

**CONSENT AGENDA ITEM**

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Docket Item #2  
SPECIAL USE PERMIT # 2007-0114

Planning Commission Meeting  
January 3, 2008

**ISSUE:** Consideration of a request for amendments to a special use permit for a restaurant.

**APPLICANT:** Joyce Abdallah  
Zikaryet Restaurant

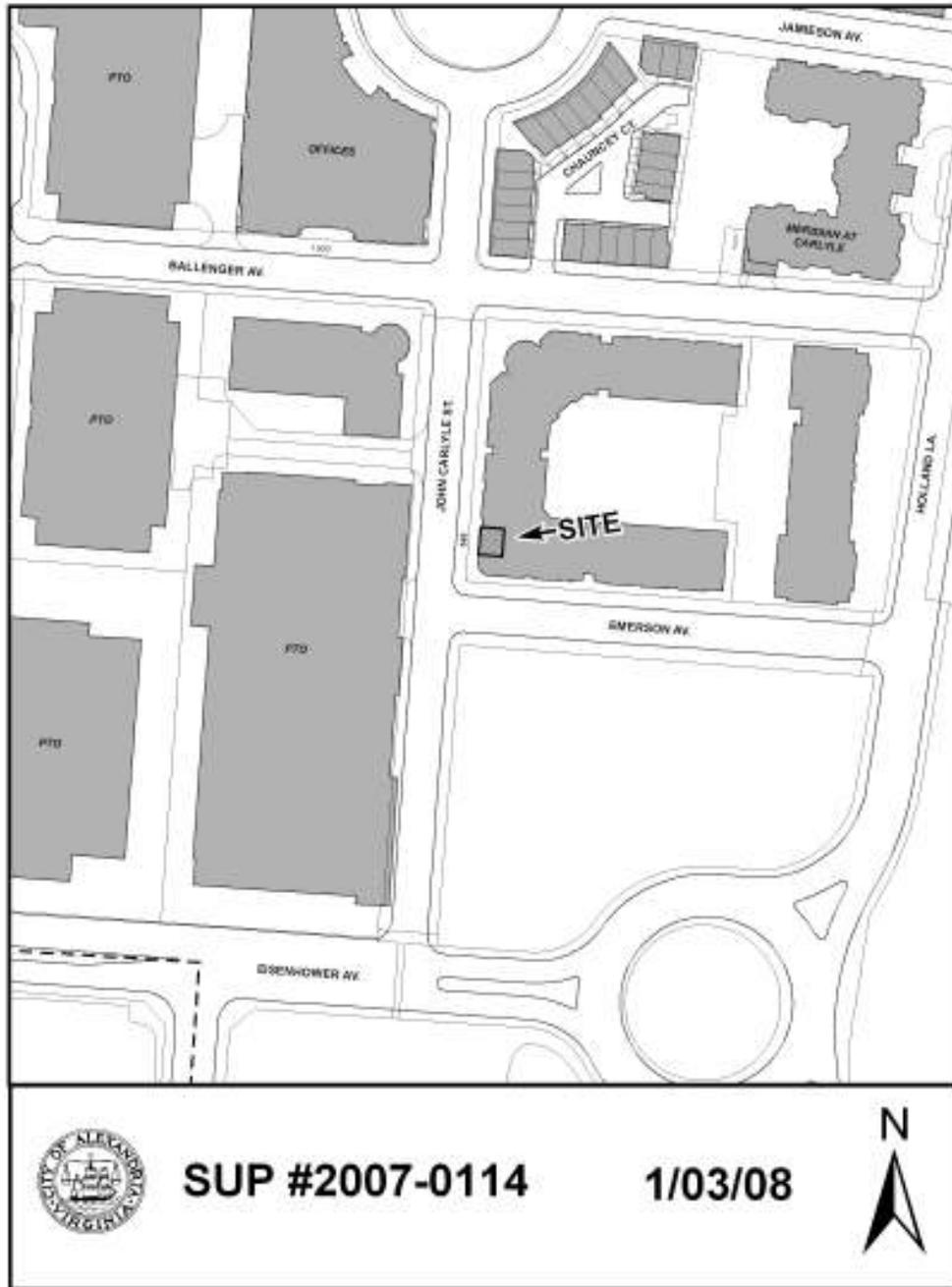
**STAFF:** Richard W. Bray  
richard.bray@alexandriava.gov

**LOCATION:** 540 John Carlyle Street  
(Parcel Address: 520 John Carlyle Street)

**ZONE:** CDD #1/Coordinated Development District #1

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**STAFF RECOMMENDATION:** Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



## I. DISCUSSION

### REQUEST

The applicant, Joyce Abdallah, requests amendments to a special use permit for the operation of a restaurant located at 540 John Carlyle Street.

### SITE DESCRIPTION

The subject property is a 3,107 square foot retail unit in the Carlyle Development. The site is located at the corner of John Carlyle Street and Emerson Street and is developed with a mixed use residential building with ground floor retail. Access to the property is from John Carlyle Street.

The surrounding area is occupied by a mix of office, residential and retail uses. Immediately to the north are townhouses. To the south is a residential building with ground floor retail. To the east is a high-rise residential building, and west is an office building with ground floor retail.



### BACKGROUND

On September 19, 2007, staff approved Administrative Use Permit #2007-00003 for the operation of a restaurant, Zikrayet. The Administrative Use Permit in Carlyle limits the hours of operation to 7:00 am to 12:00 am, daily and the number of patrons to 140 total patrons.

The approved restaurant has not opened for business yet.

### PROPOSAL

The applicant proposes to amend the Administrative Use Permit to allow later hours Thursday through Saturday, increase the allowed seating and allow live entertainment.

Hours:                   Current: 7:00 am – 12:00 am, daily  
                              Proposed: 11:00 am – 12:00 am, Sunday – Wednesday  
  11:00 am – 1:30 am, Thursday – Saturday

Number of seats: Current: 100 indoor, 40 outdoor  
                          Proposed: 130 indoor, 56 outdoor

Noise:                   No noise will be audible at the property line

Entertainment: Large screen TV, DJ on Thursday – Saturday

Trash/Litter:       Trash will be placed in Carlyle Development dumpsters, there are no litter impacts anticipated

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 186 seats will be required to provide 47 off-street parking spaces. The parking requirements for the subject building were specified in the Transportation Management Plan (Special Use Permit#2254), and these parking requirements were met for the subject site in the development of the on-site parking garage. Per the TMP, the applicant is required to provide off-street parking for employees, which will be provided in the on-site garage. It is anticipated that most employees of the restaurant will use mass transit, and the applicant will be required to encourage employees to take mass transit or carpool.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDD #1 zone, governed by the CD zone. Section 4-503(W) of the Zoning Ordinance allows a restaurant in the CDD #1/CD zone only with a special use permit.

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

**II. STAFF ANALYSIS**

Staff supports the amendment to the Zikrayet Special Use Permit. The expansion and later hours for this proposed restaurant will help to draw more customers into the development in the evenings. Staff believes that the extended hours on weekend nights will create a more lively development and further the City's goals of promoting the Carlyle Development as a diverse dining destination for the metropolitan area.

With the following conditions, staff recommends **approval** of the special use permit.

### III. RECOMMENDED CONDITIONS

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

1. **CONDITION ADDED BY STAFF:** 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. **CONDITION ADDED BY STAFF:** 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)
3. **CONDITION ADDED BY STAFF:** The applicant shall comply with any requirements adopted as a part of a smoke-free restaurant ordinance. (P&Z)
4. **CONDITION AMENDED BY STAFF:** Seating shall be provided for no more than ~~400~~ 130 inside and ~~40~~ 56 outside. (P&Z)
5. The applicant shall post the hours of operation at the entrance of the restaurant. (P&Z)
6. **CONDITION AMENDED BY STAFF:** The hours of operation for the restaurant shall be 7am-midnight ~~daily~~ Sunday through Thursday and 7:00 am – 1:30 am, Friday and Saturday. (P&Z)
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. (P&Z)
8. The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (P&Z)
9. No food, beverages, or other material shall be stored outside. (P&Z)
10. The applicant shall provide its employees who drive 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. (P&Z)
11. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)
12. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour. (P&Z)

13. The applicant shall provide a menu list of foods to be handled at this facility to the Health Department prior to opening. (Health)
14. Trash shall be commercially collected a minimum of four times per week to minimize trash impacts. (P&Z)
15. 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, (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)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
17. The applicant shall control 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 and Environmental Services. (T&ES)
18. 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](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
19. All patrons shall be seated by a host or hostess, printed menus shall be provided at the tables, service shall be provided at the tables by a waiter or waitress, and tables shall be preset with non-disposable tableware and glassware.
20. Deliveries to the business shall not take place between the hours of 7:00 a.m. and 9:30 a.m., or between 4:00 p.m. and 6:00 p.m., Monday through Friday. Deliveries to restaurants within residential buildings or whose service drive adjoins a residential building shall not take place before 7:00 a.m. or after 10:00 p.m.
21. If any food delivery services are provided, they shall clearly be accessory to dine-in food sales, and all deliveries shall be non-vehicular (made on foot, via bicycle, etc.). Alcoholic beverages shall not be delivered off-site, and delivery of nonalcoholic beverages shall only be in association with food deliveries.

22. Alcoholic beverages may be sold for on-premises consumption only, and shall clearly be accessory to food sales.
23. Grease traps shall be located within the building. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
24. No food, beverages, or other material shall be stored outside.
25. 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 invasions by animals. No trash or debris shall be allowed to accumulate on-site outside of those containers.
26. The design of the restaurant shall reflect the character and quality of materials consistent with the high standards established in Carlyle.
27. All outdoor dining areas shall be accessory to an approved indoor restaurant.
28. An unobstructed pathway with a minimum width of 8 feet shall be provided at all times.
29. Any permanent structures which are required for the outdoor seating area shall be subject to review and approval by the Carlyle DRB.
30. No live entertainment shall be permitted in the outdoor seating area.
31. No sound amplification shall be permitted in the outdoor seating area.
32. Any outdoor seating areas shall not include advertising signage. The design of the outdoor seating shall be compatible with the design of the building.
33. The applicant shall provide, at its expense, one city trash container Model SD-42-exclusively for each outdoor dining area. The trash container shall be emptied at the close of business each day.
34. The outside dining area shall be cleaned at the close of each day of operation.
35. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees.

STAFF: Faroll Hamer, Director, Department of Planning and Zoning  
Richard Josephson, Deputy Director, Department of Planning and Zoning;  
Richard Bray, Urban Planner.

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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:

- 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 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 and 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 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](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- R-5 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-6 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.
- 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).

Code Enforcement:

- C-1 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-2 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-5 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.
- C-6 Toilet Rooms for Persons with Disabilities:
  - (a) Water closet heights must comply with USBC 1109.2.2
  - (b) Door hardware must comply with USBC 1109.13
- C-7 Toilet Facilities for Persons with Disabilities: Larger, detailed, dimensioned drawings are required to clarify space layout and mounting heights of affected accessories. Information on door hardware for the toilet stall is required (USBC 1109.2.2).
- C-8 The following code requirements apply where food preparation results in the development of grease laden vapors:
  - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
  - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.

- C-9 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
- (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
  - (b) How food stuffs will be stored on site.
  - (c) Rodent baiting plan.
- C-10 Any configuration of outdoor seating shall comply with the following conditions:
- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
- Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
  - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
  - The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.
- C- 11 Any increase in occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code.
- C- 12 Any increase in occupancy will only be considered for the exterior of the structure and will not modify the approved interior approved occupant load. At no time shall any approved outdoor seating be incorporated inside due to foul weather or other situations.

Health Department:

- F-1 No Comment

Parks & Recreation:

- F-1 No Comment

Police Department:

- F-1 The Police Department has no objections to the increased hours and seating.
- F-2 The applicant is seeking an “ABC On” license only. The Police Department has no objections.

SUP #2007-0114  
540 John Carlyle Street

**REPORT ATTACHMENTS  
AVAILABLE IN THE PLANNING AND ZONING OFFICE**