



Special Use Permit #2015-0020
107 North Fairfax Street – Dolci Gelati

Application	General Data	
Public hearing and consideration of a request to operate a restaurant.	Planning Commission Hearing:	May 5, 2015
	City Council Hearing:	May 16, 2015
Address: 107 North Fairfax Street	Zone:	CD/Commercial Downtown
Applicant: Eric A. Roper	Small Area Plan:	Old Town

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

Staff Reviewers: Ann Horowitz, ann.horowitz@alexandriava.gov

CITY COUNCIL ACTION, MAY 16, 2015: City Council approved the Planning Commission recommendation.

PLANNING COMMISSION ACTION, MAY 5, 2015: By unanimous consent, the Planning Commission recommended approval of Special Use Permit #2015-0020 subject to compliance with applicable codes, ordinances, and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



SUP #2015-0020
107 North Fairfax Street



I. DISCUSSION

The applicant, Eric A. Roper, requests Special Use Permit approval to operate a restaurant in the first floor tenant space at 107 North Fairfax Street.

SITE DESCRIPTION

The subject property represents one lot of record at 107 North Fairfax Street. The site has 28 feet of lot frontage, 75 feet of depth, and a total lot area of 2,028 square feet. The lot contains a three story brick rowhouse with a vacancy on the first floor, a fine arts gallery on the second floor, and a residence on the third floor.

A mix of civic and commercial uses surrounds the building, which is near the corner of King Street and North Fairfax Street. The Ramsay House Visitors Center and the Carlyle House are sited on the same block and City Hall and Market Square are located across the street. Surrounding commercial businesses include an art gallery and bank offices.

BACKGROUND

The building at 107 North Fairfax was constructed by Bernard Bryan in 1795. Most recently, a retail candy store occupied the first floor tenant space between 2007 and 2015. The Christmas Attic retail establishment had operated in this space from 1995 to 2007.



PROPOSAL

The applicant proposes to operate an 11-seat restaurant to be known as Dolci Gelati in the 1,050 square foot tenant space on the first floor of 107 North Fairfax Street. Dolci Gelati also operates at two locations in Maryland and Washington, DC. The restaurant would serve gelato, shaved ice granitas, pastries, coffee, and bottled drinks. The gelato and pastries would be manufactured offsite and delivered to the Alexandria location up to four times a week.

Additional elements of the restaurant proposal are:

<u>Hours of Operation:</u>	7 a.m. to 10 p.m., daily
<u>Number of seats:</u>	11
<u>Type of Service:</u>	Counter service
<u>Kitchen Equipment:</u>	Coffee makers
<u>Alcohol:</u>	No alcohol sales

<u>Live Entertainment:</u>	Live entertainment is not proposed
<u>Delivery:</u>	No delivery service will be offered
<u>Noise:</u>	Typical restaurant noises expected.
<u>Trash/Litter:</u>	Paper cups, plastic spoons, napkins, and packaging would be collected from the premises 4 days a week. On-premises trash receptacles would be available for customer litter.

PARKING

The subject property is located within the Central Business District (CBD). Pursuant to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are exempt from parking requirements

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CD/Commercial Downtown Zone. Section 4-503(w) of the Zoning Ordinance allows a restaurant in the CD zone only with a special use permit.

The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan, which designates the property for commercial use.

II. STAFF ANALYSIS

Staff supports the applicant's proposal to operate a restaurant at 107 North Fairfax Street. The location of the dessert-oriented establishment near historical sites and the City's civic center would provide a quick service restaurant option for tourists as well as residents. Noise and odors are not anticipated to cause impacts since the residential apartment is located on the third floor of the building. Otherwise, commercial properties surround the proposed site. In addition, the characteristics of the proposed use comply with the Old Town Restaurant Policy, which requires further study of the restaurant's potential impacts on the surrounding neighborhood regarding parking, alcohol, late night hours, and diversification of business types.

Parking

Although the potential for parking impacts exists, the restaurant location is convenient to several methods of public transportation. The King Street Trolley and DASH and Metro buses regularly stop in close proximity to the restaurant. These public transportation options and the Capital Bikeshare, located across the street at Market Square, provide convenient connections to the King Street Metro. In addition, the Market Square public parking garage is located directly across North Fairfax Street from the proposed restaurant, limiting parking impacts on surrounding neighborhoods. The applicant is required to inform its customers of Old Town area public parking garage locations and public transportation options in Condition 14 and to ensure that employees park off-street or use public transportation as stated in Condition 15.

Litter

Although the nature of the restaurant could possibly result in litter, the applicant would provide trash receptacles within the restaurant space and at the exit to mitigate impacts. Additionally, the applicant is required to regularly pick-up of litter three times a day as specified in Condition 16.

Alcohol and Late Night Hours

The proposed restaurant would not serve alcohol and the closing hour would be consistent with nearby restaurants on the 100 and 200 blocks of King Street.

Diversity of Uses

Although the proposed restaurant would replace a retail candy store, staff does not believe the transition would significantly impact the retail balance since both operations sell confectionary products. As a practical matter, the proposed restaurant use could likely result in a more vibrant and active use of the space.

Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

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

1. This special use permit shall be granted to the applicant only or to a corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation shall be limited to between 7 a.m. and 10 p.m., daily. Orders placed before 10 p.m. may be served, but no new patrons may be admitted and all patrons must leave by 11 p.m. (P&Z)
3. The maximum number of indoor seats shall be 11. (P&Z)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. No delivery of food to customers may operate from the restaurant. (P&Z)
6. 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 on how to prevent underage sales of alcohol to prevent the underage sale of alcohol. (P&Z)
7. No food, beverages, or other material shall be stored outside. (P&Z)
8. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
9. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any

- cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
10. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
 11. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
 12. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
 13. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
 14. 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. (T&ES)
 15. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
 16. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
 17. The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Alex Dambach, Land Use Division Chief, Planning and Zoning;

Ann Horowitz, Urban Planner

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

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-3 All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-6 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- R-7 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. (T&ES)
- R-8 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

Code Enforcement:

- F-1 The following comments are for SUP. Once the applicant has filed for a building permit and additional information has been provided, code requirements will be based upon that information and the building permit plans. If there are any questions, the applicant may contact Charles Cooper, Plan Review division at Charles.cooper@alexandriava.gov or 703-746-4197.
- C-1 A code plan review, building, trade permits and inspections are required for this project.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Accessible features proposed shall be designed and constructed to be accessible in accordance with this code and ICC A117.1.
- C-4 Proposed plan shall have exit, exit access and exit discharge locations identified on plan.

Fire Department:

No comments or concerns.

Health:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.]
- C-4 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.

- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Parks and Recreation:

No comments received

Police Department:

No comments received