

DATE: August 10, 2022

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

FROM: Michael Swidrak, Urban Planner III  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2022-00057  
Administrative Review for Minor Amendment  
Site Use: hotel  
Applicant: J. River 699 Prince Street, LLC  
Location: 699 Prince Street  
Zone: CD / Commercial Downtown

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### **Request**

Special Use Permit #2022-00057 is a minor amendment to SUP#2018-00064 to request an increase to the height of a mechanical penthouse from 15 feet to 16 feet. The subject building is located at 699 Prince Street and is in the process of conversion from a vacant office building into a hotel building. The hotel (SUP#2018-00064) was approved concurrently with DSUP#2018-00003 in October 2018 for the construction of a new hotel building on the adjacent 114 South Washington Street parcel. The two buildings will be jointly managed as the Heron Hotel following construction (at 114 South Washington Street) and rehabilitation (at 699 Prince Street) activities.

The Zoning Ordinance (Section 6-403) permits mechanical penthouses up to 15 feet, unless increased by special use permit. The applicant provided drawings with SUP#2018-00064 and the Board of Architectural Review (BAR) certificate of appropriateness applications that showed mechanical penthouses under 15 feet in height. The applicant is requesting the additional foot of height for a mechanical penthouse containing an elevator due to manufacturer specifications on installation and additional height needed above the top of the elevator overrun. Section 11-511(A)(2) of the Zoning Ordinance permits a minor amendment to an approved special use permit for “a minimal enlargement or extension” if 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.”

### **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 were sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses.

### **Staff Action**

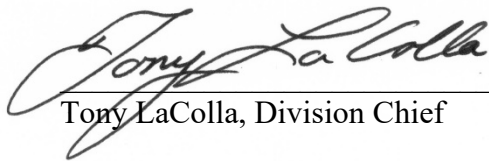
Staff does not object to the minor amendment request. Staff agrees that the request meets the requirements of Section 11-512 for minor amendments to approved special use permits.

The increase of up to one foot in height for the mechanical penthouse will have a *di minimis* visual impact as viewed from adjacent streets or properties. The penthouse will have a brick veneer that matches the building and will be setback over 20 feet from the building face on the Prince Street and South Washington Street rights-of-way.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: 8/10/22

Action: Approve

 ADH  
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Tony LaColla, Division Chief

- Attachments: A) Special Use Permit Conditions  
B) City Department Code Comments  
C) Statement of Consent

**A. CONDITIONS OF SPECIAL USE PERMIT # 2022-00057<sup>1</sup>**

The applicant 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 building at 699 Prince Street (Phase I) shall incorporate green building measures such that the rehabilitation meets the standards for LEED Silver or Equivalent certification. If third-party certification is not pursued, the applicant shall prepare a report, signed by a certified green building professional, verifying that the building was rehabilitated to the LEED Silver or Equivalent standard. The report can utilize the LEED Silver or an Equivalent checklist to demonstrate compliance. This report shall be submitted prior to issuance of the certificate of occupancy for that phase, to the satisfaction of the Directors of P&Z and T&ES. (P&Z)(T&ES)\*\*\*
2. The hours of operation for the indoor and rooftop restaurant shall be limited to between 6:00 a.m. and 2:00 a.m. daily. For indoor seating, meals ordered before 2:00 a.m. may be served, but no new patrons shall be admitted, and no alcoholic beverages shall be served, and all patrons must leave by 3:00 a.m. The rooftop restaurant shall be closed and cleared of all customers by the end of the hours of operation. (P&Z)
2. The maximum number of patrons allowed for the ground-floor restaurant is 130 and for the rooftop restaurant is 150. (P&Z)
3. Limited live entertainment shall be permitted in the ground-floor restaurant. (P&Z)(T&ES)
4. On and off-premises alcohol sales are permitted subject to applicable Virginia ABC licenses. (P&Z)
5. 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)
6. 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)

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<sup>1</sup> The Conditions and City Code Requirements have carried over from the SUP#2018-00064 approval and no amendments have been proposed.

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)
8. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (T&ES)
9. All loading shall occur off-street, utilizing the 114 S. Washington Street building's loading dock. Loading schedules shall be coordinated to facilitate off-street loading and minimize idling by waiting vehicles. The trash room door shall be closed except during loading and unloading and the loading area shall be kept clean.
  - a. Temporary loading activities are allowed on Prince Street for Phase I while Phase II is under construction. (P&Z)
10. Outdoor games must be subordinate to the rooftop restaurant use of 699 Prince Street. (P&Z)
11. The use must comply with the city's noise ordinance. No amplified sounds shall be audible at the property line after 9:00 p.m. (T&ES)
12. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
13. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
14. If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung) when not receiving used oil. The drum shall be placed on secondary containment and situated under cover to prevent rainwater from falling on it. (T&ES)
15. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z)(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 after it has been operational for six (6) months, 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)

## **B CITY DEPARTMENT CODE COMMENTS**

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 SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES)
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)
3. Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

## **Health Department Comments**

### Food Facilities

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.
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- fee must be paid separate from any other departmental fees.
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.

4. A Food Protection Manager shall be on-duty during all operating hours.
5. The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
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.
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.

#### Hotel/Motels

8. 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.
9. Construction plans shall be submitted to the Health Department located at 4480 King Street and the Multi-Agency Permit Center. Construction plans shall be submitted and approved by the Health Department prior to construction. There is a \$40.00 plan review fee payable to the Alexandria Health Department.
10. Construction plans shall comply with State Code 35.1, Hotels, Restaurants, Summer Camps and Campgrounds. Construction plans shall include equipment specification sheets including hot water information.

#### Aquatic Facilities

11. An Alexandria Health Department Permit is required for each regulated facility, including swimming pools, wading pools, spas, waterparks, interactive water features and water activity pools. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Electrical inspection, Permit Application and Fee are required.
12. Construction plans and Fee 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 plan review fee per body of water payable to the City of Alexandria.
13. Construction plans shall comply with Alexandria City Code, Title 11, Chapter 11, The Aquatic Health Ordinance. Pump curves, hydraulic calculations, equipment specifications, site plans, and piping plans shall be submitted.

14. The filter room shall be located so that the pool operator does not have to leave the pool enclosure, it opens onto pool deck, and so pool operator has a full line of sight when inside room.
15. The bathhouse shall be located to open onto the pool deck with patrons being required to enter and pass through bathhouse prior to accessing pool.
16. A direct dial, hard-wired telephone shall be provided within the swimming pool area.
17. All regulated aquatic facilities shall have a pool operator on-duty. Pool operators must be on-site during all operating hours except for spas and interactive water features. At least one certified lifeguard shall be on-duty during all operating hours for aquatic facilities with the exception of spas and interactive water features. Additional lifeguards may be required due to the configuration of the facility and/or use of the facility.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-00057.

*Chris Mansuy*

8/16/22

Applicant - Signature

Date

Chris Mansuy

8/16/22

Applicant – Printed

Date