

DATE: March 31, 2025
Revised: April 11, 2025

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

FROM: Lanning Blaser, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2025-00011
Administrative Review for New Use
Site Use: Outdoor Dining
Applicant: Sorakrit Poolchauly
Location: 6 King Street
Zone: KR / King Street Retail

Request

Special Use Permit #2025-00011 is a new use request to add 44 seats of outdoor dining at the Mai Thai restaurant located at 6 King Street. The applicant, Sorakrit Poolchauly, is proposing 44 outdoor dining seats located at the rear of the site in a City-owned parking lot facing the waterfront (Figure 1). The applicant received City Council approval for a lease until January 16, 2026 to operate outdoor dining at this location. The proposed area is to be separated by a barrier and planters. Mai Thai is a grandfathered restaurant, and this Special Use permit request only applies to the outdoor dining in the parking lot facing Strand Street. Outdoor dining currently exists in the public right of way along King Street and through a T&ES right of way encroachment permit for outdoor dining, which is separate from this SUP request.

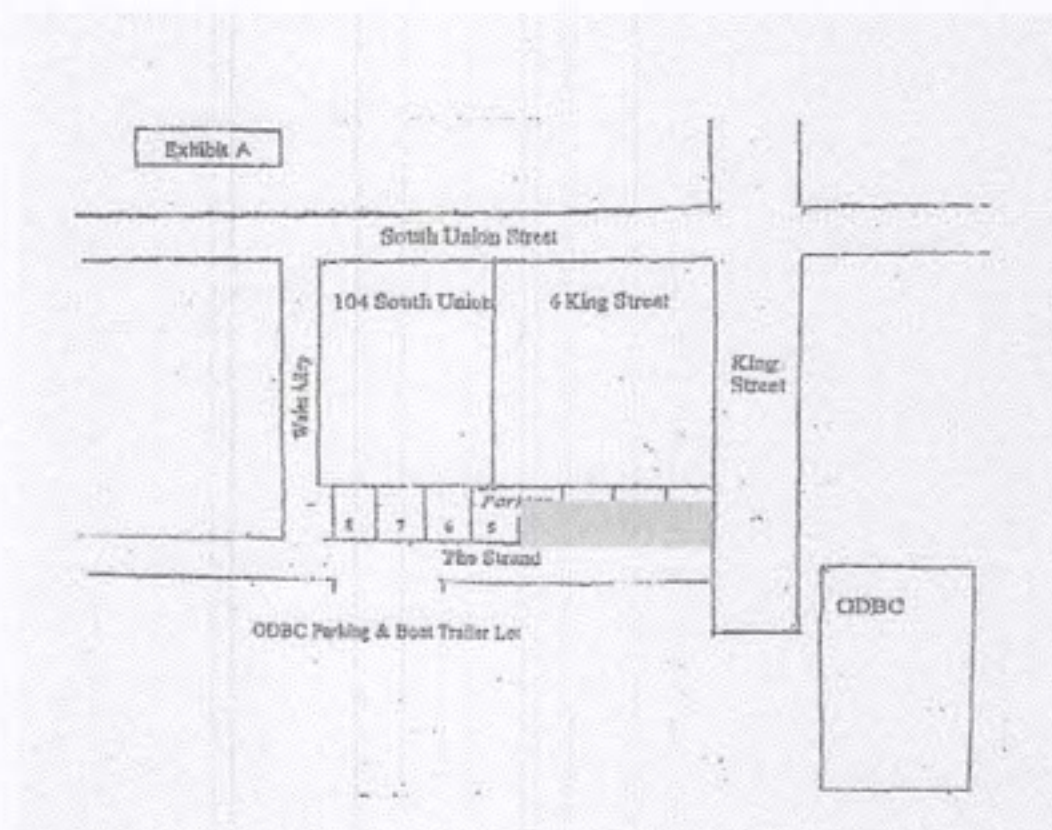


Figure 1: Proposed outdoor dining area noted in yellow

Parking

Section 8-300(B) of the zoning ordinance does not require parking for outdoor dining located within the Central Business District. However, the applicant provides five parking spaces off site, located at the nearby 102 N. Union Street Parking Garage.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. Notice was also sent via email to the Old Town Civic Association. The President of the Old Town Civic Association asked if this was an expansion of the outdoor dining area and staff explained this request is an expansion to add outdoor dining at the Strand Street parking lot facing the waterfront area in addition to the existing outdoor dining along King Street, approved through the T&ES permit. During the Covid-19 emergency, this restaurant had outdoor dining in the parking lot under a temporary city program, which has since expired.

Staff Action

Although the applicant proposed 44 outdoor seats, upon review, staff determined that the maximum number of total outdoor seats that would be allowed is 29 based on the Code occupancy load. During a meeting with the applicant, he agreed to have eight seats on the King Street side and 21 in the Strand Street parking lot.

Staff supports the applicant's request to add outdoor dining at the parking lot location consistent with conditions and they are outlined below. Staff has added standard outdoor dining conditions #5 and #7 to address outdoor dining hours and the maximum number of seats allowed at King Street and Strand Street. Condition #4 is added by staff to address the lease acquired through City Council approval for the parking lot use that will expire on January 16, 2025. The lease expiration on January 16, 2025 does not affect the separate T&ES King Street outdoor dining permit.

Staff hereby approves the Special Use Permit request subject to the conditions below.

4/11/2025 - Revised: Upon receiving the Staff Report for signature, the applicant requested a minor change to the seating orientation. The applicant has requested no seating on King Street, and the 29 outdoor seats will be located on Strand Street. This is different than the originally proposed eight King Street outdoor seats and 21 Strand Street outdoor seats. This is consistent with the total number of outdoor seats. Condition #7 has been revised to show this change.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 3/31/2025
Revision: 4/11/2025
Action: Approve



Tony LaColla, Land Use Services Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2025-00011

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 corporation in which the applicant has a controlling interest. (P&Z)
2. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z)
3. 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. (P&Z)
4. Allowance for outdoor dining in the Strand Street parking lot expires on January 16, 2026, coinciding with the City Council approved lease³¹(P&Z)
5. The closing hour for outdoor dining shall be 11 p.m. All patrons must leave the premises by 11 p.m. (P&Z)
6. The outdoor dining areas shall be cleaned and washed at the close of each business day that they are in use. (P&Z)
7. The maximum number of outdoor dining seats shall be 24~~9~~ in the Strand Street parking lot ~~and zero dining seats shall be sited along King Street.~~ (P&Z) (Code)
8. Live entertainment is not permitted in the outdoor seating area. (P&Z) (T&ES)
9. Outdoor seating areas shall not include signage on outdoor dining furniture or enclosures, including on umbrellas. (P&Z)
10. On and off-premises alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z)
11. 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)
12. All loudspeakers shall be prohibited from the exterior of the building. (T&ES)
13. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
14. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)

15. 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. (T&ES)
16. 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 Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (T&ES)
17. 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)
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)
19. 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)
20. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
21. The applicant shall require its employees who drive to use off-street parking. (T&ES)
22. 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 for information on establishing an employee transportation benefits program. (T&ES)
23. 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)
24. 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. (T&ES)
25. 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)

26. 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)
27. The Director of Planning and Zoning shall review the special use permit(s) one year after the use is operational, and then again every three years for compliance with all conditions, and may docket the matter for consideration by the Planning Commission and City Council if 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; or the director has determined that new or revised conditions are needed to offset land use impacts not addressed in the City Code. (P&Z)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

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 SUP 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)

C-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)

R-1. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)

R-2. Exterior power washing of the building or trailer shall not be completed using any kind of detergents. (T&ES)

R-3. 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-4. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)

R-5. 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. (T&ES)

R-6. 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)

R-7. 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)

R-8. 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)

R-9. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

Code Enforcement:

F-1. It is unclear how many occupants are accounted for and whether the existing plumbing facilities can accommodate them. Some files could not be opened. Please ensure that the existing plumbing facilities can serve all occupants, including both current and new customers and employees, both inside and outside. According to VCC Chapter 29, Table 403.1 (Minimum Number of Required Plumbing Fixtures), at least one water closet is required for every 75 occupants.

Health Department:

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 4850 Mark Center Drive 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.

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.

C-8 Starting on 1/1/2023, The Virginia Department of Agriculture and Consumer Services (VDACS) is the point of contact for the following type of establishments: grocery stores, convenience stores, ice cream stores, wine shops, or bakeries. The divisions of Food Safety can offer further guidance. Please use the following contact information:

Parks and Recreation:

No comments received.

Police Department:

No comments received.

Fire:

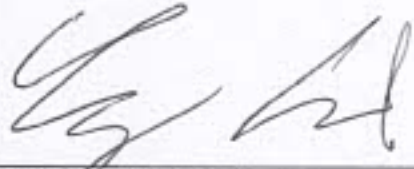
C-1. This new use may require an updated fire prevention permit. No comments or concerns about the outdoor dining.

Application can be accessed online at:

www.alexandriava.gov/fire-department/the-fire-marshals-office.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2025-0011. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the outdoor dining at 6 King Street.



Applicant - Signature

04/11/2025

Date

SORAKRIT POOLCHUY

Applicant - Printed

04/11/2025

Date