

DATE: December 7, 2010

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2010-0077
Administrative Review for Change of Ownership and Minor Amendment
Site Use: Restaurant
Applicant: Pita House
Location: 719 King Street
Zone: KR/King Street Retail

Request

Special Use Permit #2010-0076 is a request to change ownership of an existing restaurant from Jasmine Chopra to Pita House by Tarek Moukalled. The applicant is also requesting a minor amendment for an addition to the rear of the building to accommodate a new walk-in cooler. The area of expansion in the rear will measure approximately 40 square feet but will be off-set by loss of 16 square feet of area in the front of the building as a result of proposed façade improvements. The overall increase in square footage at the restaurant will therefore measure 24 square feet.

The existing Pita House Restaurant at 407 Cameron Street will be moving to this new location, and will serve similar Lebanese cuisine as the current location. No other changes to the operation of the restaurant are proposed.

Background

On June 16, 2007, City Council granted Special Use Permit #2007-0066 to Hayma Rajamani for operation of a restaurant with delivery located at 719 King Street. Staff administratively approved Special Use Permit #2008-0080 on December 23, 2008 to change the ownership of the restaurant to Jasmine Chopra.

The restaurant has been closed for business since late September 2010. Staff has not received any complaints that would require staff to docket the Special Use Permit for public hearing.

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 and Old Town South Civic Associations were sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the Special Use Permit for public hearing.

Staff Action

Staff does not object to the proposed change of ownership and minor amendment request. The addition the applicant intends to build at the rear of the restaurant is small at only 40 square feet. The overall increase in floor area at the restaurant, at 24 square feet, represents an increase of less than 20% of the floor area of the existing restaurant, which is consistent with Section 11-511(2)(b)(i)(e) of the Zoning Ordinance regarding eligible minor amendment requests. Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: December 10, 2010

Action: Approved



Barbara Ross, Deputy Director

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

CONDITIONS OF SPECIAL USE PERMIT #2010-0077

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 or to any corporation in which the applicant has a controlling interest only. (P&Z) (SUP#2007-0033)
2. Seating shall be provided inside for no more than 74 patrons. (P&Z) (SUP#2007-0033)
3. **CONDITION AMENDED BY STAFF:** No outside dining facilities shall be located on the premises unless approved administratively under the King Street Outdoor Dining Program. (P&Z) (SUP#2007-0033)
4. The hours of operation shall be limited to 11:30 A.M. to 11:00 P.M., Sunday through Thursday and 11:30 A.M. to 1:00 A.M., Friday and Saturday. (P&Z) (SUP#2007-0033)
5. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2007-0033)
6. The applicant shall provide an inside commercial "bag type" trash compactor. (T&ES) (SUP#2007-0033)
7. The applicant shall provide installation of sprinkler system. (Fire) (SUP#2007-0033)
8. **CONDITION DELETED BY STAFF – SEE CONDITION #29:** ~~The applicants shall (a) provide subsidized parking for all patrons under the Park Alexandria program (if and when it includes this area of Old Town) during evenings and weekends in a public parking garage, (b) advertise such parking by posting notice at its restaurant and including such notice in any advertising, and (c) urge patrons who drive to use the space.~~ (P&Z) (SUP#2007-0033)
9. **CONDITION DELETED BY STAFF – SEE CONDITION #29:** ~~The applicant shall post signs directing patrons to the availability of parking at the Church Square parking garage located on the 100 block of North Alfred Street and, under the present fee schedule, subsidize parking there to a \$1 level for all customers.~~ (P&Z) (SUP#2007-0033)
10. Condition Deleted - See Condition 28 (SUP#2008-0080)
11. Trash and garbage shall be 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. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP#2007-0033)
12. The applicant shall post the hours of operation at the entrance of the restaurant. (P&Z) (SUP#2007-0033)
 13. Litter on 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) (SUP#2007-0033)
 14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2007-0033)
 15. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (P&Z) (T&ES) (SUP#2007-0033)
 16. **CONDITION DELETED BY STAFF:** ~~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) (SUP#2007-0033)~~
 17. Condition Deleted - See Condition 27 (SUP#2008-0080)
 18. **CONDITION AMENDED BY STAFF:** The new applicant shall contact the Crime Prevention Community Relations Unit of the Alexandria Police Department for a security survey and robbery awareness program at 703-838-4520. (Police) (SUP#2008-0080)
 19. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Health Department and the Department of Transportation & Environmental Services. (T&ES) (SUP#2008-0080)
 20. Meals ordered before the closing hour may be served, but no new patrons may be admitted and all patrons must leave one hour after the closing hour. (P&Z) (SUP#2007-0033)
 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 a 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) (SUP#2008-0080)

22. **CONDITION SUPERCEDED BY STATE LAW AND DELETED:** ~~The applicant shall comply with any requirements adopted as a part of a smoke free restaurant ordinance. (P&Z) (SUP#2007-0033)~~
23. On site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z) (SUP#2007-0033)
24. All entertainment must 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 the food service as well as the entertainment. Restaurant shall not be allowed to impose a cover charge. (P&Z) (SUP#2007-0033)
25. Deliveries shall be limited to one vehicle, between the hours of 5:00 p.m. and closing. The delivery vehicle may not park on the street. (P&Z) (SUP#2007-0033)
26. **CONDITION AMENDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2008-0080)
27. **CONDITION SATISFIED 12/26/2008 AND DELETED BY STAFF:** ~~Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right of ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of approval. (T&ES) (SUP#2008-0080)~~
28. 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) (SUP#2008-0080)
29. **CONDITION ADDED BY STAFF:** The applicant shall direct patrons to the availability of parking at nearby public garages and 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. (T&ES)

30. **CONDITION ADDED BY STAFF:** The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.
(Health)