

DATE: January 30, 2022

TO: Tony LaColla, Division Chief, Land Use Services
Department of Planning and Zoning

FROM: Patrick Silva, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2022-00110
Administrative Review for a Minor Amendment
Site Use: Restaurant
Applicant: Noe Landini, Landini Brothers Restaurant
Location: 113, 115, and 117 King Street
Zone: KR / King Street Urban Retail

Request

Special Use Permit #2022-00110 is a request for a Minor Amendment to amend approved Special Use Permit #2009-00020 to expand the existing Landini Brother's Restaurant into the 1st floor commercial tenant space of the property located at 113 King Street. The 2,267 square foot commercial tenant space will be converted to additional dining area for the restaurant with 58 additional seats proposed to be added, amending the total indoor seating volume from 467 to 525 seats. An additional point of access for the existing member's-only club (CXIIREX) located on the second and third floors of 115 and 117 King Street would also be added to the tenant space. No other changes are proposed.

Background

A restaurant has existed on the first floor of 115 King Street since at least 1976. Landini Brother's Restaurant has been located at the subject site since 1979. On December 6, 1983, City Council approved Special Use Permit #1633 for the expansion of the existing, originally grandfathered Landini Brother's Restaurant onto the second floor of 115 King Street. On December 18, 1999, City Council granted Special Use Permit #99-0114 for the expansion of the restaurant into the first floor of 117 King Street. In May 2002, City Council granted Special Use Permit #2002-0004 for the expansion of the existing restaurant onto the second floor of 117 King Street. Most recently, in June 2009, City Council approved Special Use Permit #2009-00020 to allow the restaurant to expand into the third floor of 115 King Street and the second and third floors of 117 King Street, for purposes of establishing a members-only club in the expanded area, as well as to increase the business's hours of operation.

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 ordinary parking requirements.

Community Outreach

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. In addition, the Old Town Civic Association was sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses regarding the request.

Staff Action

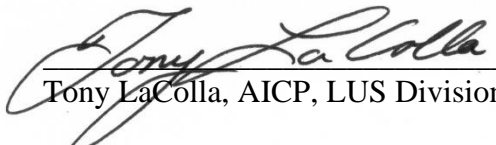
Staff does not object to the expansion of the restaurant into an adjacent tenant space as it would provide a desirable commercial amenity in an area where many other restaurants operate with little to no issues. In addition, staff has noted no issues or violations of the business’s Special Use Permit conditions during the time the restaurant has been in operation.

Special Use Permit conditions have been carried forward from the most recent Special Use Permit. However, a number of conditions have been added or amended in order to bring the Special Use Permit into compliance with the current standard conditions for restaurants. This includes amendments to Conditions #2, #6, #8, #10, #11, #12, #17, #20, #21, and #25. In addition, this also includes new Conditions #32, #33, #34, #35, #36, #37, #38, #39, and #40. Finally, a number of outdated conditions have also been deleted. This includes Condition #4, regarding permitted hours of operation, Condition #19, regarding the requirement for the applicant to conduct a security survey, Condition #22, which has been replaced by new Conditions #38 and #39, Condition #23, which has been replaced by new Conditions #38 and #39, and Condition #31, regarding a requirement to provide the Health Department with a list of the business’s menu items.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: January 30, 2023
Action: Approved


Tony LaColla, AICP, LUS Division Chief

- Attachments: 1) Special Use Permit Conditions
2) Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT # 2022-00110

The owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP99-00114)
2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats at the restaurant shall comply with the state building code be 267 on the first and second floors of 115 and 117 King Street. The maximum number of indoor seats on the second and third floors of 113 King, and the third floor of 115 King Street, shall be 200. The total maximum number of indoor seats at the restaurant shall be 467. (P&Z) (SUP2009-00020)
3. Outdoor seating may be provided on the premises subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program. (P&Z) (SUP2009-00020)
4. **CONDITION DELETED BY STAFF:** ~~The hours during which the restaurant on the first and second floors of 115 and 117 King Street is open to the public shall be restricted to between 11:00 a.m. and 12:30 a.m. daily. The restaurant facility on the second and third floors of 113 King, and the third floor of 115 King Street may be open between 11:00 a.m. and 1:00 a.m. (P&Z)~~
5. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP99-00114)
6. **CONDITION AMENDED BY STAFF:** ~~On and -site alcohol service be permitted; no off-premises alcohol sales are permitted in compliance with Virginia ABC requirements.~~ (P&Z) (SUP-99-00114)
7. Condition deleted. (SUP99-00114) (City Council)
8. **CONDITION AMENDED BY STAFF:** ~~No dDelivery service shall be vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use.~~ (P&Z) (SUP99-00114)
9. Condition deleted. (SUP99-00114) (City Council)
10. **CONDITION AMENDED BY STAFF:** Indoor, limited live entertainment may be offered and must comply with the City's noise ordinance. 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., such as an acoustical guitarist or pianist, is permitted and music or amplified sound shall not be audible at the property line. (City Council) (SUP99-00114)

11. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (~~SUP99-00114~~)
12. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be stored inside or placed in sealed containers which do not allow odors to escape, ~~and shall be stored inside or in a closed container which does not allow invasion by animals, or leaking.~~ No trash and debris shall be allowed to accumulate on site outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (~~SUP99-00114~~)
13. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (~~SUP99-00114~~)
14. Condition deleted. (P&Z) (~~SUP2009-00020~~)
15. Condition deleted. (P&Z) (~~SUP2009-00020~~)
16. Condition satisfied. (P&Z) (~~SUP2009-00020~~)
17. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (~~SUP99-00114~~)
18. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (~~SUP99-00114~~)
19. **CONDITION DELETED BY STAFF:** ~~The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for all employees. (Police)~~
20. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after the expanded restaurant is operational 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) (SUP2009-00020)

21. **CONDITION AMENDED BY STAFF:** ~~Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and a~~All patrons must leave the premises by one hour after the closing hour. (P&Z) (SUP2002-00004)
22. **CONDITION DELETED AND REPLACED WITH CONDITION #39:** ~~The applicant shall maintain a parking arrangement with area garages, by which the regular parking price at those garages is discounted by at least \$1 for customers. The applicant shall post information regarding the availability of parking at those garages for patrons at the restaurant and shall include such notice in any advertising. At such time as a revised parking policy for businesses in Old Town is adopted by City Council, this condition may be modified or superseded by such policy. (P&Z) (T&ES) (City Council) (SUP2009-00020)~~
23. **CONDITION DELETED AND REPLACED WITH CONDITION #39:** ~~Prior to a banquet or special event, or with regard to its club members, the applicant shall provide guests and members with information regarding the location, hours and fees at area parking garages. (P&Z)(T&ES) (SUP2009-00020)~~
24. The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy. (P&Z)(T&ES) (SUP2009-00020)
25. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking, ~~and 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) (SUP2009-00020)~~
26. 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. (P&Z) (SUP2009-00020)
27. All loudspeakers shall be prohibited from the exterior of the building. (T&ES) (SUP2009-00020)
28. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2009-00020)
29. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES) (SUP2009-00020)

30. Condition deleted. (City Council) (SUP2009-00020)
31. **CONDITION DELETED BY STAFF:** ~~Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP2009-00020)~~
32. **CONDITION ADDED BY STAFF:** All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
33. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
34. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
35. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (P&Z)
36. **CONDITION ADDED BY STAFF:** 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)
37. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. Contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
38. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
39. **CONDITION ADDED BY STAFF:** The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. The applicant shall maintain a parking arrangement with area garages, by which regular parking prices at those garages is discounted by at least \$1 for customers. (T&ES)

40. **CONDITION ADDED BY STAFF:** The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (T&ES)

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.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-2 The applicant shall encourage its employees to use public transportation to travel to and from work. Contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-3 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
- R-4 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. The applicant shall maintain a parking arrangement with area garages, by which regular parking prices at those garages is discounted by at least \$1 for customers. (T&ES)
- R-5 The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (T&ES)
- R-6 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-7 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)

Code Enforcement:

- C-1 Building permit is required for review.

Health Department:

No comments received.

Parks and Recreation:

No comments or concerns

Police Department:

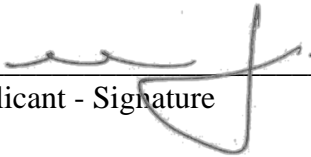
No comments received.

Fire:

No comments or concerns

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-00110. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 113, 115, and 117 King Street.



Applicant - Signature

01/28/2023
Date

Noe Landini

Applicant – Printed

01/28/2023
Date