



DOCKET ITEM #4

Special Use Permit #2011-0072**2006 Eisenhower Avenue – Restaurant/Nightclub**

Application	General Data	
Consideration of a request to operate a restaurant/nightclub.	Planning Commission Hearing:	January 5, 2012
	City Council Hearing:	January 21, 2012
Address: 2006 Eisenhower Avenue (Parcel Address: 2000 Eisenhower Avenue)	Zone:	CDD#11/Coordinated Development District
Applicant: Joseph Asmar	Small Area Plan:	Eisenhower East

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: Nathan Randall nathan.randall@alexandriava.gov

PLANNING COMMISSION ACTION, JANUARY 5, 2012: On a motion by Mr. Dunn, seconded by Ms. Fossum, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion passed on a vote of 6 to 0, with Mr. Robinson absent.

Reason: The Planning Commission generally agreed with the staff analysis but a minority expressed interest in allowing a closing hour of 3:00 a.m. on Friday and Saturday as requested by the applicant.

Speakers:

David Mahdavi, representing the applicant, spoke in support of the request. He asked for the removal of Conditions #7 and #17 regarding noise and a later closing hour of 3:00 a.m. on the weekends, stating that the additional income from food sales in the early morning would help the applicant realize a reasonable return on his investment. He also reasoned that offering food and coffee to patrons after the end of alcohol service at 1:30 a.m. would help prevent unruly behavior.

Ramzi Iskandar, spoke in favor of the request, including the later hours, and discussed his experience operating a similar restaurant in Arlington.



SUP# 2011-0072

1/5/2012



I. DISCUSSION

The applicant, Joseph Asmar, is requesting Special Use Permit approval to operate a restaurant and nightclub at 2006 Eisenhower Avenue.

SITE DESCRIPTION

The subject site is one lot of record with 1,200 feet of frontage on Eisenhower Avenue, 825 feet of frontage on Hooff's Run Drive and a total lot area of 578,987 square feet (13.3 acres). Two buildings are located on the site, one of which is a one-story industrial building housing a health/athletic club, a printing business and a government warehouse. The second building, in which the restaurant is proposed, is a one and two-story mixed-use office and retail complex housing two existing restaurants, two recently-approved restaurants, a day care center, and office space recently vacated by the Alexandria Police Department.



The retail portion of this building is known as "The Shops at Eisenhower East."

The surrounding area is occupied by a mix of office, residential, and civic uses. The United States Patent and Trademark Office is located to the north across Eisenhower Avenue. City-owned parkland is located directly to the south, with the Alexandria Public Safety Center and multi-family residences located further to the south. Multi-family residences are also located to the southeast across Hooff's Run Drive in Block 27 of Eisenhower East. Vacant land in front of the American Trucking Association office building, which is slated for parkland as Block 22 of the Eisenhower East development, is located to the west.

BACKGROUND

Redevelopment of the site has been approved as part of the Hoffman Stage I DSUP approval for Blocks 24 and 25A in Eisenhower East. In 1998, City Council approved Special Use Permit #97-0163 for a coordinated sign program for all businesses at the site and that SUP remains in effect. In May 2007, City staff approved Plot Plan #2007-0004 for renovations to a portion of the building including the proposed restaurant space, which had formerly been used as a warehouse. The tenant space currently under consideration, at 2006 Eisenhower Avenue, has been vacant since renovations were completed about three years ago.

The applicant was previously one of two owners of Zikrayet, a now-closed restaurant located nearby at 540 John Carlyle Street, which was the focus of significant staff enforcement efforts because of noise complaints that spanned several years from 2008 until earlier this year.

PROPOSAL

The applicant proposes to operate a restaurant and nightclub use in an approximately 4,600 square-foot tenant space. Middle Eastern cuisine will be served in a restaurant setting for lunch and dinner, while live entertainment and dancing will predominate in a nightclub atmosphere starting around 10:00pm until early in the morning. The smoking of hookah pipes will be permitted in the main part of the restaurant, and a smaller, separately ventilated portion of the restaurant will be available for non-smokers.

The restaurant proposal features 182 seats, which includes 48 outdoor seats in the covered arcade in the front of the building. Including 35 standing patrons, approximately 217 total customers are expected at any one time. Table, carry-out, and bar service will be offered. Live bands, belly dancers and customer dancing will be present on-site later in the evenings. The applicant may assess a cover charge for nightclub patrons but has no immediate plans to do so. Additional elements of the applicant's request are as follows:

Hours of Operation: 11:00am – 2:00am, Sunday - Thursday
11:00am – 3:00am, Friday and Saturday

Number of Seats: 134 indoor seats
48 outdoor seats
182 total seats

Number of Customers: 182 sitting customers
35 standing customers
217 total customers expected at one time

Number of Employees: 13-15 employees per shift

Type of Service: Table service, carry-out, bar service

Alcohol: On-premises alcohol service only

Live Entertainment: Live entertainment, including live bands, DJs and belly dancers will be offered, typically on Thursday-Saturday nights and during special occasions

Noise: Noise levels will remain inside the restaurant and will be controlled with soundproofing.

Odors: Typical restaurant odors will be controlled with venting/filtration system

Trash/Litter: Trash will be picked up by commercial haulers twice/week or more often if necessary

PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 182 seats is required to provide a total of 46 parking spaces and one loading space. The applicant meets this requirement because the site includes 137 parking spaces that are shared for all retail/restaurant uses. The parking on site is also sufficient if the standing customers at the nightclub are included in the calculation. The majority of the parking spaces for the use are located in the surface parking lot near the corner of Eisenhower Avenue and Hooff's Run Drive. Additional parking and a shared loading space are located to the rear of the property. At least 894 parking spaces, exceeding the minimum parking requirements for all uses at the site, are located in surface lots and in the three-story parking garage on the property.

ZONING/MASTER PLAN DESIGNATION

The proposed use is located in CDD#11/Coordinated Development District. Sections 5-602 and 4-1003(AA) of the Zoning Ordinance allow a restaurant in CDD#11 with a Special Use Permit. A definition for a "nightclub" was added as part of the 2010 Small Business Zoning initiative in recognition of the need to differentiate these uses from restaurants that offer only occasional entertainment or background music. According to Section 2-190.2 of the Ordinance, a nightclub is a specific kind of restaurant "where entertainment, live or otherwise, predominates over food service, becoming the principal use at least during part of the business' operations, with or without dancing, and typically involving a cover charge or other charge for admission."

The proposed use is consistent with the Eisenhower East Small Area Plan chapter of the Master Plan which designates the property for residential, office and retail mixed use.

II. STAFF ANALYSIS

Nightclubs are popular but sometimes difficult uses given their potential impact on surrounding neighborhoods, particularly in terms of noise and late-night hours. In this case, the first such proposal since the establishment of the new nightclub definition, staff recommends approval given the location, the fact that the business will occupy long-vacant commercial space, and that it will offer full-service restaurant dining near Carlyle during daytime and early evening hours. However, staff does not support the applicant's requested closing hour and has included condition language stipulating reduced hours consistent with other nearby restaurants. This recommendation, along with existing ordinances and the inclusion of standard condition language regarding noise should significantly reduce the potential for negative impacts from the use.

Noise is the most likely potential impact from the applicant's current proposal. However, unlike the applicant's prior restaurant which was located immediately below residential condominiums, in this case the proposed tenant space is set back from the street and from uses on adjacent properties. Of particular importance, it is also not adjacent to any residences. Carlyle Mill apartments, 800 John Carlyle apartments, and Carlyle Block O (under construction) are all over 500 feet away and are buffered by Eisenhower Avenue, other buildings or trees. In addition,

adjacent businesses will be largely unaffected by the proposal since nearly all other businesses in the retail center close at approximately 10:00 or 11:00pm, which is the approximate time at which nightclub operations would begin under the applicant's proposal. Staff discussed this very issue with the landlord, who is well aware of the use and believes it will work well with its other tenants in the building.

Two additional protections will be in place to prevent nightclub operations from producing noise nuisances. The City's existing noise ordinance applies in this location as it does throughout Alexandria. Specifically, Section 11-5-4 of the City Code stipulates that noises emanating from a sound reproductive machine may not be plainly audible between 11:00pm and 7:00am across property lines at a distance of 50 feet from the building or structure in which the sound is located. Violations of the noise code result in tickets and progressively significant fines. In addition, Condition #17 is a parallel safeguard. This standard SUP condition language prohibits amplified music from being audible at the property line of the site so that the SUP use does not affect adjacent properties. While the site in this case is large, the landlord is aware of the issues and agreeable; in addition, the noise ordinance and Condition #17 are effective beyond the immediate site if necessary. Should it become necessary, the applicant will have to install soundproofing so as to prevent amplified music from crossing, for instance, Hooff's Run Drive or Eisenhower Avenue, and becoming a nuisance.

Staff has closely considered the applicant's requested hours of operation and concludes that it cannot support a 2:00am closing hour during the week and 3:00am closing hour on the weekends. First, the proposed closing hours are not consistent with other restaurants found in the area. Staff's research reveals that the latest closing hour for restaurants in the Carlyle area, including the Carlyle Club, Pasara Thai, and the Jamieson Grill, is 12:00 midnight daily. In the nearby Hoffman Town Center area, 1:30 a.m. is the latest daily closing hour for restaurants, and can be found at Ted's Montana Grill and San Antonio Grill. By comparison, the closing hour for restaurants in nearby Old Town is generally 1:00am on the weekends, although some grandfathered restaurants remain open until 2:00am. Second, staff believes that a combination of alcohol use and early morning hours could exacerbate the potential for unruly behavior and nuisance activities here. Striking a balance between the need to prevent potential problems from occurring during early morning hours and the desire to have local late-night entertainment options, staff recommends a closing hour of 1:30am daily (Condition #2) which is the latest hour already approved for restaurant uses in the area.

In conclusion, staff believes that the proposal will offer customers additional dining and entertainment options within the City and recommends approval subject to reduced hours, condition language regarding amplified sounds, and all other conditions found in Section III of this report.

III. RECOMMENDED CONDITIONS

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

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. The maximum number of indoor seats at the restaurant/nightclub shall be 134 and the maximum number of outdoor seats at the restaurant/nightclub shall be 48. (P&Z)
3. The hours of operation for the indoor portion of the restaurant/nightclub shall be limited to between 11:00am and 1:30am seven days/week. (P&Z)
4. The hours of operation for the outdoor dining shall be limited to between 11:00am and 11:00pm seven days/week. The outdoor dining area shall be closed and cleared of all customers by 11:00pm daily and shall be cleaned and washed at the close of each business day that it is in use. (P&Z)
5. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
6. Outdoor dining at the restaurant shall be substantially consistent with the plan submitted. The applicant shall submit final design specifications for all chairs, tables, barriers, umbrellas, planters, wait stations, other components to be located within the outdoor dining area, and such additional information as the Director may reasonably require, for the review and approval by the Director of Planning & Zoning. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z)
7. No live entertainment, amplified music, or nightclub functions shall be allowed in the outdoor dining area at the restaurant. (P&Z)
8. On-premises alcohol service may be permitted but off-premises alcohol sales are prohibited. (P&Z)
9. For indoor dining, 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 all patrons must leave by one hour after the closing hour. (P&Z)
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. (P&Z)
11. No food, beverages, or other material shall be stored outside. (P&Z)

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. (P&Z)
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. (T&ES)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
15. All waste products including but not limited to organic compounds (solvents) and antifreeze shall be disposed of in accordance with all local, state, and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)
16. 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)
17. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
18. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
19. 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)
20. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery readiness program for all employees. (Police)
21. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
22. 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)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Nathan Randall, 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:

- F-1 Building is shown out of the 100-yr floodplain on FEMA FIRM dated June 16, 2011. (T&ES)
- F-2 This parcel is within the RPA but the addition of outdoor dining is on previously constructed impervious surface and is not located within the RPA. No objections. (T&ES)
- F-3 Available parking updated by Hoffman with this SUP application to a total of 137 available onsite parking spaces for retail. Of these onsite spaces, 30 were required for SUP2008-00050, 20 were required for SUP2010-00080, 41 were required for SUP2011-00052, with 46 were required for SUP2011-00072. 11 spaces remain available to retail use. (T&ES)
- F-4 The owners of this proposed establishment previously owned and operated Zikrayet Restaurant located at 540 John Carlyle Street. The City received numerous complaints from citizens involving noise and other operational issues. Additionally, the Police Department has issued multiple tickets for noise exceeding the permissible sound level at the property boundary (Section 11-5-5(a)(1) of the noise code). Although the proposed restaurant/night club will be located in a non-mixed use building, special attention should be given to ensuring the noise code requirements will not be violated (i.e., installation of sound proofing material as outline in the application, music volume is set at a level as to not disturb commercial and residential properties, etc.) if this use is permitted. (T&ES)
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue 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 leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-3 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-4 Supply deliveries, loading and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

- R-5 All waste products including but not limited to organic compounds (solvents) and antifreeze shall be disposed of in accordance with all local, state, and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)
- R-6 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-7 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)
- C-1 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-2 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). (TES)

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.

Code Enforcement:

- F-1 The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plan Review Supervisor at ken.granata@alexandriava.gov or 703-746-4190. (Code)
- C-1 Building and trades permits are required for this project. Five sets of *construction documents* sealed by a *Registered Design Professional* that fully detail the construction as well as layout and schematics of the mechanical, electrical, and plumbing systems shall accompany the permit application(s)
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

- C-4 Before a building permit can be issued on any proposed future alterations, a certification is required from the owner or owner's agent that the building has been inspected by a licensed asbestos inspector for the presence of asbestos.
- C-5 A Certificate of Occupancy requirements shall follow the guidelines set forth in the USBC.
- C-6 Fire Protection System permits are required for this project. Two sets of *construction documents* that fully detail the Fire Alarm, Fire Sprinkler and Access Control Systems shall be submitted for approval.

Health:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operation.
- C-3 Six sets of plans of each facility must be submitted through the Permit Center and approved by this department prior to construction. Plans must comply with Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$200.00 fee for review of plans for food facilities.
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Parks and Recreation:

- F-1 No Comments Received

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a robbery readiness program for all employees.
- F-1 The applicant is seeking an "ABC On" license only. The Police Department has no objections.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2011-0072

PROPERTY LOCATION: 2006 Eisenhower Ave Alexandria VA 22304

TAX MAP REFERENCE: 079.01-01-01 **ZONE:** CDD #1

APPLICANT:

Name: Joseph Asman.

Address: 5489 Pennell Ct, Alexandria VA 22315

PROPOSED USE: Restaurant / night club.

THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Joseph Asman.
Print Name of Applicant or Agent

[Signature] 10-3-11
Signature Date

5635-A General Wash Dr.
Mailing/Street Address

7039411340 703941-1342
Telephone # Fax #

Alexandria VA 22312
City and State Zip Code

Datky@Datky.com.
Email address

ACTION-PLANNING COMMISSION: _____	DATE: _____
ACTION-CITY COUNCIL: _____	DATE: _____

REVISED

SUP # 2011-0072

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 2006 Eisenhower Ave. I hereby grant the applicant authorization to apply for the Lebanese restaurant use as described in this application.

Name: Hubert N. Hoffman, Manager Phone: 703 960 4700
Please Print
Address: 2461 Eisenhower Avenue Alexandria, VA 22331 Email: douglas@hoffmancenter.com
Signature: [Handwritten Signature] Date: 11/7/11

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

- [] Required floor plan and plot/site plan attached.
[] Requesting a waiver. See attached written request.

2. The applicant is the (check one):
[] Owner
[] Contract Purchaser
[] Lessee or
[] Other: of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

Four horizontal lines for providing ownership information.



OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Joseph Asman	5489 Clonmel CT Alexandria, VA 22315	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at _____ (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Joseph Asman	5489 Clonmel CT Alexandria, VA 22315	100%
2.		
3.		

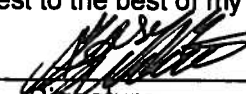
3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity below and "None" in the corresponding fields)**

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Joseph Asman	None	City Council & Planning Comm
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

10/3/11 Joseph Asman
Date Printed Name


Signature

Nathan Randall

From: Lauren Douglas <LDouglas@hoffmantowncenter.com>
Sent: Thursday, December 22, 2011 1:09 PM
To: Nathan Randall
Subject: RE: Perpetual Realty East, LLC

Hi Nathan,

Sorry for the delay below is the information you requested:

- 1) Hubert N. Hoffman, III: \$500 to William Euille in 2002
- 2) Thomas Hoffman: \$500 to William Euille in 2002
- 3) Through an entity (Hoffman Management, Inc.):
 - a. William Euille: \$250 in 2003; \$1,390 in 2004; \$250 in 2007
 - b. Paul Smedberg: \$150 in 2003; \$250 in 2005
 - c. Rob Krupicka: \$2,500 in 2011

Lauren

From: Nathan Randall [<mailto:Nathan.Randall@alexandriava.gov>]
Sent: Thursday, December 15, 2011 2:21 PM
To: Lauren Douglas
Cc: Roger Kiper
Subject: RE: Perpetual Realty East, LLC

Lauren-

Last month we discussed which individuals own more than 10% in Perpetual Realty East. You provided me with that information shown below. However, we also need to know whether any of those individuals have a "business or financial relationship" with any of the members of the Planning Commission or City Council. I have attached a document with this application that states the members of the Planning Commission and City Council and what constitutes a "business or financial relationship". Can you please look into that and get back to me as soon as possible? Thank you.

Nathan

From: Lauren Douglas [<mailto:LDouglas@hoffmantowncenter.com>]
Sent: Wednesday, November 09, 2011 2:12 PM
To: Nathan Randall
Subject: Perpetual Realty East, LLC

Nathan,

It was a pleasure speaking with you this afternoon.

The following are the interested in Perpetual Realty East, LLC:

Hubert N. Hoffman, III: 21.52206%

✓ 16

Nancy L. Conner: 10.76103%
Holly L. Nolting: 19.728555%
Thomas N. Hoffman 19.728555%

The remaining interests are less than 10% or not held by individuals.

You can send any notices care of me at the address below.

I will also ask our property manager about the retail parking issue.

Thank you,

Lauren



Lauren K. Douglas | Vice President | General Counsel
Hoffman Company
2461 Eisenhower Ave. | Alexandria, VA 22331
Voice: 703.960.4700 | FAX: 703.960.1754
ldouglas@hoffmantowncenter.com
<http://hoffmantowncenter.com>

Total Control Panel

[Login](#)

To: ldouglas@hoffmantowncenter.com
From: nathan.randall@alexandriava.gov

Message Score: 40
My Spam Blocking Level: Low

High (60): Pass
Medium (75): Pass
Low (90): Pass

[Block](#) this sender
[Block](#) alexandriava.gov

This message was delivered because the content filter score did not exceed your filter level.

2/7

SUP # 2011-0072

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

[] Yes. Provide proof of current City business license

[] No. The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

Dalky INC. Requested to open Sunday - Wednesday.
from 11:00 AM till 1:00 AM Thursday - Saturday.
from 11:00 AM till 3:00 AM. last call for alcohol beverage
will be 1:30 AM As per VIRGINIA law.
we have already obtained the special permit.
we will have valet parking in the evening
and street parking during the day, close by.
there is colored parking for our patrons.

AP 1/8

8/16/18

REVISED

SUP # 2011-0072

REVISED

USE CHARACTERISTICS

- 4. The proposed special use permit request is for (check one):
 - a new use requiring a special use permit,
 - an expansion or change to an existing use without a special use permit,
 - an expansion or change to an existing use with a special use permit,
 - other. Please describe: _____

- 5. Please describe the capacity of the proposed use:
 - A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).
100-200 People daily
From 11:00 AM Till 1:00 AM.
 - B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).
13-15 Employee.
2 Shifts.

- 6. Please describe the proposed hours and days of operation of the proposed use:

Day:	Hours:
<u>SUNDAY - Wednesday</u>	<u>11:00 AM - 2:00 AM</u> (JA)
<u>Thursday</u>	<u>11:00 AM - 2:00 AM</u> (JA)
<u>Friday - Saturday</u>	<u>3:00 AM</u>

- 7. Please describe any potential noise emanating from the proposed use.
 - A. Describe the noise levels anticipated from all mechanical equipment and patrons.
the noise level will be inside the
Restaurant.
 - B. How will the noise be controlled?
Sound proofing.

8 17 19

REVISED

SUP # 2011-0072

8. Describe any potential odors emanating from the proposed use and plans to control them:

The odor will be controlled by filtration system going through the roof.

9. Please provide information regarding trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

Food waste / paper waste & Grease waste.

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

Trash is handled by AAA Trash Co.

C. How often will trash be collected?

~~it varies daily~~ Twice/week or more often if necessary.

D. How will you prevent littering on the property, streets and nearby properties?

our staff will patrol outside the premises.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

[] Yes.

No.

If yes, provide the name, monthly quantity, and specific disposal method below:

7-18-20

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. [] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

Degreasing solvents & cleaning solvents.

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?

Fire Exits / Non Slip Floors.

ALCOHOL SALES

13.

A. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes [] No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

Beer & wine / mixed beverages on premises.

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

- _____ Standard spaces
- _____ Compact spaces
- _____ Handicapped accessible spaces.
- _____ Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A _____

Does the application meet the requirement?
 Yes No

B. Where is required parking located? (check one)

on-site

off-site

If the required parking will be located off-site, where will it be located?

street & public parking /

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are available for the use? one

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?
 Yes No

2 20 20

B. Where are off-street loading facilities located? On the side of the building.

C. During what hours of the day do you expect loading/unloading operations to occur? From 8-11:00 am.

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate? Daily.

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?
it is adequate.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

4,639.88 sq. ft. (existing) + 0 sq. ft. (addition if any) = 4,639.88 sq. ft. (total)

19. The proposed use is located in: (check one)

a stand alone building

a house located in a residential zone

a warehouse

a shopping center. Please provide name of the center: _____

an office building. Please provide name of the building: _____

other. Please describe: _____

End of Application

REVISED

SUP # _____



APPLICATION

RESTAURANT

All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

1. How many seats are proposed?
Indoors: 134 Outdoors: 48 Total number proposed: 182

2. Will the restaurant offer any of the following?
Alcoholic beverages (SUP only) Yes No
Beer and wine — on-premises Yes No
Beer and wine — off-premises Yes No

3. Please describe the type of food that will be served:
Lebanese - Mediterranean cuisine

4. The restaurant will offer the following service (check items that apply):
 table service bar carry-out delivery

5. If delivery service is proposed, how many vehicles do you anticipate? None
Will delivery drivers use their own vehicles? Yes No
Where will delivery vehicles be parked when not in use?

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?
 Yes No
If yes, please describe:
large screen TV, DD with sound system
live bands & belly dancer
Thursday - Saturday, and special events

J-A
+ 24 24

REVISED

SUP # _____

Parking impacts. Please answer the following:

- What percent of patron parking can be accommodated off-street? (check one)
 - 100%
 - 75-99%
 - 50-74%
 - 1-49%
 - No parking can be accommodated off-street

- What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)
 - All
 - 75-99%
 - 50-74%
 - 1-49%
 - None

- What is the estimated peak evening impact upon neighborhoods? (check one)
 - No parking impact predicted
 - Less than 20 additional cars in neighborhood
 - 20-40 additional cars
 - More than 40 additional cars

Litter plan. The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

Alcohol Consumption and Late Night Hours. Please fill in the following information.

(J.A)

- Maximum number of patrons shall be determined by adding the following:

	<u>147</u>	Maximum number of patron dining seats
+	<u>35</u>	Maximum number of patron bar seats
+	<u>35</u>	Maximum number of standing patrons
=	<u>217</u>	Maximum number of patrons

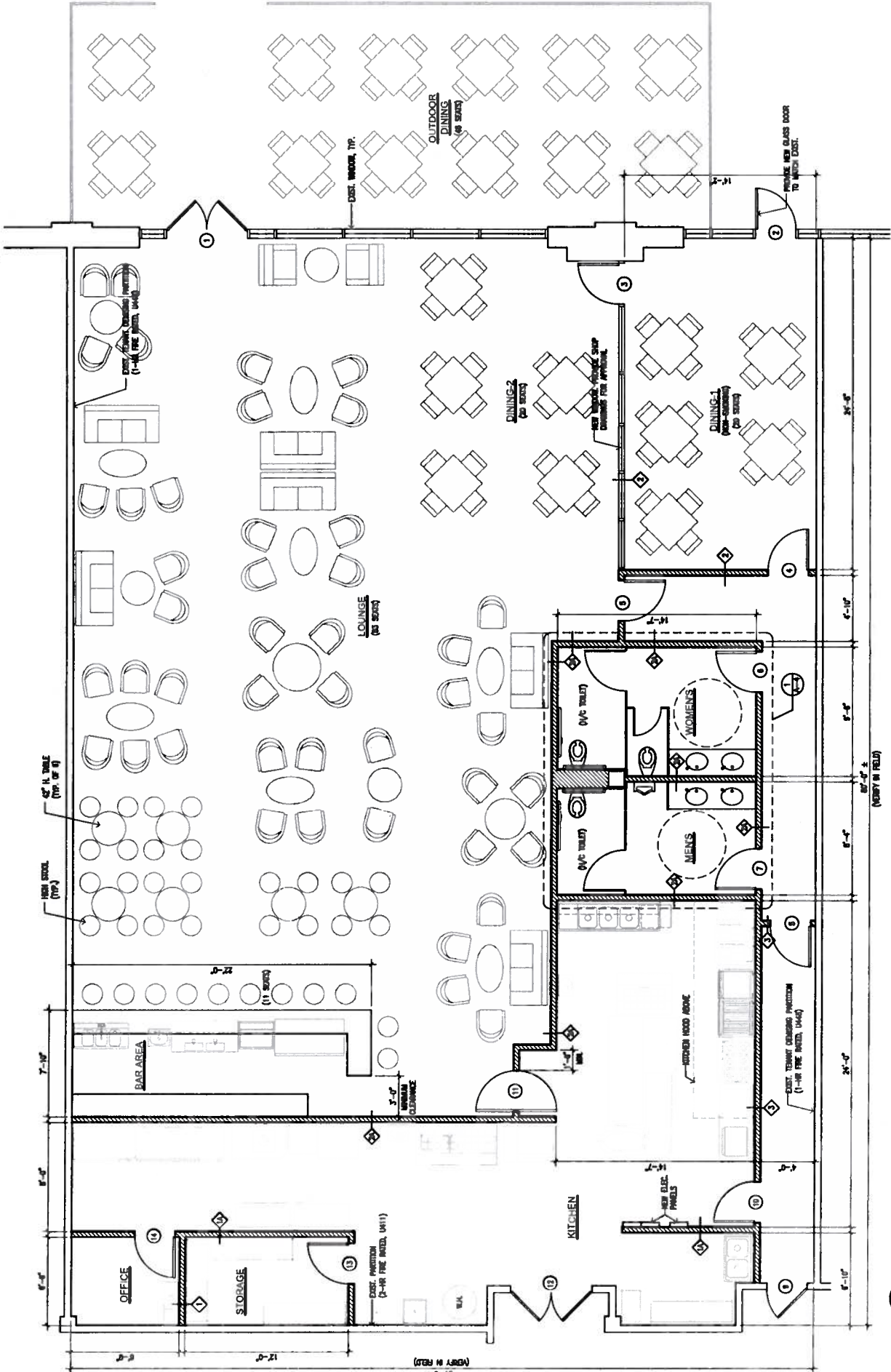
- 15 Maximum number of employees by hour at any one time

- Hours of operation. Closing time means when the restaurant is empty of patrons.(check one)
 - Closing by 8:00 PM
 - Closing after 8:00 PM but by 10:00 PM
 - Closing after 10:00 PM but by Midnight
 - Closing after Midnight

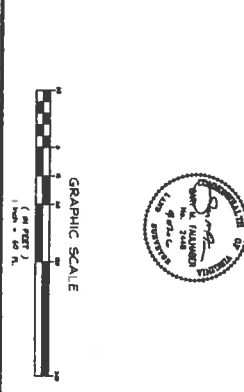
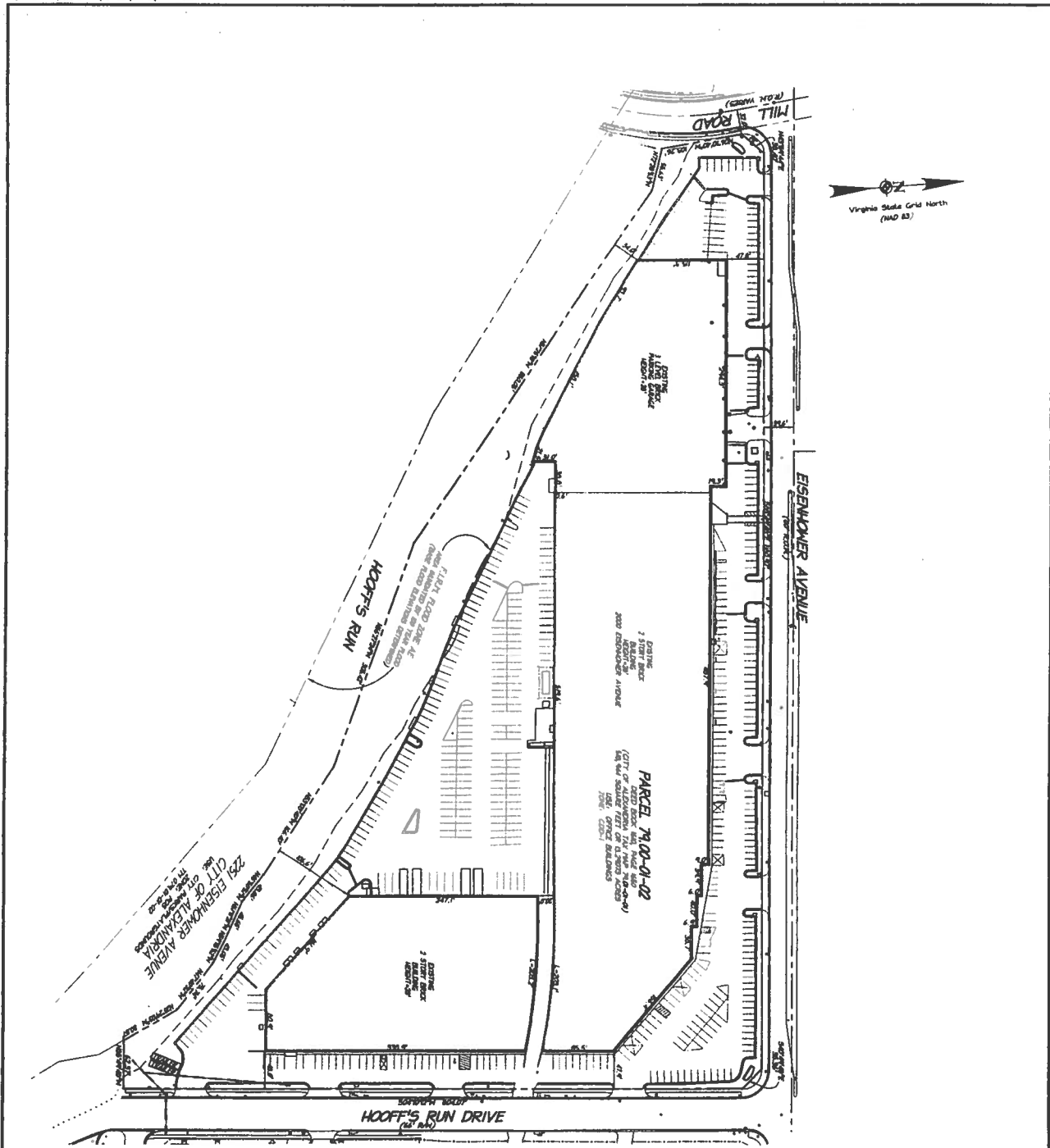
- Alcohol Consumption (check one)
 - High ratio of alcohol to food
 - Balance between alcohol and food
 - Low ratio of alcohol to food

~~25~~ 25

REVISED



1 PROPOSED FLOOR PLAN
SCALE 1/8"=1'-0"



NOTES

1. THE PROPERTY SHOWN HEREIN IS COMPARTED AS CITY OF ALEXANDRIA. ASSUMED TO BE IN PARCELS 85 AND 86 OF DEED BOOK 835, PAGE 605.
2. CURRENT OWNER: JEFFREY W. HALL, LLC. DEED BOOK 841, PAGE 830.
3. NO TITLE REPORT FURNISHED.
4. THE PROPERTY SHOWN HEREIN IS SUBJECT TO FEDERAL, STATE, COUNTY, AND LOCAL TAXES. THE PROPERTY IS SUBJECT TO THE CITY OF ALEXANDRIA'S TAX MAP 079.01-01-01. (N/A) A PORTION OF THE PROPERTY IS IN THE ZONE F (OTHER PLAZA AREA). (N/A) THE PROPERTY IS IN THE ZONE F (OTHER PLAZA AREA). (N/A) THE PROPERTY IS IN THE ZONE F (OTHER PLAZA AREA). (N/A) THE PROPERTY IS IN THE ZONE F (OTHER PLAZA AREA). (N/A) THE PROPERTY IS IN THE ZONE F (OTHER PLAZA AREA).



PLAT PLAN
 SHOWING EXISTING BUILDINGS LOCATION
 ON
PARCEL 79.00-01-02
 DEED BOOK 835, PAGE 605
 (TAX MAP 079.01-01-01)
 CITY OF ALEXANDRIA, VIRGINIA

christopher consultants
 engineering surveying land planning
 christopher consultants, inc.
 8900 north street fourth floor Fairfax va. 22031-3907
 703 273 8800 fax 703 273 7858

25 27