Old Town gets codified special treatment, it is an insult to those of us that work hard to make our neighborhoods special.

I also object to having so many issues within one docket item (although it is not bad as the last small business text amendment). It makes it difficult to discuss in Planning Commission and City Council within the allotted amount of time one has as a speaker.

I would ask that the matter be deferred again, but in reality doesn't that just push the same staff report and recommendations to a later date? What really needs to be done is to divide the question so parts like, corrections to the existing code and the Cameron Station amendments (which everyone involved seems to want) go forward, while the rest can be reworked.

Below are my current questions, comments, and concerns on the proposed Small Business Text Amendments.  
I find that the more I look at it, the more I come up with.

David Fromm  
2307 E Randolph Ave  
703-549-3412

-----  
Much has been made lately of neighborhood standards. Let's consider seats. Using your numbers

# of                      # of      % of

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seats	restaurants	
0-60	175	54%
61-100	59	18%
101-125	13	4%
126-200	48	15%
201+	29	9%

It would seem that the size that neighborhoods are most accustomed to is in the range 0-60.  
Shouldn't we think of this as the neighborhood standard?

In fact, the staff analysis is incomplete! There is no assessment of where these are located or how they are distributed.

ASUP approval of 100 seats in a shopping center is probably fine. But in a neighborhood, it is more questionable, especially if it already has many restaurants.

Which points to another problem with all of the administrative intensifications being proposed - there is no requirement to consider the density of existing uses.

In general, the proposed standards for ASUP's, the proposed increases via a minor amendment, and the proposed increases in the minor amendments to correct the "unfairness" that the ASUP process created are no longer modest. When they were modest, then they could be applied city-wide because they were at the least common denominator. With larger increases, the differences in locations around the city needs to be taken into account.

You can still have ASUP's and make the minor amendment easier and more fair, but write the code so it acknowledges and respects the differences in the locations and neighborhoods. Perhaps not as simple as you would like, but more practicable in the long run. If the proposed increases go forward, I think the smooth-running of the ASUP process and minor amendment process that you envision will in fact become bogged down. Since it won't be the least common denominator, neighborhood vigilance will need to be higher, and the expression of neighborhood concerns and requests for appeals more common.

-----

More on neighborhood standards:

Why does the ASUP allow outdoor dining till the same time as the indoor closes?

When has that ever been a neighborhood standard?

-----

Nightclub definition:

Add "and event advertising" to end of sentence.  
Advertising events is a pretty good sign that the events are more important than the food.

-----

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Coffee or ice cream shop:

Amend: "incidental to the service of coffee" to include "ice cream and other confectionaries". Otherwise it is inconsistent with the earlier part of the definition.

Actually I think this part of this definition needs to be reworked in general:

What is the main product of the business versus what are subsidiary products?

Appliances within the scale needed to produce the subsidiary products could be allowed.

You use The Dairy Godmother as an example, but in fact, it is not. The custard is supplemented with an assortment of baked goods that require commercial ovens to make. These ovens and the baked goods do not seem to fit under the "no significant cooking" description.

-----  
Tree and trash fees:

I can see how these fees can seem arbitrary and thus a burden on some businesses.

I would prefer to return to the past criteria, where providing a trashcan was based more on whether or not the business tended to generate public trash. In other words, mitigating their negative effect on the neighborhood.

Also in the past, landscaping improvements including replacing street trees, were part of the SUP negotiations. Under the ASUP we are losing aspects of businesses giving something back to the neighborhood to compensate for their impact on the neighborhood.

-----  
Administrative Parking Reduction for Shared Parking:

Many daytime parking areas are not as pleasant/safe to use at night. Are there standards for lighting etc that need to be met?

The shared parking for Potomac Yard is an important part of the plan. I assume the parking will be well lit, safe, and with appropriate signage to ensure it is used.

It is not clear that the shared parking arrangements proposed here have to meet any standards or requirements.

-----  
FAR Bonus For Day Care Center:

Not clear in section 8 on page 15 if there are any limitations on locations within the city. It seems to apply to any new buildings. Often, density bonuses have allowed taller buildings.

The specific question is, Would this apply to new construction on Mount Vernon Avenue and allow the new buildings to exceed the specified building envelopes of the form-based zoning?

I don't think it should, but there is nothing in the discussion explaining the full applicability of this FAR bonus.

-----

Changes to allowed uses in industrial sites:

Because the city has not made decisions about its industrial site needs, some sites, like Oakville, are keeping an eye to possible redevelopment, and not giving long leases that a true industrial use needs. Their speculation should not be rewarded by allowing them to fill their space with uses that can go into a more appropriate zone.

We hear about empty store fronts. Why are these locations not good incubator sites? Is it because the rent is too high? To what extent are these administrative intensifications just allowing businesses to meet the high rents?

We should look very carefully before we blame empty store fronts or industrial sites on the zoning.  
Are we just looking for a quick fix?  
Are we just rewarding a small group at the expense of protecting the neighborhoods?

FW: Minor Small Business Amendment

Astin, Rainey

to:

barbara.ross

05/21/2010 12:36 PM

Show Details

**From:** Astin, Rainey

**Sent:** Friday, May 21, 2010 12:34 PM

**To:** barbara.ross@alexandria.gov; 'paula.demuth@gsa.gov'; Dan Mehaffey; 'mcfangs@yahoo.com'; 'maryriley@comcast.net'; 'stephanie.cabell@prodigy.net'; 'John'

**Subject:** Minor Small Business Amendment

Barbara, I am not up to date on the Minor Amendment, but if the below is true, it flies in the face of everything we worked so hard to accomplish at and before the City Council meeting. We worked tirelessly for two months to preserve hours on our Avenue. To now learn that the hours can change (and increase up to 2 hours) with a simple administrative application is outrageous. I know the 200 folks who signed our petition will be equally outraged by this. We have worked tirelessly to protect our neighborhood, and we will certainly gear up to request and if necessary, demand a public hearing.

By this email, I am requesting a public hearing on the Minor Small Business Amendment. Please let me know if I am making this request to the wrong office.

**From:** David Fromm or Amy Slack [mailto:alsdmf@earthlink.net]

**Sent:** Friday, May 21, 2010 11:00 AM

**To:** Ashley Klick

**Cc:** Astin, Rainey

**Subject:** Re: Checking In

We were told last night that the staff report will not change before the June 1 hearing at Planning Commission. Barbara Ross did say she would compile the comments she has received since the repost was released into a document for public review.

Here is a link to the staff report:

<http://dockets.alexandriava.gov/pz/p&zyl1.nsf/d3cb4233a3b586d8852571b0005c3734/43129c6194d7289f852576e70058b7c2?OpenDocument>

Since there is so little time to challenge staff recommendations, I would appreciate if you would contact the folks who became involved in Hog Thaid. I know they're exhausted but - as it now stands ASUP restaurants will increase in size from 60 indoor + 16 outdoor seats to 100 indoor + 20 outdoor seats AND the hours will remain the same; outdoor dining until 11pm and Su - Thu, until midnight Sa & Su (sic - note there are no hours listed for Fr)

In addition, the changes to the Minor Amendment process will allow business owners to amend their existing SUP for more than one of the listed increases.

For example, now business owners may use the Minor Amendment once; to increase seating by 10% (12 seats), OR increase floor space by 10 %, OR increase hours of operation by 2 hours.

If staff recommendations are adopted, business owners will be able to amend their existing SUP to increase seating by 20% (20 seats) AND increase floor space by 20 % AND increase hours of operation by more than 2 hours, AND add live entertainment AND add home delivery all at once without a public hearing on the matter, unless there is sufficient citizens objection for the director to decide a public hearing is in order.

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**Attachments for Small Business staff report**  
Barbara Ross to: Kendra Jacobs

05/21/2010 07:40 AM

— Forwarded by Barbara Ross/Alex on 05/21/2010 07:39 AM —

**RE: Small Business Zoning**

**Palmieri, Andrew F.** to: Barbara.Ross@alexandriava.gov, Puskar,  
M. Catharine 12/04/2009 10:01 AM

Cc: Tina Leone

Thank you Barbara. The Chamber's 2010 Legislative Agenda asks for this look back to determine efficacy and possible expansion, so it is gratifying to see this taking place.

Andrew F. Palmieri  
Partner

Vorys, Sater, Seymour and Pease LLP  
277 South Washington Street | Suite 310  
Alexandria, Virginia 22314

Direct: 703.837.6976  
Fax: 703.518-2762  
Email: [afpalmieri@vorys.com](mailto:afpalmieri@vorys.com)  
[www.vorys.com](http://www.vorys.com)

-----Original Message-----

From: Barbara.Ross@alexandriava.gov [mailto:Barbara.Ross@alexandriava.gov]  
Sent: Wednesday, December 02, 2009 7:22 PM  
To: Puskar, M. Catharine; Palmieri, Andrew F.  
Subject: Small Business Zoning

While I had your attention, I thought I would advise you of one more issue of interest, which I have discussed at length with Bill Reagan already. I know he is working with Tina on getting a group of business representatives together for more discussion, but I wanted to include you as well. This is what we have circulated publically.

SMALL BUSINESS ZONING PROGRAM

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When the small business zoning program was adopted last December, staff was asked to return to Council with a report a year later, outlining the experience under the program to date and proposing any changes or improvements. A work session with Council on this subject is scheduled with Council for late February. Staff is looking at this question now, and solicits feedback from the community regarding what it perceives as the benefits or problems with the program, and whether there should be changes going forward. As only one example, at a recent Council hearing, representatives of the Cameron Station civic association recommended that for the commercial space in that development, the process for restaurants be less restrictive than the adopted administrative SUP process. Council members was interested in this approach and asked staff to review the idea for the upcoming report and work session. There will be more outreach by staff in the next two months but, with the holidays, staff wants to raise this matter now so that civic associations may be considering the issue.

You may want to discuss this with me at greater length and I would welcome your thoughts.

From the law offices of Vorys, Sater, Seymour and Pease LLP.

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Subject: Re: Question regarding minor SUP amendments  
To: "Sarah Haut" <hautsl@yahoo.com>  
Date: Tuesday, April 13, 2010, 2:44 PM

See below.

Re: Question regarding minor SUP amendments

Sarah Haut to: Barbara.Ross

04/13/2010 01:54 PM

Thanks Barbara.

Here are some questions:

Questions regarding the small business amendment:

Is "small business" defined somewhere? **No**

Increased outdoor seating for Admin SUPs – if a restaurant only has 16 seats and has formal SUP, can they increase seats without filing for an amended SUP? **With admin they can file and achieve 20 IF there is sufficient area , is well designed and will not impact nearby properties , etc. PProcess includes public notice and comment .**

Valet parking – what requirements apply in the KR zone for valet parking that will apply in other zones? **Look at section 11-513(N) on line. So, a CL or CSL zone could have valet parking with an administrative SUP? Yes, assuming again , they can meet standards at a minimum , plus there is ample room, etc, doesnt interfere with traffic , review of all the issues and determination that it can work . I tell you it will not work everywhere .**

Outdoor dining – it will be allowed in non-residential zones with an Admin SUP – are there any space requirements for a business to have outdoor dining? **There is a code requirement indoor or out . I believe it is 15 sf per person , not sure. What about restrictions on having outdoor dining for restaurants that have corner locations where dining may end up on a side street very close to homes? This is where staff comes in . We are not going to approve something that has impacts on neighbors . Over the last year , out of approx 30 admin permits , staff forced three to full hearings for just this reason ...they were not outdoor seating , but other uses . Where we think it is a problem or even a close call , or there is neighbor opposition , we are going to be conservative about processing an application administratively . What changes could be applicable for restaurants? We propose to increase the number of seats for admin restaurants from 60 to 100, and also that coffee shops and ice cream shops be excluded from the full service requirement . The document mentions restaurants and night clubs. Can a restaurant change to a night club via a minor amendment ? **No. That is definitely not "minor" for night clubs, is the zone taken into consideration? We are not proposing to restrict night clubs to specific zones . They are a type of restaurant so allowed in all the commercial zones . No nightclub is permitted by administrative permit .****

For potential expansion of minor amendment, what would constitute the neighborhood standard opening and closing hours in Del Ray? **What we have said in the past is 6-11 Sun through Thurs and 6-12 Fri and Sat. It is in the admin standards at 5-513(L)(3).**

What would be the process for submitting and gaining approval on a minor amendment? **The process is very similar to an admin SUP ; application , fee, circulate to other depts , notice to neighborhoods , comments. See 11-511(C).**

You ask good questions . HOpe this is helpful .

--- On Tue, 4/13/10, Barbara.Ross@alexandriava.gov <Barbara.Ross@alexandriava.gov> wrote:

From: Barbara.Ross@alexandriava.gov <Barbara.Ross@alexandriava.gov>  
Subject: Re: Question regarding minor SUP amendments  
To: "Sarah Haut" <hautsl@yahoo.com>  
Date: Tuesday, April 13, 2010, 11:13 AM

Re: Question regarding minor SUP amendments

Sarah Haut

to: Barbara.Ross

04/13/2010 10:04 AM

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Where can I find the proposed updates for small business zoning?

--- On Tue, 4/13/10, Barbara.Ross@alexandriava.gov <Barbara.Ross@alexandriava.gov> wrote:

From: Barbara.Ross@alexandriava.gov <Barbara.Ross@alexandriava.gov>  
Subject: Re: Question regarding minor SUP amendments  
To: "Sarah Haut" <hautsl@yahoo.com>  
Date: Tuesday, April 13, 2010, 8:22 AM

Sarah: The rule is found at sec. 5-111 of the zoning ordinance and applies only to Council approved SUPs, not admin SUPs. Currently a 10 percent increase is allowed but subject to other tests including that there are no increased impacts, the use is essentially the same, etc. As to hours, the max is two hours or the neighborhood standard if there is one. You should know that staff is recommending relaxing this rule a little as part of the small business zoning on PC docket in May. There is notice to civic and business assocs and opportunity for public to comment.

Barbara

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From: Sarah Haut [hautsl@yahoo.com]  
Sent: 04/13/2010 04:51 AM MST  
To: Barbara Ross

**Subject:** Question regarding minor SUP amendments

Hi Barbara,

You mentioned something briefly at our Land Use meeting last Thursday that got me wondering -

You said that businesses could file for a minor amendment if the change they were requesting didn't intensify by more than 10%. So, if a restaurant wanted to increase its hours and was already open 12 hours a day, they could file a minor amendment to increase hours, correct? If this is the case, what opportunity does the neighborhood have to comment on this?

Thank you,

Sarah Haut

— Forwarded by Barbara Ross/Alex on 05/21/2010 07:39 AM —

**Re: Minor amendment questions** 

**Barbara Ross** to: David Fromm or Amy Slack

04/27/2010 07:42 AM

Cc: Nathan Randall, Kendra Jacobs, Mary Christesen, Faroll Hamer

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Amy:

Under section 11-511(A)(2)(b), a minor amendment may be approved if the proposed expansion does not change the character of the use or increase its overall intensity, including, without limitation, no more than....

(i) Two additional hours of operation, but not to exceed hours consistent with an established neighborhood standard;

I read the administrative standards for restaurants to create a "standard" for Mount Vernon Avenue Overlay properties for administrative requests. Specifically, "hours are limited to from 6:00 a.m. to 11:00 p.m., Sunday through Thursday, and from 6:00 a.m. to midnight, Saturday and Sunday, although the closing hour for indoor seating may be extended until midnight four times a year for special events." Section 11-513(L)(3). There is also a rough standard in Old Town.

What the newly proposed revisions to the minor amendment language would allow is an increase that might be more than two hours, but is still no greater than a neighborhood standard, if there is one. It is not typical, but there are restaurants that close, for example, at 7pm. If, for example, that restaurant wanted to be open until 10:00 p.m. it could not make that change as an administrative minor amendment under the current language, and would require a full SUP, because the increase is more than two hours. Under the proposed new language, this restaurant and this change could be handled administratively.

As you note, there are not many areas in the City with a "neighborhood standard." In addition, there are not many restaurants with very early closing times, although there are some. Thus, this change affects only a handful of cases. For most restaurants, the two hour limit would be the maximum, even under the new language. Do note, that these changes are not automatic. Even a restaurant that wants a two hour increase in hours would not necessarily get approved administratively. Staff's job is to review the request, the initial approval, the neighborhood, the objections at the original hearing, and determine whether there are potential problems or impacts, or other reasons to not approve the case administratively.

One issue you raise that would affect staff is the timing. If the case was only recently approved by Council at a certain time, and the applicant came in immediately to increase the hours, staff would likely look unfavorably on that request, given that the public had been lead to understand something different. On the other hand, if the restaurant has been in business for a while, established itself as a positive use in its context, and has found that its patrons or its business would benefit for later hours, then we think certain small changes should be available administratively by minor amendment. While we don't have a hard and fast rule as to the timing, and do not support one, I would think we would need to have at least one year's time to see a use established.

I hope this is helpful.

Barbara

David Fromm or Amy Slack 1. Minor Amendment - I am trying to fin... 04/26/2010 11:35:57 AM

From: David Fromm or Amy Slack <alsdmf@earthlink.net>  
To: Barbara Ross <barbara.ross@alexandriava.gov>  
Date: 04/26/2010 11:35 AM  
Subject: Minor amendment questions

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1. Minor Amendment  
- I am trying to find the language for this and understand its impact in Del Ray. In the March 25 doc: "add hours up to neighborhood standard assuming there is one, regardless of 2 hour rule."  
  
1A: We don't have a standard so how does this work for Del Ray?  
1B: What is the 2 hour rule?  
1C: How soon can a business take advantage of this minor amendment? e.g. immediately on SUP approval, 6 mos, or not until after the one year review, longer?

— Forwarded by Barbara Ross/Alex on 05/21/2010 07:39 AM —

**Re: Small Business Zoning** 

**Barbara Ross** to: Amy Slack

04/27/2010 08:24 AM

Amy Slack and David Fromm, Sarah Haut, Kevin Beekman, Nathan Randall,  
Cc: Kendra Jacobs, Mary Christesen, Faroll Hamer, donna.fossum, erwagner, hsdunn,  
jlr, john.komoroske, jssjennings, komorosj, City Council, Jim Hartmann, Mark Jinks

---

Amy, et al:

Please see below for answers and thoughts in ALL CAPS on your points from last week. I suggest that we schedule a meeting in the near future on the enforcement issue and will be contacting you about it directly.

Barbara Ross

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Amy Slack	Barbara, I am quite frustrated that so much of m...	04/19/2010 11:54:27 AM
From:	Amy Slack <landuse@delraycitizen.net>	
To:	Barbara Ross <barbara.ross@alexandriava.gov>	
Cc:	Kevin Beekman <kbeekman@gmail.com>, Sarah Haut <hautsl@yahoo.com>, Amy Slack and David Fromm <alsdmf@earthlink.com>	
Date:	04/19/2010 11:54 AM	
Subject:	Small Business Zoning	

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Barbara,

I am quite frustrated that so much of my energy has been expended on 2312 Mt. Vernon/Hog Thaid application that I have not addressed staff's suggestions for additional changes to the Small Business zoning. What I'm about to type is not well thought out and colored by fury.

I'll apologize in advance because I know this is not a good place to be psychologically. But I do not have the luxury of time to work through to a better frame of thinking.

a. ASUP hours of operation for outdoor seating same as indoor.

I do not now, nor never have, supported hours of operation for outdoor seating until midnight in the Mt. Vernon Avenue Overlay. I am infuriated by how staff demurred, allowing King Street to keep their 'special and unique' designation whereas Del Ray (and Arlandria) were roundly stripped of its earlier Small Plan Overlay concession. I was herded into accepting later hours for ASUP restaurants and to include sales of hard liquor only to be totally surprised (and feel utterly ambushed) to discover the hours for *outdoor seating would surpass hours allowed anywhere else on the Avenue*.

I AM NOT SURE I KNOW ALL OF THE INS AND OUTS OF THE NEGOTIATIONS YOU REFERENCE, BUT UNDERSTAND YOUR POINT ON HOURS FOR OUTDOOR SEATING. LOOKING OVER THE CHART OF RESTAURANT HOURS INCLUDED IN THE 2312 MOUNT VERNON CASE, IT SEEMS AS THOUGH THE MAJORITY OF OUTDOOR

SEATING INCLUDES A LIMIT OF 10PM, ALTHOUGH OTHERS HAVE AN 11PM CLOSING AND SOME MIDNIGHT. I DO RECALL THIS ISSUE COMING UP AT EITHER PLANNING COMMISSION OR COUNCIL, OR BOTH, IN 2008 AND THE DECISION BEING TO ADOPT THE EXISTING LANGUAGE. ARE YOU SUGGESTING THIS BE CHANGED?

b. Staff suggestion to increase the number of seats allowed by ASUP.

The underlying CL zone calls for neighborhood serving businesses. How many additional eating establishments of 100 seats can the Del Ray neighborhood support? The Mt. Vernon Avenue Business Area Overlay recognizes the unique character of Del Ray's mix of a narrow commercial strip butted against residential uses, the lack of public off-street parking opportunities, how expensive it would be to create public parking, and the need for shared parking arrangements. Staff has magnified my frustration by repeatedly sanctioning 'shared parking' arrangements that involve overlapping commitment subject to disappearance *and failing to acknowledge that these arrangements are being tracked correctly* . STAFF IS NOT SUGGESTING ANY CHANGE TO THE PARKING REQUIREMENTS FOR RESTAURANTS, INCLUDING LARGER RESTAURANTS IF THAT INCREASE WERE TO BE ADOPTED, EXCEPT FOR ADMINISTRATIVE APPROVAL FOR SHARED PARKING. THAT CHANGE MEANS THAT RESTAURANTS STILL HAVE TO HAVE THE PARKING REQUIRED, BUT NOT BEYOND THE TIME THAT THE RESTAURANT IS OPEN. I DO NOT KNOW OF INCORRECT TRACKING OF EXISTING SHARED PARKING ARRANGEMENTS AND AM OPEN TO ANY INFORMATION YOU WANT TO SHARE. STAFF ACKNOWLEDGES THAT KEEPING THIS INFORMATION CURRENT AND ACCURATE IS IMPORTANT, AND IS LOOKING INTO WHETHER WE CAN DO IT ON A MAP BASED DATA SYSTEM.

c. Changes to the allowed Industrial zone uses.

Without a clear idea of our industrial zone needs, I oppose any change to expand the list of allowed uses.

STAFF NOTES BUT DOES NOT AGREE WITH YOUR OBJECTION, ALTHOUGH THE ISSUE IS DISCUSSED IN THE STAFF REPORT. SEE P. 6.

e. I believe a change to mixed commercial/residential zones is in order to allow the staff proposed Industrial zone uses *AND* child daycare w/ ASUP should be considered. IF I UNDERSTAND YOUR POINT HERE, THEN THESE USES ARE ALREADY ALLOWED IN THE MIXED USE ZONES. SEE, FOR EXAMPLE, SECTION 5-202 FOR USES ALLOWED UNDER CRMU/M.

f. Night Club definition

...and typically involving a cover charge, may require a purchase, or other charge for admission. THE FINAL PROPOSED LANGUAGE IS

*Nightclub. A restaurant where entertainment, live or otherwise, predominates over food service, becoming the principal use at least during part of the business' operations, with or without dancing, and*



*typically involving a cover or other charge for admission.*

I THINK THE NOTION OF POSSIBLY HAVING TO PURCHASE SOMETHING, WHETHER IT IS A TICKET OR A DRINK, ETC, IS COVERED BY THE LANGUAGE.

g. Keep 'Full Service' restaurant requirement. Do not add an exemption for a coffee shop or ice cream store as proposed by staff *until staff addresses the short-term parking needed for such an operation* . Other than the sale of alcohol, how does this differ from a convenience store needing to supply parking? THERE IS NOTHING IN THE STAFF PROPOSAL THAT WOULD EXEMPT THESE USES FROM THE PARKING REQUIREMENT. PERHAPS THAT WAS NOT CLEAR IN THE PROPOSAL. A COFFEE SHOP IS VERY DIFFERENT FROM A CONVENIENCE STORE BUT BOTH WOULD HAVE TO SUPPLY PARKING.

h. The Del Ray neighborhood businesses protest being required to provide off-street parking for patrons and employees, cry that they need access to a larger pool of patrons, *yet strenuously object to removal of City owned street parking in order to improve pedestrian safety* . While the Overlay made it easier for appropriate infill development, it did not absolve business from mitigating adverse impacts on Del Ray residents, particularly those immediately adjacent to The Avenue. STAFF LOOKS FORWARD TO WORKING WITH DEL RAY BUSINESSES AND CITIZENS ON PARKING ISSUES, INCLUDING THE ONES YOU CITE. I THOUGHT OUR RECENT MEETING TO LAY OUT THE PARKING ISSUES FOR DEL RAY WAS POSITIVE AND PRODUCTIVE.

Sarah asked, what is the definition of a small business? Is it based on physical size, sales volume, number of ft/pt employees?.

Staff does not have a definition. How can City Council understand what impact these changes will "fix" when they don't have a balanced picture of the "problem". THERE IS NO REGULATORY DEFINITION OF "SMALL BUSINESS" BECAUSE IT IS NOT A TERM USED IN ZONING. IT IS AN UMBRELLA TERM FOR THE GROUP OF SMALLER ENTERPRISES THROUGHOUT THE CITY, DISTINGUISHING THEM FROM LARGER ONES. WHILE THE SMALL BUSINESS ADMINISTRATION, AND EVEN THE RECENT HEALTH CARE LEGISLATION, AND OTHER GOVERNMENTAL EFFORTS DO USE DEFINITIONS FOR GRANTS, OR EXEMPTIONS FROM REGULATIONS (TYPICALLY BASED ON THE NUMBER OF EMPLOYEES), ALEXANDRIA ZONING DOES NOT HAVE A NEED TO RESTRICT ITS DISCUSSION IN THE SAME WAY.

Organized business groups are heavily favored by staff's suggestions which may be appropriate in some zones but not all. The City created the Mt. Vernon Avenue Business Area Overlay zone and the Neighborhood Retail zone to recognize that these areas *ARE* different than other CL zones. *Proposed changes SHOULD REFLECT that difference also*. THERE MAY BE ROOM FOR DISTINCTIONS BETWEEN NEIGHBORHOODS, AND THERE ARE SOME IN THE CURRENT REGULATIONS (THE HOURS FOR ADMIN RESTAURANTS, FOR EXAMPLE) BUT STAFF DID NOT SEE A NEED FOR DISTINCTIONS IN WHAT IT IS PROPOSING NOW.

Finally- When will the City begin a process that *favors the individual citizen?*

Residents are constantly harmed by a series of processes that increasingly favor *organized business and organized business groups*.

Residents *struggle* to live in peace with businesses. STAFF SUPPORTS BOTH BUSINESSES AND RESIDENTS OF NEIGHBORHOODS, AND HAS TRIED VERY HARD TO SEE THAT ITS WORK, WHILE HELPFUL TO BUSINESS, DOES NOT UNDULY HARM RESIDENTIAL AREAS.

First they must overcome difficulty accessing information. Second, learning what is or isn't a violation. Third, when a business is in violation, knowing whether to report the violation. Fourth, which is the appropriate authority? We should know that it is not the Police Department. This is equally onerous. Why do we tolerate it? Because of a lack of City enforcement resources to do the job itself. This system places residents in an adversarial position. YOU RAISED THIS POINT RECENTLY WITH ME AND I REPEAT MY SUGGESTION THAT WE SIT DOWN AND DISCUSS ENFORCEMENT SO WE CAN TOGETHER FIND THE BEST WAY TO COORDINATE CITY ENFORCEMENT, AND HOW BEST TO RELAY INFORMATION TO CITIZENS AND BUSINESS ABOUT HOW ENFORCEMENT WORKS.

Residents are branded when they do question or protest. Forbid that a resident questions whether the Mayor, member of Council or City employee has a financial interest in a businesses! Word quickly gets around about who called, when they called and what they said.

If the Police can keep their reports confidential then why can't other City departments keep resident/complainant information confidential too?

ZONING COMPLAINTS ARE PROTECTED AS CONFIDENTIAL. AND RESIDENTS ARE ENCOURAGED TO PARTICIPATE IN THE PROCESS, TO ASK QUESTIONS, TO REGISTER COMPLAINTS, AND TO WORK WITH CITY STAFF, THE PLANNING COMMISSION AND CITY COUNCIL ON ALL MATTERS OF INTEREST. ONLY WHEN WE WORK TOGETHER DO WE GET THE BEST RESULTS.

Amy Slack  
[landuse@delraycitizen.net](mailto:landuse@delraycitizen.net)

— Forwarded by Barbara Ross/Alex on 05/21/2010 07:39 AM —

**RE: Small Business Zoning**

Joanne Lepanto to: Barbara.Ross

04/28/2010 04:33 PM

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Hello Barbara,

I forwarded your e-mail to the Federation membership.

Regarding questions for tonight, I am especially interested in the history of minor amendments and admin SUPs, e.g.,

When were they first introduced into the City ordinance?  
How have they been defined in the past and currently?  
How has their applicability been defined in the past and currently?  
It seems like the current and proposed language is geared toward restaurants and/or small businesses--was their application to industrial uses ever contemplated or anticipated?  
Has an ASUP ever been granted to an industrial use? For a minor amendment? How many (say, over the past 10, 20 or 30 years)? When? Who were the applicants? What were the minor amendments sought? Were any rejected for not meeting the minor amendment criteria? How close were the applicants' sites to residential areas and/or schools?  
What are the requirements to qualify as a minor amendment?

Got to run--see you soon, and thank you again.

Joanne

**From:** Barbara.Ross@alexandriava.gov [mailto:Barbara.Ross@alexandriava.gov]  
**Sent:** Wednesday, April 28, 2010 11:09 AM  
**To:** Joanne Lepanto  
**Subject:** RE: Small Business Zoning

If you or others can share with me ahead of time what your questions are about minor amendments, etc, that would help me.

From: "Joanne Lepanto" <JLepanto@bostonpacific.com>  
To: <Barbara.Ross@alexandriava.gov>  
Date: 04/27/2010 07:42 PM  
Subject: RE: Small Business Zoning

Hello Barbara,

Thanks very much for the notice. I haven't looked at it yet, but the link to the Staff report is very helpful!

Joanne

**From:** Barbara.Ross@alexandriava.gov [mailto:Barbara.Ross@alexandriava.gov]  
**Sent:** Tuesday, April 27, 2010 2:26 PM  
**To:** poulh@erols.com; mhobbs27@comcast.net; landuse@delraycitizen.net; katy\_cannady20@comcast.net; jill@cheesetique.com; mindyllyle@comcast.net; white600n@comcast.net; events@torpedofactory.org; STees@burkeandherbert.com; scott.kersjes@ifacilities.us; burnskathy@earthlink.net; porter513@aol.com; pmiller1806@comcast.net; jb900@yahoo.com; Joanne

10:6

Re: Small Business Zoning

Amy Slack to: Barbara.Ross

04/28/2010 04:37 PM

Kevin Beekman, Amy Slack and David Fromm,  
"City\_Council.ALEX@alexandriava.gov", "donna.fossum@verizon.net",  
"erwagner@comcast.net", "Faroll.Hamer@alexandriava.gov", Sarah Haut,  
"hsdunn@ipbtax.com", "Jim.Hartmann@alexandriava.gov", "jlr@cpma.com",  
Cc: "john.komoroske@nasd.com", "jssjennings@aol.com",  
"Kendra.Jacobs@alexandriava.gov", "komorosj@nasd.com",  
"Mark.Jinks@alexandriava.gov", "Mary.Christesen@alexandriava.gov",  
"Nathan.Randall@alexandriava.gov"

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Barbara,

Based on this discussion with Kevin, I see a need to add additional column(s) to the data base I am working on to include information of what the community supported. This will be in addition to 41 other data points I am collecting currently in an effort to track past land use actions and present uses, and to demonstrate the changes which have occurred and possible impacts of intensification over time.

My hope is to assemble information for DRCA use and to be easily shared with citizens, business groups and City staff.

The types of unwritten policies you've described could also be captured to better explain to the uninitiated how staff decisions are formed.

Cheers,  
Amy

-----  
Amy Slack, Land Use committee Co-chair  
Del Ray Citizens Association

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703.549.3412  
[landuse@delraycitizen.net](mailto:landuse@delraycitizen.net)

"We live within a heritage beyond our computation.  
Will we tilt the cup until it runs dry or build for a day beyond our day?"  
-----

On Apr 28, 2010, at 4:02 PM, [Barbara.Ross@alexandriava.gov](mailto:Barbara.Ross@alexandriava.gov) wrote:

Kevin:

My memory is that the difference in hours for Mount Vernon and Arlandria in the administrative SUP regulations came about because those neighborhoods asked for it and Council approved it, and that it was not the original recommendation by the staff.

As to Parker Gray, I am not certain what cases you refer to. If it is the Chinese restaurant in the Monarch apartment building, in the original case the applicant requested a closing time of midnight, the neighborhood requested that it be restricted to an earlier time, 10:00 during the week and 11 on the weekend. Staff supported the applicant's proposal but Council approved what the neighborhood requested. Last year, the same applicant asked for on premise alcohol. The neighborhood supported it if alcohol service ended every day at 10pm. That is what was approved. There was no request for off premise alcohol sales.

Generally staff thinks that there is some rationale for distinguishing among neighborhoods, at least for certain aspects of uses. Typically, as to hours for restaurants, staff attempts to understand what other restaurants' hours in the neighborhood are and, where there has been a standard established in the neighborhood, to support that. In Parker Gray, or West Old Town, there are few restaurants and it is difficult to find a neighborhood "standard." Staff's effort is to be reasonable to the business, respectful of the neighborhood concerns and fair and consistent in light of other approvals in the area.

Barbara

From: Kevin Beekman <[kbeekman@gmail.com](mailto:kbeekman@gmail.com)>  
To: "[Barbara.Ross@alexandriava.gov](mailto:Barbara.Ross@alexandriava.gov)" <[Barbara.Ross@alexandriava.gov](mailto:Barbara.Ross@alexandriava.gov)>  
Cc: Amy Slack and David Fromm <[alsdmf@earthlink.com](mailto:alsdmf@earthlink.com)>, "[City\\_Council.ALEX@alexandriava.gov](mailto:City_Council.ALEX@alexandriava.gov)" <[City\\_Council.ALEX@alexandriava.gov](mailto:City_Council.ALEX@alexandriava.gov)>, "[donna.fossum@verizon.net](mailto:donna.fossum@verizon.net)" <[donna.fossum@verizon.net](mailto:donna.fossum@verizon.net)>, "[erwagner@comcast.net](mailto:erwagner@comcast.net)" <[erwagner@comcast.net](mailto:erwagner@comcast.net)>, "[Faroll.Hamer@alexandriava.gov](mailto:Faroll.Hamer@alexandriava.gov)" <[Faroll.Hamer@alexandriava.gov](mailto:Faroll.Hamer@alexandriava.gov)>, Sarah Haut <[hautsl@yahoo.com](mailto:hautsl@yahoo.com)>, "[hsdunn@ipbtax.com](mailto:hsdunn@ipbtax.com)" <[hsdunn@ipbtax.com](mailto:hsdunn@ipbtax.com)>, "[Jim.Hartmann@alexandriava.gov](mailto:Jim.Hartmann@alexandriava.gov)" <[Jim.Hartmann@alexandriava.gov](mailto:Jim.Hartmann@alexandriava.gov)>, "[jlr@cpma.com](mailto:jlr@cpma.com)" <[jlr@cpma.com](mailto:jlr@cpma.com)>, "[john.komoroske@nasd.com](mailto:john.komoroske@nasd.com)" <[john.komoroske@nasd.com](mailto:john.komoroske@nasd.com)>, "[jssiennings@aol.com](mailto:jssiennings@aol.com)" <[jssiennings@aol.com](mailto:jssiennings@aol.com)>, "[Kendra.Jacobs@alexandriava.gov](mailto:Kendra.Jacobs@alexandriava.gov)" <[Kendra.Jacobs@alexandriava.gov](mailto:Kendra.Jacobs@alexandriava.gov)>, "[komorosi@nasd.com](mailto:komorosi@nasd.com)" <[komorosi@nasd.com](mailto:komorosi@nasd.com)>, Amy Slack <[landuse@delraycitizen.net](mailto:landuse@delraycitizen.net)>, "[Mark.Jinks@alexandriava.gov](mailto:Mark.Jinks@alexandriava.gov)" <[Mark.Jinks@alexandriava.gov](mailto:Mark.Jinks@alexandriava.gov)>, "[Mary.Christesen@alexandriava.gov](mailto:Mary.Christesen@alexandriava.gov)" <[Mary.Christesen@alexandriava.gov](mailto:Mary.Christesen@alexandriava.gov)>, "[Nathan.Randall@alexandriava.gov](mailto:Nathan.Randall@alexandriava.gov)" <[Nathan.Randall@alexandriava.gov](mailto:Nathan.Randall@alexandriava.gov)>  
Date: 04/28/2010 03:10 PM  
Subject: Re: Small Business Zoning

Barbara, I didn't ask what the distinction was. I asked what the basis was for making this distinction. When last we met, there was movement toward a common standard, yet staff's recommendations changed after that meeting. Likewise, in practice, there's an apparent unwritten policy with regard to recommendations that staff makes for non-administrative SUPs. Staff has made a distinction, for instance, to hours and take away alcohol sales in Parker-gray that are unique from the rest of the city.

My question is: what is the basis for making those distinctions by neighborhood? Staff has somehow come to a decision to treat neighborhoods differently, so we should be entitled to understand the thinking, particularly as part of such a comprehensive review.

-Kevin  
703-822-5741 (Voice & SMS)  
Sent from my wireless.

On Apr 28, 2010, at 2:56 PM, "[Barbara.Ross@alexandriava.gov](mailto:Barbara.Ross@alexandriava.gov)" <[Barbara.Ross@alexandriava.gov](mailto:Barbara.Ross@alexandriava.gov)> wrote:

Kevin:

Under section 11-513(L)(3), the hours for restaurants in the Mount Vernon Overlay Zone and the NR Zone are spelled out specifically, and are different from the standard for the rest of the City. In those two neighborhoods, the hours are "limited to from 6:00 a.m. to 11:00 p.m., Sunday through Thursday, and from 6:00 a.m. to midnight, Saturday and Sunday, although the closing hour for indoor seating may be extended until midnight four times a year for special events." In the rest of the City, the hours are 5am to midnight, daily.

I see this difference as a distinction among neighborhoods, and hope this answers your question.

Barbara

From: Kevin Beekman <[kbeekman@gmail.com](mailto:kbeekman@gmail.com)>  
To: "[Barbara.Ross@alexandriava.gov](mailto:Barbara.Ross@alexandriava.gov)" <[Barbara.Ross@alexandriava.gov](mailto:Barbara.Ross@alexandriava.gov)>  
Cc: Amy Slack <[landuse@delraycitizen.net](mailto:landuse@delraycitizen.net)>, Amy Slack and David Fromm <[alsdmf@earthlink.com](mailto:alsdmf@earthlink.com)>, Sarah Haut <[hautsl@yahoo.com](mailto:hautsl@yahoo.com)>, "[Nathan.Randall@alexandriava.gov](mailto:Nathan.Randall@alexandriava.gov)" <[Nathan.Randall@alexandriava.gov](mailto:Nathan.Randall@alexandriava.gov)>, "[Kendra.Jacobs@alexandriava.gov](mailto:Kendra.Jacobs@alexandriava.gov)" <[Kendra.Jacobs@alexandriava.gov](mailto:Kendra.Jacobs@alexandriava.gov)>, "[Mary.Christesen@alexandriava.gov](mailto:Mary.Christesen@alexandriava.gov)" <[Mary.Christesen@alexandriava.gov](mailto:Mary.Christesen@alexandriava.gov)>, "[Faroll.Hamer@alexandriava.gov](mailto:Faroll.Hamer@alexandriava.gov)" <[Faroll.Hamer@alexandriava.gov](mailto:Faroll.Hamer@alexandriava.gov)>, "[donna.fossum@verizon.net](mailto:donna.fossum@verizon.net)" <[donna.fossum@verizon.net](mailto:donna.fossum@verizon.net)>, "[erwagner@comcast.net](mailto:erwagner@comcast.net)" <[erwagner@comcast.net](mailto:erwagner@comcast.net)>, "[hsdunn@ipbtax.com](mailto:hsdunn@ipbtax.com)" <[hsdunn@ipbtax.com](mailto:hsdunn@ipbtax.com)>, "[jlr@cpma.com](mailto:jlr@cpma.com)" <[jlr@cpma.com](mailto:jlr@cpma.com)>, "[john.komoroske@nasd.com](mailto:john.komoroske@nasd.com)" <[john.komoroske@nasd.com](mailto:john.komoroske@nasd.com)>, "[jssiennings@aol.com](mailto:jssiennings@aol.com)" <[jssiennings@aol.com](mailto:jssiennings@aol.com)>, "[komorosi@nasd.com](mailto:komorosi@nasd.com)" <[komorosi@nasd.com](mailto:komorosi@nasd.com)>, "[City\\_Council.ALEX@alexandriava.gov](mailto:City_Council.ALEX@alexandriava.gov)" <[City\\_Council.ALEX@alexandriava.gov](mailto:City_Council.ALEX@alexandriava.gov)>,"

Jim.Hartmann@alexandriava.gov" <Jim.Hartmann@alexandriava.gov>, "Mark.Jinks@alexandriava.gov" <Mark.Jinks@alexandriava.gov>

Date: 04/28/2010 10:19 AM

Subject: Re: Small Business Zoning

Barbara, on what basis are "DISTINCTIONS BETWEEN NEIGHBORHOODS" being made with respect to hours?

-Kevin  
703-822-5741 (Voice & SMS)  
Sent from my wireless.

On Apr 27, 2010, at 8:24 AM, "Barbara.Ross@alexandriava.gov" <Barbara.Ross@alexandriava.gov> wrote:

> DISTINCTIONS BETWEEN NEIGHBORHOODS

— Forwarded by Barbara Ross/Alex on 05/21/2010 07:39 AM —

**Fw: Small Business Zoning ; JBG/Mark Center Design Workshop**

Heidi Ford to: Barbara.Ross

04/28/2010 06:00 PM

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Barbara,

With reference to your email to Joanne regarding any comments/concerns on the Small Business Zoning changes, I read through them and am very concerned about allowing entertainment or alcohol service to be added administratively. I'm hoping you can speak to this at tonight's Federation meeting.

Also, can you clarify the proposed changes vis-a-vis requirements to go before the BAR for businesses located in the historic district seeking to replace sides, windows, roofs, ect. It sounds as if that would set up one standard for homeowners who would have to go before the BAR and another, lower standard, for businesses. Is this correct?

Perhaps we can discuss more at tonight's Federation meeting.

Thanks,  
Heidi

Heidi Ford  
President, West Old Town Citizens Association

----- Forwarded by Barbara Ross/Alex on 05/21/2010 07:39 AM -----

**Re: Small Business Zoning Schedule**

**Amy Slack** to: Barbara Ross

04/30/2010 09:47 AM

Cc: Poul Hertel, Michael Hobbs, Katy Cannady, Jill Erber, mindyllye, white600n, Faroll Hamer, John Komoroske, events, STEes, Scott Kersjes, Kathleen Burns, porter513, Pat Miller, Joe Bennett, Joanne Lepanto, cbanta, Mike Anderson, Cathy Puskar, tleone, Hawkins, Stephanie Landrum, billr, gflanagan, afpalmieri, Donna Fossum, Eric Wagner, "H. Stewart Dunn", "J. Lawrence Robinson", Jesse Jennings, John Komoroske, City\_Council.ALEX

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Barbara,

One idea that came up after you left the Federation meeting related to creating something between the minor amendment and the full SUP review.

The problem with having a full SUP hearing and Virginia Paving seems to be that it opens up the entire set of SUP conditions for review - not desirable if the SUP had been contentious and was the result of compromises and hard decisions.

Perhaps we need a way to only open up the aspects of the SUP directly related to the minor amendment request?

David Fromm

On Apr 30, 2010, at 9:12 AM, [Barbara.Ross@alexandriava.gov](mailto:Barbara.Ross@alexandriava.gov) wrote:

Staff and the Planning Commission chair have determined that this text amendment should be deferred from May to the June Planning Commission docket. If it could be heard Tuesday night, May 4, it would be quite late, after a long docket. Several Planning Commissioners are not available for a Thursday meeting on May 6. As a practical matter, it is likely to be deferred until June. We wanted to make the announcement now, so that participants can know in advance.

We note that there have been requests to defer the matter by people who seek more time to review the proposal, and that a very good discussion occurred the other night with the Federation of Civic Associations regarding minor amendments. To the extent people have suggestions to make for changes to the proposal, this additional time should allow an opportunity to discuss those ideas with staff significantly ahead of the June hearing, so that changes, if there are any, can be considered and drafted prior to that hearing. If appropriate, staff could schedule a meeting and discussion in mid May.

----- Forwarded by Barbara Ross/Alex on 05/21/2010 07:39 AM -----

**Re: West Old Town Citizens Assoc \_Re Small Business Zoning Changes** 

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Barbara Ross to: Heidi Ford

05/02/2010 07:11 AM

donna.fossum, erwagner, hsdunn, jlr, john.komoroske, jssjennings, komorosj,  
Cc: William Euille, delpepper, councilmangaines, Justin Wilson, paulcsmedberg, rob,  
timothylovain, Faroll Hamer, Jim Hartmann

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Heidi:

Please be advised that the scheduled hearing on this matter for Tuesday at the Planning Commission has been deferred until the June hearing because of the very long docket in May.

Also, as to your comment about staff's not working directly with West Old Town, know that there were many groups we did not work with directly, at least initially. Our discussions with the Federation, where you have been present, have been purposeful to allow people to know what was coming in general and allow them to solicit more information if interested. Some have done that, and we would be happy to sit down with West Old Town in the same way we have met with others over the last month or so. Do let me know if you want to schedule something.

We note your objection as to minor amendments on entertainment and alcohol, as well as your comments on an accessory restaurant at a restaurant. As to the historic district requirements, as we discussed last week, nothing in this particular proposal, nor in anything planned for administrative approval, would apply differently to businesses and residential structures.

Barbara

West Old Town Citizens Assoc\_Re Small Business Zoning Changes

**West Old Town Citizens Assoc \_Re Small Business Zoning Changes**

Heidi Ford to: hsdunn, komorosj, jlr, erwagner, jjennings,  
Donna.Fossum, mslyman, Alicia Hughes, Del  
Pepper, Frank Fannon, Kerry Donley, Paul  
Smedberg, William Euille, council, Jim Hartmann 04/30/2010 08:25 PM

Cc: Faroll.Hamer, missz, Charlotte, Donna Reuss, rcolinlee, wotca1, Barbara.Ross,  
ha.ford123

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Dear Mayor Euille, City Council, and Planning Commissioners,

Please find below and at attachment comments from the West Old Town Citizens Association

regarding the proposed small business zoning changes scheduled for consideration at the May 4 Planning Commission hearing.

Respectfully,  
Heidi Ford  
President, West Old Town Citizens Association

Dear Planning Commissioners,

The West Old Town Citizens Association wishes to bring to your attention significant objections we have to some of the proposed changes in Text Amendment 2010-0001 (Small Business Zoning Regulations).

First, while Planning & Zoning notes on p. 5 of the staff report that they consulted a number of other civic associations about the small business regulations, the West Old Town Citizens Association was conspicuously omitted, despite our repeated testimony before Planning Commission and Council about the special needs of our community. We find this troubling.

In West Old Town, small business sites are scattered among residential properties and therefore require greater scrutiny and public review than enterprises along well-delineated commercial streets and/or corridors. More community input is necessary than the administrative approval process now proposed will permit.

As we have publicly expressed in the past, we strongly object to any changes that would permit the addition of alcohol sales or entertainment to an existing restaurant via an administrative approval. The changes proposed under Section 7, Potential Expansion of Minor Amendment, would allow this.

*“For restaurants already approved by full SUP, expansion would be allowed up to the extent permitted by administrative SUP, including:*

- *Add seats, up to 60 (or 100 if changed) total seats;*
- *Add delivery service limited to one vehicle with dedicated parking for restaurants with at least 40 seats;*
- *Add green (nonvehicular) delivery, with no seat restriction, if delivery is now prohibited;*
- *Add limited live entertainment, per administrative SUP condition language (no cover charge, background music, limitation on advertising);*

- *Add on-premises alcohol;*
- *Add hour up to neighborhood standard assuming there is one, without a limitation of two-hours. (pp. 13-14)*

The additional of alcohol or entertainment can have a dramatic effect on the surrounding neighborhood and our neighborhood has a long and well-documented history with how such activities contribute to crime and adversely affect the quality of life. Any such requested additions should go through the full SUP process to ensure that the community has a full opportunity to raise concerns and express their opinions. We request the draft amendment be modified to clearly exclude the alcohol service and entertainment from eligibility for administrative approval.

Staff notes that if the changes they are now proposing had been in effect in 2009 that Shanghai Peking, which is located at 506 North Henry Street and sought to add alcohol service last year, would have qualified for an administrative approval. However, the fact that Shanghai Peking had to go through the full SUP process provided an opportunity for community input. As a result, the West Old Town Citizens Association was able to negotiate an agreement with Shanghai Peking to comparably restrict the hours in which it served alcohol. We believe this has not unduly harmed Shanghai Peking and has benefitted the surrounding neighborhood. The SUP process empowered the local neighborhood to obtain concessions that we do not believe would have been achieved otherwise.

Secondly, we also question one of the proposed changes included under Section 10 (Additional Small Business Improvements). Section 10 C, Additional BAR Administrative Approvals recommends that businesses residing in the historic districts potentially be permitted to replace roofs, windows, and siding without a full hearing before the BAR.

This provision is only acceptable if it is equivalent to the requirements applied to residential property owners. If homeowners in historic districts are required to go before the full BAR to make similar changes to their homes, we feel business must be held to the exact same standard. It is only fair.

Finally, we are concerned about the proposal to make it easier for grocery stores to create ancillary restaurant areas within their shops. The proposal presumes a harmless situation where alcohol for sale is combined with the availability of food. However, we believe that a combination of carry-out alcohol plus food can present a problem for the neighborhood. The full SUP process should be required so that the applicant is required to work with the community and address how it will deal with the issues that may (and historically have) come up. Thank you for your consideration

WEST OLD TOWN CITIZENS ASSOCIATION



WOTCA\_Small Bus Zoning Changes\_Comments.doc

— Forwarded by Barbara Ross/Alex on 05/21/2010 07:39 AM —

**Re: Thank you and copy of my support note to Council**

**Carrie Beach** to: Diva Boutique

05/19/2010 01:22 PM

Cc: farroll.hamer, Barbara Ross

Dear Cindy -

Thanks very much. I will forward this email to Barbara Ross who is spearheading the SUP improvements .

FYI - The wayfinding mockups and design guidelines manual will be the topic of the BAR work session tonight the get their input.

Carrie

\*\*\*\*\*

Carrie Beach  
Urban Planner  
City of Alexandria  
[www.alexandriava.gov](http://www.alexandriava.gov)  
[carrie.beach@alexandriava.gov](mailto:carrie.beach@alexandriava.gov)

703-746-3095 (Office of Housing)  
703-746-3853 (Planning and Zoning)

"Diva Boutique"      Hello, Farroll, Carrie and Kathleen, As a small b...      05/19/2010 11:34:11 AM

From: "Diva Boutique" <divaboutique@comcast.net>  
To: <farroll.hamer@alexandriava.gov>, <Carrie.Beach@alexandriava.gov>, <Kathleen.Beeton@alexandriava.gov>  
Date: 05/19/2010 11:34 AM  
Subject: Thank you and copy of my support note to Council

Hello, Farroll, Carrie and Kathleen,  
As a small business owner here, I very much appreciate your department's efforts and work to make the City processes/SUP apps more streamlined. I know there is a public discussion meeting tomorrow night which I can't attend, but wanted to let you know that your proposal, as well as

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the Chamber's statement on the proposal, have my full support.  
I know that you all face a tough crowd of naysaying Old Town residents on a regular basis, but you should know that what you do **does** make a difference to businesses like mine!  
I also wrote the following to Council, fyi:

*Dear Mayor Euille, Vice Mayor Donley and City Council Members:  
As a business owner in Alexandria, I am writing in strong support of Planning and Zoning's proposed small business zoning improvement, as well as the Chamber's position statement on them, to be discussed at the public meeting on Thursday evening. I cannot be at the meeting, but wanted to tell you how much it means for P & Z to have taken time to author such a proposal so full of thought and so geared to making things easier for small businesses. I opened my business almost four years ago and the improvements which have been spearheaded by them and by Council have made a very big difference. Thanks to you and P & Z for your responsiveness.*

Cindy McCartney

Cindy McCartney, Owner  
**Div Designer Consignment & Other Delights**  
116 South Pitt Street  
Alexandria, VA 22314  
703-683-1022  
[www.divaboutiqueva.com](http://www.divaboutiqueva.com)

Twitter: @DivaBoutiqueVA  
Facebook: [www.facebook.com/divadesignerconsignment](http://www.facebook.com/divadesignerconsignment)

 Please consider the environment before printing this e-mail

**Re: Small Business SUP Changes**

S.R. Becker to: Barbara.Ross

05/20/2010 10:23 AM

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Barbara

Never have you offended me! The political silliness sometimes gets to me. The alcohol issue I have returned to the Civic Association for Board consideration.

I did not mention, nor plan to mention, Hopkins House in my email but since you did, may I offer one fact for your further consideration?

At Monday's meeting you stated that you were personally unaware that Meade Memorial wished to operate a day care facility to be known as Rising Star Day Care. Most neighbors know this as fact, some has received fundraising invitations (tables, chairs, books, toys, cots), and so that you are no longer unaware I refer you to the church's newsletter The Vineyard.

The newsletter writes: "The name was registered with the City of Alexandria on March 23, 2010. We have been in contact with Mr. Randall Urban Planner (Department of Planning and Zoning). This office will issue the special use permit needed to operate an aftercare program and or day care program out of Meade Memorial. This process takes approximately 4-8 weeks. Mr. Randall has suggested that while we are in the process of waiting to obtain the special permit, that Rising Star get

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in contact with the State so that we can start preparing to meet the requirements to operate the after care and daycare programs." This facility will function in addition to Hopkins House and American Day Care.

Regarding Hopkins House's accreditation provisions, I continue believe the neighborhood has done the House a favor. There are five accredited day care facilities within the 22314 zip code including 901 Wythe Street. Finally, the House is competitively positioned vis a vis Campagna and Charles Houston.

The more skeptical individual simply notes that within the last decade the House was accredited only in the years prior to submitting a request for SUP change.

Have a good work day!

Sarah Becker

--- On Thu, 5/20/10, Barbara.Ross@alexandriava.gov <Barbara.Ross@alexandriava.gov> wrote:

From: Barbara.Ross@alexandriava.gov <Barbara.Ross@alexandriava.gov>  
Subject: Re: Small Business SUP Changes  
To: "S.R. Becker" <srbecker@att.net>  
Date: Thursday, May 20, 2010, 7:35 AM

Sarah,

I never meant to offend you or anyone by the meeting on Monday or my email. I am sorry your experience has not been good, but would hope that staff and citizens can disagree about issues without rancor. The purpose in holding the meeting (and many others on small business issues) and corresponding as I have is to ensure that there is no confusion about Hopkins House or the small business changes, past or current.

Barbara

**Re: Small Business SUP Changes**

S.R. Becker

to: Barbara.Ross

05/19/2010 08:26 PM

Barbara

Of course I understand! I am a competent, professional woman well schooled by city managers and city attorneys in city process. Unfortunately if experience is a teacher, the Smile Market taught me that the city's SUP process has already changed. Staff dug a very deep hole. Dramatically so! Apparently Monday's encounter was a waste so I will assume in controversial situations the ABC remains the best option. Please do drop the reference to the Shanghai Peking.

Enjoy your evening!  
SB

--- On **Wed, 5/19/10**, **Barbara.Ross@alexandriava.gov** <*Barbara.Ross@alexandriava.gov*> wrote:

From: Barbara.Ross@alexandriava.gov <Barbara.Ross@alexandriava.gov>  
Subject: Re: Small Business SUP Changes  
To: "S.R. Becker" <srbecker@att.net>  
Date: Wednesday, May 19, 2010, 5:05 PM

Sarah:

Thanks for your summary. We are finalizing our June reports right now. We do not mind removing the reference on p. 14 to Shanghai Peking, but the fact remains that the proposed change would have applied to it. Understand? We are not willing at this point to change the proposed language of the recommendation, although there certainly may be arguments against this particular change.

Barbara

From: "S.R. Becker" <srbecker@att.net>  
To: barbara.ross@alexandriava.gov  
Date: 05/19/2010 01:11 PM  
Subject: Small Business SUP Changes

Dear Barbara

I thank you for meeting with the WOTCA Board (and me) to discuss the Planning Department's proposed SUP changes regarding alcohol sales in selected establishments. May I summarize?

Planning staff frequently tells me that the police among others want all neighborhoods treated comparably. Please be assured that the Smile Market's alcohol request was handled not only with



Chief Baker's support, including the Police Department's statement to the Alcohol Beverage Control Board, but also his awareness of my every "move." We consulted frequently and the paper trail is impressive. Likewise Mayor Euille was aware of my alcohol activities as well as my fairness concerns now.

As you know, I have won 15 of 15 ABC cases. The wins come because the neighborhood arrives prepared, the errant business practices documented, and the case compelling.

At Monday's meeting, WOTCA President Heidi Ford spoke well regarding this matter and I hope her comments...the memorandums of understanding, the neighborhood's similarities to King Street...are appropriately noted in the final report. Hopefully any reference to The Monarch's Shanghai Peking SUP process can be deleted prior to final release.

Finally, I remain aware that neighborhood establishments like the 24 Hour Express and Esmeralda's are frequently criticized. Years ago Deputy City Manager Beverly Steele asked if I, as President of the Inner City Civic Association, would "take" the 24 Hour Express before the ABC Board. I declined leaving the problem to the Del Ray Citizens Association to resolve. Just as I leave Esmeralda's to the Lofts to consider.

The ABC plays a critical role and, as Chief Baker said, it is "the absence of alcohol that has allowed the neighborhood to improve."

Thanks  
Sarah Becker  
Past President  
Inner City Civic Association

— Forwarded by Barbara Ross/Alex on 05/21/2010 07:39 AM —

**Question re small business zoning**

Heidi Ford to: Barbara.Ross

05/20/2010 12:46 PM

Barbara,

I've been meaning to thank you for meeting with the WOTCA board on Monday. I was reviewing the docket report related to the small business zoning changes and had a question. For restaurants,

can the administrative SUP process be used if the restaurant does not have sufficient on-site parking and will need a parking reduction?

Thanks,  
Heidi



To:  
Cc:  
Bcc:  
Subject: Fw: Small Business Zoning

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**RE: Small Business Zoning**

Tina Leone to: Barbara.Ross

05/18/2010 03:39 PM

Cc: Faroll.Hamer

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Barbara-

Here is the Chamber's position statement on the proposed zoning changes. I and several other Chamber reps will be there this Thursday night to support these changes- I've also reached out again to the various Business Associations to further encourage them to be there and ensure the various localities are represented. Thank you!!

Tina

Tina Leone  
President/CEO  
Alexandria Chamber of Commerce  
801 N Fairfax St, Suite 402  
Alexandria, Va 22314  
Direct 703-739-3802  
Cell 703-786-6037

**From:** Barbara.Ross@alexandriava.gov [mailto:Barbara.Ross@alexandriava.gov]

**Sent:** Tuesday, April 27, 2010 2:26 PM

**To:** poulh@erols.com; mhobbs27@comcast.net; landuse@delraycitizen.net;  
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Reagan; Gloria Flanagan; afpalmieri@vorys.com

**Cc:** Faroll.Hamer@alexandriava.gov

**Subject:** Small Business Zoning

Planning and Zoning wants to make sure that you, who have been involved in the discussions to date, are aware of the schedule for hearings on the several proposed zoning text changes that we are calling : Small Business Zoning 2010. This proposal is on the docket for a public hearing at the Planning Commission on May 4 and the City Council on May 15. We encourage everyone interested to come and state their views, no matter what the views are, and to advise others who may be interested in these issues to do the same. Note, however, that the item is scheduled to be heard last on a very full docket next Tuesday night, so the matter will be heard very late, will be continued until Thursday night, May 6, or will be deferred until June.



## **POSITION STATEMENT: SMALL BUSINESS ZONING RECOMMENDATIONS**

The City of Alexandria has proposed new Small Business Zoning guidelines that establish clear and understandable permit application process changes for small businesses that seek to enhance their services.

The Alexandria Chamber of Commerce maintains that City government must always strive to be more efficient while maintaining its essential regulatory role. A smart balance between efficiency, regulation, and prompt, consistent decision-making is essential to a healthy City economy. These recommendations meet those criteria. Accordingly, the Alexandria Chamber of Commerce strongly supports the proposed permitting and zoning changes.

In short, the City's current recommendations would institute a more effective method for issuing the Special Use Permits (SUPs) that businesses need to increase and enhance activities that residents enjoy such as outdoor dining, valet parking, and the creation of new services within existing businesses. By allowing City staff to issue SUPs under these expanded circumstances, and not requiring that each and every issue be decided by the City Council, decision making can be more centralized and further streamlined in such a manner that a business owner may accomplish permitted changes without incurring the additional cost of legal counsel.

The business community and Alexandria residents have benefited from the City's recent streamlining efforts, and the Chamber observes that the proposed regulations are an exciting addition to the success of the permit center, the A-frame sign program for King St, the administrative approval program for BAR signs, and the zoning ordinance changes implemented in 2009. These changes are all having a positive cumulative effect for businesses to open, expand and succeed in our City.

The City's proposal calls for the elimination of regulations that the City itself has deemed "onerous" and duplicative; cutting unnecessary red tape is a step in the right direction for businesses and for residents who seek to maintain their current tax rates and quality of life.

In particular, the City staff recommendations would help breathe new life into the business sector in Cameron Station, an area that has been particularly hard-hit by the economic downturn, by reducing unnecessary SUP regulations. Cameron Station illustrates the importance of the need for reduced red tape so that commercial amenities may be provided in close proximity to residential uses. Creating live-work developments (whether it be Cameron Station or future developments) without promoting a culture that fosters new and expanded business opportunities will only lead to more dark space and residents in cars traveling to other commercial centers.

The proposed new regulations would give businesses the opportunity to contribute to both the character and to the economic development of our City. The proposed permitting structure provides businesses in Alexandria with a clearer and more understandable process for enhancing

the services they provide, thus increasing the tax base in our City and improving our business climate.

For residents, these proposed recommendations mean that citizens will be able to enjoy a more diverse array of business services in our community, including additional outdoor dining, better parking in Old Town, and different types of shops, while ensuring that appropriate regulations remain in force and are *enforced* by City staff to ensure that residents are not adversely affected by the issuance of new SUPs.

The Chamber strongly supports this proposal and encourages City Council to adopt it immediately.



**Fw: Small Business Zoning Regulations**  
Barbara Ross to: Kendra Jacobs

05/20/2010 12:37 PM

for PC on Small Business

----- Forwarded by Barbara Ross/Alex on 05/20/2010 12:43 PM -----

From: J Bennett <jb900@yahoo.com>  
To: Barbara Ross <barbara.ross@alexandriava.gov>  
Date: 05/19/2010 10:36 PM  
Subject: Small Business Zoning Regulations

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Hi Barbara,

I'm out of town and am unable to attend the meeting you arranged on small business zoning regulations. I believe the proposed changes will move us further ahead in our goal of making Alexandria a town more friendly to small businesses. The same changes will make it easier for some neighborhoods, which are interested, to attract businesses, and thereby bring more needed goods and services and enhance the quality of life in these communities.

I'm also mindful of the City's current budget situation. These regulations provide a way to save on staff time, which could be then focused on higher priority activities where their professional efforts are better utilized. I encourage the public to do its share to help control budget costs by supporting these proposed regulations.

I fully support the proposed regulations related to Cameron Station, for all the reasons cited. I believe there are no (or few at most) communities where the commercial area is as obscurely located and as neighborhood focused as the one in Cameron Station. The uniqueness of this situation calls for a unique solution that should not necessarily apply to other parts of town. There likewise should not be an attempt to craft a "one size fits all" policy where it is not appropriate.

There will undoubtedly be some discussion of including industrial uses in the minor amendment process. There may be good grounds to exclude them where there would be any increase in hours or output, for example. But to exclude all as a matter of policy and regulation ignores the reality that there could be minor changes sought that would have no negative impacts on operations or the community, for example some that would relate to technology changes that would improve lighting conditions or odor controls. I believe that the Planning Director has sufficient discretion under section 11-511 to exclude from minor amendment consideration (industrial use or otherwise) where she determines there would be more than an insignificant impact.

Joe Bennett



**To:**  
**Cc:**  
**Bcc:**  
**Subject:** Fw: COA Contact Us: Small Business Zoning change proposal

Cindy McCartney	COA Contact Us: Mayor, Vice-Mayor and Coun...	05/19/2010 11:14:30 AM
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**From:** Cindy McCartney <divaboutique@comcast.net>  
**To:** william.euille@alexandriava.gov, frank.fannon@alexandriava.gov, kerry.donley@alexandriava.gov, alicia.hughes@alexandriava.gov, council@krupicka.com, delpepper@aol.com, paulcsmedberg@aol.com, rose.boyd@alexandriava.gov, jackie.henderson@alexandriava.gov, elaine.scott@alexandriava.gov  
**Date:** 05/19/2010 11:14 AM  
**Subject:** COA Contact Us: Small Business Zoning change proposal



**Time:** [Wed May 19, 2010 11:14:28] **Message ID:** [21738]

**Issue Type:** Mayor, Vice-Mayor and Council Members  
**First Name:** Cindy  
**Last Name:** McCartney  
**Street Address:** Diva  
 116 S. Pitt St.  
**City:** Alexandria  
**State:** VA  
**Zip:** 22314  
**Phone:**

**Email Address:** divaboutique@comcast.net

**Subject:** Small Business Zoning change proposal  
 Dear Mayor Euille, Vice Mayor Donley and City Council Members:

**Comments:**

As a business owner in Alexandria, I am writing in strong support of Planning and Zoning's proposed small business zoning improvement, as well as the Chamber's position statement on them, to be discussed at the public meeting on Thursday evening. I cannot be at the meeting, but wanted to tell you how much it means for P & Z to have taken time to author such a proposal so full of thought and so geared to making things easier for small businesses. I opened my business almost four years ago and the improvements which have been spearheaded by them and by Council have made a

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very big difference. Thanks to you and P & Z for your  
responsiveness.

Cindy McCartney





To:  
Cc:  
Bcc:  
Subject: Fw: LUC member comments re: SBZ

**From:** David Fromm or Amy Slack [alsdmf@earthlink.net]  
**Sent:** 05/21/2010 10:29 AM AST  
**To:** Barbara Ross  
**Subject:** LUC member comments re: SBZ

Barbara,

I'm sending you comments I received from luc members as I promised you I would do last night. It's a mix of emails pasted in, word document and TextEdit documents.

I'm out of town for the day and will not have access to email until I return home this late evening. I can be reached at 1.410.586.3278.

Amy



Small Business Zoning Text Amendments - kkg comments.docx

Amy,

Here are my comments:

I am concerned that we are making it too easy for restaurants to operate in the city. I have nothing against restaurants, but I fear that the amount of retail we have will dwindle and the commercial areas will be dominated by big box stores and no more unique stores to shop. I know that it is hard to make it with high rents if you are a restaurant, but it would be nice to find a way to preserve retail in the city.

Outdoor dining - I think the hours recommended in the staff report are far too late. It should be 10 PM 7 days a week. CL zone - this is meant to protect the neighborhoods.

Live entertainment as part of an Administrative SUP - I would like to see "no music audible beyond the property line" for live entertainment.

Valet parking - I don't know how well this would work in Del Ray - the lots that might be used for valet parking are far from restaurants. People would be waiting awhile to get their cars. It would be easier for them to park on the side of the street. The street would have to be saturated with patron parking in order for this to work.

For an admin SUP where a parking reduction is granted and a shared parking agreement is set up - the location of the parking should be as close as possible to the business. If it isn't, and there are on-street parking places that are closer, the patrons will park there.

Sarah

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Small Business Zoning Text Amendment.doc

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All - I pretty much agree with Ashley's analysis and our discussions the other night.  
I don't see why we need to agree to uniform hours with the rest of the city - I don't see how this makes it easier on a business owner, just staff.

I also don't agree with expanding the outdoor seating to 20 without additional parking.

Would not agree to valet parking on the neighborhood streets.

Shared parking really needs to be analyzed since we have felt for so long that many different places share the same spots at the same time.

Not sure what "minor" amendments business owners would be asking an administrative approval for, so not sure I can support the "expansion."

Kristine

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I found Kristen's, Ashley's, and Kristen's comments very thoughtful.

My main comments pertain to valet parking and to revising the full service requirement for an administrative SUP:

**VALET PARKING** -- I understand Kristen's concern about valet parking on Mt. Vernon. However, I would be interested to know what procedures exist for determining where cars would be parked. For example, there are a few underutilized parking lots in Del Ray (e.g. behind the Salvation Army building, behind Arlandia Floors, etc) that are a little too far for most people to walk to the main commercial center of Mt. Vernon, but which would be absolutely appropriate for a valet service to use as a lot. I think that we and the city should be looking for ways to take better advantage of our existing parking resources, especially if it can be done in a way that helps businesses and patrons without causing harm to the neighbors. I wonder if this is something that could be examined in the parking study. I would also note that valet parking is a wonderful service for the senior citizen community, which I assume is an important clientele for restaurants, especially during off hours. I have grandparents in their 90s and valet parking allows them to still go out for dinner.

**FULL SERVICE REQUIREMENT** -- This proposed revision seems like a slippery slope to me. Based on the examples provided, Starbucks and Dunkin Donuts could come into the neighborhood without a hearing or much public discussion. I'm not sure our existing businesses (e.g. St. Elmo's, Caboose, Mancini's) would be so keen on giving the chains easier access than they enjoyed. Plus, we certainly have no lack of coffee shops and ice creams stores in Del Ray, so I don't see the need for this change for our community. My initial view is that Del Ray and Old Town are both unique enough in character that Administrative SUPs for restaurants should remain limited rather than expanded. I would think Del Ray residents would want to retain their voice when these types of establishments are proposing to enter the community. I would be interested in what the Del Ray Business Association thinks. Finally, I would be interested in why staff rejected the fast food definition that they say other communities use to limit access to administrative SUPs. I found the definition quite reasonable. I don't think we in Del Ray would want to allow the fast-tracking of fast food-type restaurants, especially in the Mt. Vernon Overlay. That's not to say that such establishments can't do business here, but they should be subject to a normal SUP process so that citizens can fully engage. Again, that's my initial view. I would also be interested in the DRBA's take on this question.

thanks,

Jim

## Small Business Zoning Text Amendments

### Text Amendment #2010-0001

Staff is recommending:

- New administrative SUP uses:
  - Valet parking
    - *Comment:* I would like to see the wording for the Valet parking ordinance. The current zoning ordinance is very specific to the King Street Overlay district.
    - *Comment:* If Valet parking is seen as way to alleviate the constrained parking in Del Ray, I would like to see specific wording developed for the Mount Vernon Overlay Area.
    - *Comment:* I would like to Staff's recommended text amendment
  - Outdoor dining
    - *Comment:* As long as parking requirements are met.
  - Massage establishment
    - *Comment:* I have no problem with this use being allowed in commercial zones by administrative SUP.
- Additional industrial zone uses
  - Personal service
  - Health and athletic club
  - Business and professional offices
  - Light assembly/craft
  - *Comment:* Industrial zone parking requirements would not be applicable to these uses. The parking requirements for these uses would need to be the same as in a commercial zone where there uses are currently permitted.
- Additional flex space uses in OCH
  - Light auto repair
  - Catering
  - *Comment:* No impact on Del Ray
- Cameron Station business relief
  - Additional uses permitted
  - Eliminate SUP or administrative SUP requirements
  - *Comment:* I'm not familiar with this area. I hope some of the Cameron Station residents provide comment on this amendment. Seems like Staff may be opening the area to strip mall-type development.
- Restaurants
  - Increase administrative restaurant seating to 100
    - *Comment:* There must have been a reason the threshold was set at 60 seats. I would ask Staff why the rational has changed. Simply changing the threshold

- because their workload has increased is not a valid reason to increase the seating requirement.
- Refine 'full service' requirement for administrative SUP
    - *Comment:* Could Staff look at the square footage as a measure of whether or not a food service business is 'full service' or 'walk-up service?' I would think a business with a limited footprint would not have wait staff or printed menus. Staff's recommended wording is open to interpretation. A square footage requirement is very easy to evaluate.
  - Add definitions for accessory restaurant and nightclub
    - *Comment:* I would like to suggest the term 'walk-up service' rather than 'accessory restaurant.' 'Accessory restaurant' is not a term used widely in the restaurant industry.
    - *Comment:* No issues with the nightclub definition.
  - Expansion of Minor Amendments
    - *Comment:* I'm not in favor of allowing Minor Amendments by Administrative SUP because they may allow changes hammered out during the SUP process. This could be a very slippery slope
      - Allow up to 20% expansion, with maximum threshold
      - Allow additional features, consistent with administrative SUP standards
    - Allow more than 1 Minor Amendment per SUP
      - *Comment:* No issues with allowing more than 1 Minor Amendment as long as the SUP process is used.
  - Bonus density for day care centers
    - *Comment:* As long as the day care centers have a valid license to operate, I do not see any issue with this amendment.
      - Up to maximum 10,000 s.f.
      - SUP required to change use in future
  - Administrative parking reduction for shared parking
    - Each use must have required parking for its hours of operation
      - *Comment:* If there is a parking plan in place that identifies the shared parking and who uses it when, I do not have an issue with this amendment. I would be concerned if there is not a mechanism by which the shared parking can be tracked. Seems like this amendment would require a Parking Study to be conducted for each area where shared parking was going to be allowed.
  - Text corrections
    - Parking for outdoor dining in NR and Mount Vernon Overlay Zone
      - *Comment:* What does this mean for Del Ray restaurants? Will they be able to automatically add 2 more seats to their outdoor seating areas? Or will they need to go through the Administrative SUP process?
    - *Comment:* I have no issues with the text corrections. I would caution Staff to verify and check each change to ensure there are no errors or omissions in the future.

- Day care and outdoor dining in NR zone
- Day care in KR zone
- Health Department review of overnight pet boarding

Small Business Zoning Text Amendment  
Text Amendment #2010-0001

- These changes recommended by Staff follow on to last year's Small Business Zoning Program changes.
- These changes fix/update things inadvertently left out, and add to the situations where an Administrative SUP can be done for a small business.
- P&Z points to stats showing success of the program in reducing burden, and highlights where things that were approved thru the SUP process could have been expedited if these fixes were in SBZP.

Staff is recommending:

New Administrative SUP uses:

- Allow valet parking elsewhere beyond King Street
  - *Probably no impact on Del Ray if a restaurant or establishment chooses to do it, because they would already have to have a place to put the cars*
  - *Unless valet parking allows business to park cars on side streets, in which case this could add to our parking concerns*
- Outdoor Dining
  - Use Administrative Process standards to determine whether to approve outdoor dining – *seating, parking would have to meet standards, I assume*
- Massage establishment
  - Allowed in most commercial zones – *is this a slippery slope or are we comfortable these days that massage establishments are credible, personal service places?*

Additional Industrial Zone Uses – *I see no impact here:*

- Personal Service
- Health and Athletic Club
- Business or Professional Offices
- Light Assembly/crafts

Additional Flex Spaces in OCH – *I see no impact here:*

- Light auto repair
- Catering

Cameron Station Business Relief – *I see no impact here:*

- This is designed to help businesses operate in those inconvenient, low traffic Cameron Station spaces

Restaurants

- Increase Administrative SUP seating to 100 – this change would increase the number of restaurants in the city that could be administratively approved by roughly 1/3<sup>rd</sup> – *is this*

*something we want to give over to Administrative process? For Del Ray, a 100-seat establishment is pretty big*

- Redefine full service to differentiate between fast food and non-full service restaurants that are desirable or low impact on the community, like coffee shops and ice cream shops – *I am okay with the concept because these businesses are so small, but when you consider the Avenue, do we want to make it easier for more brand businesses to come in, like a Starbucks or Dunkin Donuts? This change would make it easier vis a vis the small, one-off businesses with more character that give the Avenue its charm.*
- Add definitions for accessory restaurant and nightclub – *okay with both; nightclub definition will aid in enforcement*

#### Expansion of Minor Amendments

- Allow up to 20% expansion, with maximum threshold – *parking and building code requirements still apply*
- Allow additional features, consistent with SUP standards – *this allows both businesses that underwent Full SUP process and Administrative SUP process to qualify for administrative SUP changes, which worries me if the SULL SUP hammered out requirements that the neighborhood wanted that now can be changed if they are allowed administratively for other businesses (if I am interpreting this section correctly, so maybe the question can be asked).*
- Allow more than 1 Minor Amendment per SUP – *like above, this somehow seems fishy to me, allowing a business to essentially modify itself up to the limits of the Administrative SUP process as it wants. On the other hand, it enables a business more flexibility in capitalizing on growth if things are going well.*

#### FAR Bonus for Day Care Center – *I am biased, support day care facilities anywhere ☺*

- Allow 10,000 sq feet bonus space in new buildings if used for day care/early childhood education
- Must always be day care space unless SUP requested for alternate but similar uses

#### Administrative Parking Reduction for Shared Parking

- If businesses can demonstrate adequate parking for all uses claiming the shared space, parking reduction could be processed administratively – *we see this working effectively in Del Ray*

#### Text Corrections

- Parking for outdoor dining in NZ and Mt. Vernon overlay – *change Del Ray and Arlandria to allow 20 seats without parking to match the Administrative SUP regulations – do we want to change ours, or have the Administrative change to 16? Or do we want to clarify that Del Ray should remain at 16?*
- Day care and outdoor dining in NR – correcting these as approved uses
- Day care in KR -- correcting this as approved use
- Use limitations in NR – were inadvertently omitted, add back in
- Health Department review of overnight pet boarding – delete, as HDept not doing this anymore



**Re: Small Business Zoning**

Barbara Ross to: Kevin Beekman

04/28/2010 04:02 PM

Amy Slack and David Fromm,  
"City\_Council.ALEX@alexandriava.gov",  
"donna.fossum@verizon.net", "erwagner@comcast.net",  
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"komorosj@nasd.com", Amy Slack, "Mark.Jinks@alexandriava.gov",  
"Mary.Christesen@alexandriava.gov",  
"Nathan.Randall@alexandriava.gov", City Council

Kevin:

My memory is that the difference in hours for Mount Vernon and Arlandria in the administrative SUP regulations came about because those neighborhoods asked for it and Council approved it, and that it was not the original recommendation by the staff.

As to Parker Gray, I am not certain what cases you refer to. If it is the Chinese restaurant in the Monarch apartment building, in the original case the applicant requested a closing time of midnight, the neighborhood requested that it be restricted to an earlier time, 10:00 during the week and 11 on the weekend. Staff supported the applicant's proposal but Council approved what the neighborhood requested. Last year, the same applicant asked for on premise alcohol. The neighborhood supported it if alcohol service ended every day at 10pm. That is what was approved. There was no request for off premise alcohol sales.

Generally staff thinks that there is some rationale for distinguishing among neighborhoods, at least for certain aspects of uses. Typically, as to hours for restaurants, staff attempts to understand what other restaurants' hours in the neighborhood are and, where there has been a standard established in the neighborhood, to support that. In Parker Gray, or West Old Town, there are few restaurants and it is difficult to find a neighborhood "standard." Staff's effort is to be reasonable to the business, respectful of the neighborhood concerns and fair and consistent in light of other approvals in the area.

Barbara

From: Kevin Beekman <kbeekman@gmail.com>

To: "Barbara.Ross@alexandriava.gov" <Barbara.Ross@alexandriava.gov>

Cc: Amy Slack and David Fromm <alsdmf@earthlink.com>, "City\_Council.ALEX@alexandriava.gov" <City\_Council.ALEX@alexandriava.gov>, "donna.fossum@verizon.net" <donna.fossum@verizon.net>, "erwagner@comcast.net" <erwagner@comcast.net>, "Faroll.Hamer@alexandriava.gov" <Faroll.Hamer@alexandriava.gov>, Sarah Haut <hauts@yahoo.com>, "hsdunn@ipbtax.com" <hsdunn@ipbtax.com>, "Jim.Hartmann@alexandriava.gov" <Jim.Hartmann@alexandriava.gov>, "jlr@cpma.com" <jlr@cpma.com>, "john.komoroske@nasd.com" <john.komoroske@nasd.com>, "jssjennings@aol.com" <jssjennings@aol.com>, "Kendra.Jacobs@alexandriava.gov" <Kendra.Jacobs@alexandriava.gov>, "komorosj@nasd.com" <komorosj@nasd.com>, Amy Slack <landuse@delraycitizen.net>, "Mark.Jinks@alexandriava.gov" <Mark.Jinks@alexandriava.gov>, "Mary.Christesen@alexandriava.gov" <Mary.Christesen@alexandriava.gov>, "Nathan.Randall@alexandriava.gov" <Nathan.Randall@alexandriava.gov>

Date: 04/28/2010 03:10 PM

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