

DATE: August 10, 2023

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 #2023-00059  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: Daniel Wharam  
Location: 207 King Street  
Zone: KR / King Street Urban Retail

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### **Request**

Special Use Permit #2023-00059 is a request to change ownership of an existing restaurant from Sonoma Cellar, LLC to Daniel Wharam. The applicant will continue to operate the business as Sonoma Cellar and will continue to operate as a restaurant and bar, with a focus on wine. The hours of operation will not change from the current hours of 10 a.m. to 11 p.m., daily. The applicant proposes to maintain the existing restaurant floor plan of approximately 2,772 square feet with 74 indoor seats between the ground and second floors and 22 outdoor seats located on their rear patio. No live entertainment or applicant-operated delivery services are proposed.

### **Background**

The subject site is an approximately 2,722 square foot building constructed in the early 19th century by William Bartleman, an early Alexandria settler. Prior to having been occupied by the current business, a bakery and then the Winterthur Museum Shop occupied the tenant space for many years. In October 2014, City Council first approved Special Use Permit #2014-00077 for the operation of restaurant with outdoor dining at the rear of the property. Most recently, in December 2018, staff administratively approved Special Use Permit #2018-00113 for a minor amendment to expand 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.

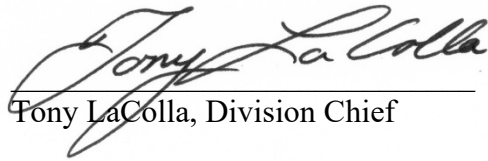
**Staff Action**

Staff does not object to the Change of Ownership request as the subject restaurant has operated successfully at this location for many years with little to no negative impacts on the surrounding neighborhood. Special Use Permit conditions are carried over from Special Use Permit #2018-00113. However, several conditions have been amended to reflect the current standard conditions for a restaurant with outdoor dining on private property. This includes amendments to Conditions #2, #3, #4, #8, #9, #11, #21, and #22 as well as new conditions #29 and #30.

Staff hereby approves the Special Use Permit request.

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

Date: August 10, 2023  
Action: Approved



Tony LaColla, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT #2023-00059**

The new 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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP2014-0077)
2. **CONDITION AMENDED BY STAFF:** ~~The indoor and outdoor hours of operation shall be limited to between 10 a.m. and 11 p.m. each day. Meals ordered before 11 p.m. may be served, but no new patrons may be admitted, and no new alcohol may be served and a~~ All patrons must leave the premises one hour after the closing hour by 12 p.m. The outdoor dining area shall be cleared of customers each day by 11 p.m. (P&Z) (SUP2018-00113)
3. **CONDITION AMENDED BY STAFF:** ~~The maximum number of indoor seats at on the first floor of the restaurant shall comply with the state building code. be 32. The maximum number of seats on the second floor of the restaurant shall be 42.~~ (P&Z) (SUP2014-0077)
4. **CONDITION AMENDED BY STAFF:** The applicant may provide seating for up to 26 outdoor seats in the rear patio area. Any outdoor seating areas, including umbrellas, shall not include advertising signage. The outdoor dining area shall be cleaned and washed at the close of each business day that it is in use. (P&Z) (SUP2014-0077)
5. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP 2014-0077)
6. Condition deleted.
7. **CONDITION DELETED BY STAFF:** ~~The design of the outdoor dining area at the rear patio and all its components must comply with the King Street Outdoor Dining guidelines or have separate BAR approval. The applicant shall submit illustrations and specifications to the Director of Planning & Zoning or, if required, the Board of Architectural Review, for review and approval.~~ (P&Z) (SUP2014-0077)
8. **CONDITION AMENDED BY STAFF:** ~~Indoor limited,~~ live entertainment may be offered and must comply with the City's noise ordinance shall be permitted in the form of background music for restaurant patrons. No cover or admission fee shall be charged may be assessed. 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. In addition, outdoor live entertainment shall be in the form of acoustic music only, with no amplification, and shall end no later than 9 p.m. daily. (P&Z) (SUP2014-0077)

9. **CONDITION AMENDED BY STAFF:** On and off-premises alcohol sales ~~may be~~ are permitted in compliance with Virginia ABC requirements. at the restaurant. Beer or wine coolers may be sold only in 4 packs, 6 packs, or bottles of more than 40 fluid ounces. Wine may be sold in bottles of at least 375 ml. Fortified wines (or wine with an alcohol content of 16.5% or more by volume) may not be sold unless in the form of dessert wines, premium ports, sherries, madeiras, and similar wines. (P&Z) (SUP2014-0077)
10. 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) (SUP2014-0077)
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) (SUP2014-0077)
12. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or 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 lids and repairing/replacing damaged dumpsters. (P&Z) (SUP2018-00113)
13. Condition deleted.
14. 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) (SUP2014-0077)
15. 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) (SUP2014-0077)
16. 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) (SUP2014-0077)
17. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2014-0077)

18. The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z) (T&ES) (SUP2014-0077)
19. The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP2018-00113)
20. 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) (SUP2014-0077)
21. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP2018-00113)
22. **CONDITION AMENDED BY STAFF:** ~~Food~~ Delivery vehicles operated and managed by the applicant ~~shall not be~~ are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z) (SUP2018-00113)
23. 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) (SUP2018-00113)
24. 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) (SUP2018-00113)
25. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefit program (P&Z) (SUP2018-00113)

26. 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](mailto:goalex@alexandriava.gov) for more information about available resources. (P&Z) (SUP2018-00113)
27. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (P&Z) (SUP2018-00113)
28. 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. (P&Z) (SUP2018-00113)
29. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
30. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00059. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 207 King Street.

*Daniel W Wharam*

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Applicant - Signature

August 15, 2023

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Date

DANIEL WHARAM

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Applicant – Printed

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Date