



EXHIBIT NO. 1

DOCKET ITEM #6

**Development Special Use Permit with Site Plan #2010-0002  
923 King Street – The King Building at 923**

6  
5-15-10

Application	General Data	
<b>Project Name:</b> The King Building at 923	PC Hearing:	May 4, 2010
	CC Hearing:	May 15, 2010
	If approved, DSUP Expiration:	May 15, 2013 (3 years)
	Plan Acreage:	2,836 sq. ft.
<b>Location:</b> 923 King Street	Zone:	King Street Urban Retail Zone(KR)
	Proposed Use:	Two-story restaurant and 2 accessory residential apartments
	Dwelling Units:	2 third-story accessory residential apartments
	Floor Area Ratio:	Existing: 1.4, Proposed: 2.41 (w/SUP)
<b>Applicant:</b> Seyed Hossein Shoja-Maddahi, represented by Duncan Blair	Small Area Plan:	Old Town
	Historic District:	Old and Historic Alexandria
	Green Building:	Requesting Flexibility

**Purpose of Application**

The applicant requests approval of a development special use permit with site plan to construct an approximately 1,492 sq. ft. addition.

**Special Use Permits and Modifications Requested:**

1. Special Use Permit to operate a full-service restaurant
2. Special Use Permit to increase Floor Area Ratio (FAR) from 1.5 to 2.5
3. Modification to Section 11-410(CC)(2) to relocate 25% crown coverage requirement

**Staff Recommendation:** APPROVAL WITH CONDITIONS

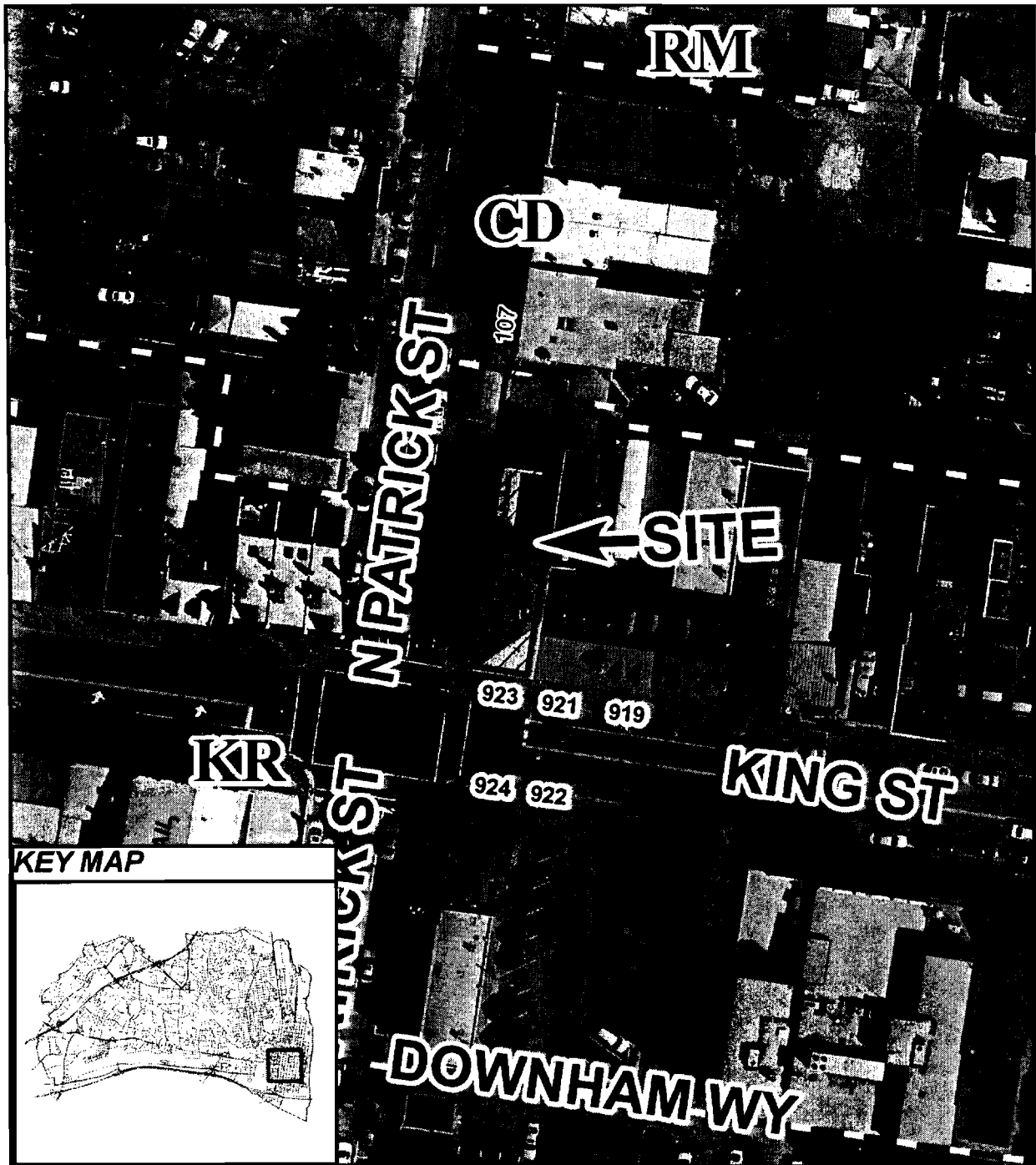
**Staff Reviewer(s):** Colleen Rafferty, AICP [colleen.rafferty@alexandriava.gov](mailto:colleen.rafferty@alexandriava.gov)

**PLANNING COMMISSION ACTION, MAY 4, 2010:** On a motion by Mr. Jennings, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the Development Special Use Permit with Site Plan to construct an approximately 1,492 sq. ft. addition subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

**Reason:** The Planning Commission generally supported the proposal and agreed with the staff analysis.

**Speakers:** Mr. Oliver Ryan, property owner of O’Keefe and Company, requested the walls of the restaurant be sound and fire proofed.

Mr. Poul Hertel, President of the Old Town Civic Association, spoke in support of the proposal.



DSUP #2010-0002

05/04/10



## **I. SUMMARY**

### ***A. Requested Action***

The Planning Commission and City Council are being asked to take action on the following requests:

- Development Special Use Permit, with Site Plan, to construct an approximately 1,492 sq. ft. addition to the existing 4,309 sq. ft. vacant building. A Site Plan is required because the addition is more than 1/3 the size of the existing building.;
- A Special Use Permit to operate a full-service restaurant use on the first and second floors of the building;
- A Special Use Permit (SUP) to increase the floor area ratio (FAR) from 1.5 to 2.5; and
- A modification to Section 11-410(CC)(2) to relocate 25% crown coverage requirement off-site.

### ***B. Recommendation***

Staff recommends approval with conditions of the development special use permit with site plan, to construct an approximately 1,492 sq. ft. addition to an existing historic building in the King Street Urban Retail (KR) zone. The proposed mix of uses is suitable for this prominent corner on King Street. The addition is compatible with the height, massing, scale, and design of the existing structure and the context of the neighborhood.

Significant topics that will be covered in this report include:

- Approval of a SUP for a restaurant. The restaurant use diversifies, energizes, and enhances a prominent corner on the 900 block of King Street.
- Increased FAR. The increase in square footage on the site is compatible with the character of the area and the massing of the proposed addition.
- Building design. The addition is compatible with the historic building and will be heard by the Board of Architectural Review.
- Crown coverage modification. Site limitations create a request to provide crown coverage off-site.
- Green Building Policy flexibility. The nature of the proposal qualifies for a request for flexibility to incorporate green building techniques without achieving LEED Silver certification.
- Parking. The site is located in the Central Business District which does not require any parking in that area. The proposal does not include any new parking spaces.

## II. BACKGROUND

### *A. Site Context*

The subject property is one lot of record located on the northeast corner of the King Street and North Patrick Street intersection. The approximately 3,000 sq. ft. property is within the boundaries of the Old Town Small Area Plan and the Old and Historic Alexandria District (OHAD). Abutting the site to the east is the O’Keefe and Company’s Marketing Offices. Across King Street, south of the site, are Bloomers, Pure Prana, Mischa’s, and Bellacara. The M&M Fine Arts and Antiques store is west of the site, across North Patrick Street. At the rear of the site, to the north, is a residential building. The existing, historic building on the subject property has been vacant for some time – approximately 4 or 5 years. The last retail tenant was Conklyn’s Flowers, which relocated several years ago.

### *B. History*

The building at 923 King Street is a three-story, three-bay, brick structure that was built by Francis Peyton in the late 18<sup>th</sup> to early 19<sup>th</sup> century. According to Ethelyn Cox’s *Alexandria Street by Street*, Peyton acquired the quarter block of land on which the building sits in 1797 and pledged the building in a deed of trust in 1826 (he also built 919 and 921 King Street). The King Street facade was refaced during the Victorian period in the second half of the 19th century. The first floor storefront alterations were built prior to the establishment of the Old and Historic Alexandria District. The storefront was altered to its present configuration in 1970 (Approved by the Board of Architectural Review, 12/16/1970). The concrete block rear addition was constructed in 1961, according to building permits, and was recently veneered with brick. Two apartments currently occupy the second and third floors.

### *C. Project Description*

The applicant is proposing a three-story, approximately 1,492 sq. ft. addition to the rear of the existing three-story building. The concrete block rear addition that was constructed in 1961 will be demolished to accommodate the new floor plan. With the removal of this portion of the building, an existing encroachment into the public right-of-way on North Patrick Street (approximately five inches as approved in Ordinance #4519, 02/23/2008) will be vacated. The proposal includes interior renovations of the historic building with the intent of housing a two-story restaurant on the first and second floors and residential units on the third floor. The applicant is requesting a SUP for that restaurant use as part of this application, even though a specific restaurant tenant has not yet been identified. The existing curb cut on North Patrick Street will remain, as it provides access to the alley behind the building.

## III. ZONING

The King Street Urban Retail Zone (KR) is a special zone in the central business district of Alexandria. This area is, “intended to create strategic and flexible zoning for properties abutting King Street in Old Town in order to enhance the long term vitality of the street” (Section 6-701).

The provisions of this zone encourage active uses on the ground floor of buildings, promote the full use of upper floors of buildings to provide continued activity, and refine existing requirements for new development to ensure compatibility with the surrounding context.

Section 6-702 (A)(2)(k) of the Zoning Ordinance requires approval of a special use permit for any restaurant in the KR Zone. There had been a previously approved SUP on the property for the operation of a restaurant use (SUP2006-0075) that allowed for a 1950s era soda fountain style restaurant. This SUP was never implemented and has since expired. The current proposal includes a request for a SUP for a two-story restaurant use. The two residential units above the restaurant are existing uses; thus they do not need approval of a SUP.

**Table 1. Zoning Tabulations**

Property Address:	923 King Street		
Total Site Area:	2,836 sq. ft.		
Zone:	King Street Urban Retail Zone (KR)		
Current Use:	Vacant		
Proposed Use:	Two-story restaurant with two accessory residential apartments		
	Permitted/Required	Existing	Proposed
FAR	Nonresidential: 1.5 or 2.5 with approval of SUP Residential: 1.25 or 2.5 with approval of SUP	1.4	2.41
Setbacks			
Front	N/A	N/A	N/A
Side	N/A	N/A	N/A
Rear	N/A	N/A	N/A
Open Space	N/A	N/A	N/A
Building Height	50 feet	40.33 feet	40.33 feet
Parking			
Standard	0	0	0
Compact	0	0	0
Accessible	0	0	0
Total	0	0	0

#### **IV. STAFF ANALYSIS**

##### ***A. Special Use Permit for Restaurant Use***

The proposed use is consistent with the Old Town Small Area Plan, which designates the subject property as a commercial use. In addition, staff has analyzed the restaurant SUP proposal for conformance with both the Old Town Restaurant Policy and the King Street Retail Strategy. Those documents are policy statements adopted by the Council which emphasize how critical it is for the City to have an active, economically healthy, commercial district on and near King Street, and the importance of maintaining an appropriate balance between the residential area of

Old Town and that commercial area. The Old Town Restaurant Policy advises that restaurants should be analyzed regarding the following factors: the impact of the restaurant on parking in the adjacent neighborhood, late night hours, predominance of alcohol, litter, and diversity of uses.

It should be noted that the applicant does not currently have a tenant for the restaurant space. During the initial discussions of the project, with the goal of being business friendly, staff and the applicant decided to bundle the SUP and site plan applications in order to streamline the process. At that time, the applicant intended to have the space leased prior to the public hearings, however no leasing agreements have been made as of yet.

There was initial concern for not having a specific tenant to which the conditions could be tailored, however staff believes the use itself can be reviewed and analyzed as part of this proposal. Staff's recommendations, regardless of the lack of a tenant, include the typical conditions for restaurant uses, such as regulating who operates the business, limiting hours of operation and number of seats, and restricting alcohol sales, to name a few. Once the applicant leases the space, any necessary changes to the SUP conditions (i.e. change of ownership) will be reviewed and approved administratively. Despite the absence of a specified tenant, staff supports the SUP application for several reasons.

First, a restaurant use is compatible with the surrounding area. The neighboring businesses are predominantly personal service, retail, or office uses and will benefit from the activity and enhanced vitality a restaurant use brings to the area. The need for diversity of uses on the block, as called for in the Old Town Restaurant Policy, is evident in this case. Currently, there are only two existing restaurants on the 900 block of King Street: the Majestic and Layla's Lebanese Restaurant. A third restaurant, the recently approved RedRocks Pizza Napoletana Restaurant (SUP2009-0051), will be on the south side of the 900 block, east of the subject property. When compared with blocks to the east, the 900 block of King Street has many fewer restaurants. The added dining experience will contribute to diversifying the character of the 900 block of King Street.

Second, a restaurant use provides an ideal opportunity to activate the now vacant corner at a prominent location on King Street. The large, storefront windows facing both King and North Patrick streets will be animated with the patrons frequenting the business and the inner-workings of an eating establishment. The main entrance to the building will remain on King Street and along the North Patrick Street side, although subordinate in importance as a pedestrian access way, a secondary entrance and projecting bay window are articulated with the same level of detail as the front building face. Overall, the pedestrian experience will be improved and the public realm will be enhanced by re-instating an energetic corner.

Last, there was a previously approved SUP on the property for the operation of a restaurant use (SUP2006-0075) that allowed for a 1950s era soda fountain style restaurant. Although this SUP has since expired, the restaurant use was found compatible with the area's character and addressed the need for additional dining experiences on a part of King Street that is short of restaurants, as compared to the blocks east of Washington Street. Also mentioned was the desire to create a warm and inviting interior with high-quality materials.

Similar to other restaurant SUPs and in accordance with the Old Town Restaurant Policy, staff is recommending the following:

- Hours of Operation: 10:00am – 11:00pm Sunday and Monday  
10:00am – 12:00 midnight Tuesday - Thursday  
10:00am – 1:00am Friday and Saturday
- Number of Seats: 85
- Trash/Litter: 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. 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.
- Hazardous Materials: Small quantities of organic compounds, generally recognized to be appropriate for use by restaurants in the operation of the business, will be stored, used as solvents, and disposed of in accordance with applicable regulations.
- Alcohol: On-premises alcohol service may be permitted, but no off-premises sales shall be allowed.
- Loading/ Unloading: Supply deliveries, loading and unloading activities shall not occur between the hours of 11:00 pm and 7:00 am.
- Live Entertainment: No live entertainment shall be permitted either inside the restaurant or in any future outdoor dining area.

Based on the compatibility of the use, re-activation of a prominent corner in Old Town, enhanced vitality the use will bring to the street, need for restaurants in the area, and consistency with the Master Plan, staff recommends approval of the special use permit to operate a full-service restaurant.

### ***B. Special Use Permit for Increased FAR***

The maximum floor area ratio (FAR) in the KR zone is 1.5, except that the FAR can be increased to an amount not to exceed 2.5 with approval of an SUP. This application includes a request to increase the FAR from 1.4 to 2.41. Staff supports the increase in FAR based on the surrounding context and the mass and scale of the proposed addition.

The proposed addition will infill the current gap between the existing historic building and the residential buildings at the rear of the site. The relatively narrow, deep lots throughout Old Town facilitate the buildings occupying the majority of their parcels. The addition re-enforces the streetwall along North Patrick Street and mirrors the building across the street by extending it along the side of the property. The addition's massing and scale respect the historic building and the adjacent residential buildings by employing a different roof form and stepping down, away from the historic structure toward the residences at the rear. The gradual decrease in the height of the addition goes from three stories to one story. Again, the streetwall is maintained with the use of a wrought-iron gate in front of the alley and a brick wall, serving as a screen for the trash enclosure. For these reasons, staff finds the increase in FAR adequate and consistent with the overall character of the neighborhood.

### ***C. Building Design and BAR Review***

Since the building lies within the Old and Historic Alexandria District, the proposal will be reviewed by the Old and Historic Alexandria Board of Architectural Review. The applicant will apply for a Certificate of Appropriateness should the City Council approve this proposal. Furthermore, staff's recommendations for the building design in this staff report have been based on the *Design Guidelines* (as discussed below), as well as coordinated with Historic Preservation staff.

The *Design Guidelines* for the Old and Historic Alexandria District provide guidance for commercial additions, particularly related to elements such as style, differentiation, massing, height, form, and architectural detailing, which are all relevant to the discussion of the proposed addition to the existing building.

With regards to style, form and differentiation, as previously mentioned, the design of the addition respects the heritage of the historic building. Since the front facade was refaced in the Victorian style and the west facade is believed to be original (in the Georgian style), instead of mimicking the architectural detailing of these styles, the addition is honest with its place in time and is designed in the Colonial Revival approach. Several design elements, such as the simple, flat lintels, cornice-line balustrade, six-over one sash windows, and subtle setback of the addition are employed as a means of creating a differentiation between the old and the new and quietly showcasing the original facade. The form and massing of the addition is also considerate of its counterpart; its rectilinear configuration gradually steps down, away from the historic building from three stories to one. A projecting bay successfully relates to the bay wrapping the corner of the historic building, marrying the two compositions.

Staff believes the applicant has successfully chosen to relate the form and massing of the historic building to the addition, while clearly demonstrating a differentiation between the two structures.

### ***D. Modification to Crown Coverage Requirement***

The proposal includes a request for a modification to the 25% crown coverage requirement. Section 11-416 (B) allows modifications of minimum landscaping provisions "be granted by the planning commission if it finds that strict application of the requirements will effectively prohibit



or unreasonably restrict the use of the property, that a modification of those requirements will not be of substantial detriment to adjacent property, and that the modification will not violate the intention of section 11-410 (CC) to require a reasonable amount of landscaping.” A development on a lot this size would require 750 sq. ft. of crown coverage, which is essentially one medium shade tree. Due to the small lot size, as well as the building and addition occupying the majority of the site, a tree can not be accommodated at this location. As a result of this issue, the applicant has agreed to provide a monetary contribution to the Living Landscape Fund to purchase a tree and plant it off-site.

### ***E. Green Building Request for Flexibility***

The applicant is seeking flexibility from the City’s Green Building Policy, which was adopted in April of 2009. This policy outlines the City standard to have newly constructed non-residential buildings achieve a Silver Certification in Leadership in Energy and Environmental Design (LEED) from the United States Green Building Council (USGBC). However, the policy also allows flexibility or exemption for additions and historic buildings. Specifically it states,

“The types and scale of developments within each category vary greatly...certain building types (for example, medical, hotel, industry, affordable housing, historic buildings, churches, redevelopment of small retail or restaurant establishments, and renovations or small additions to existing buildings) may require a more flexible approach.” (Green Building Policy, 2009)

This project meets the criteria for flexibility in that it is a historic building and it involves an addition rather than a completely new building. In addition, the applicant has requested flexibility with the City’s Green Building Policy due to the financial feasibility of applying for LEED Silver certification.

Staff is convinced that this case qualifies for a more flexible approach for several reasons. First, it meets a number of the criteria for flexibility laid out in the Green Building Policy – it is a historic building, it involves a small addition to an existing building, and it includes a small restaurant/retail establishment. Secondly, since the project is of a modest size and scope, the requirement of attaining LEED Silver certification would, in all likelihood, present a significant financial hurdle. Finally, though staff is recommending flexibility in regard to the LEED Silver goal, the City’s environmental priorities of enhancing energy efficiency, reducing stormwater runoff, and increasing water conservation will be met in large part through staff’s recommendations about specific building and project elements.

In lieu of the LEED Silver requirement, staff recommends the applicant incorporate a myriad of environmentally responsible techniques. These components include recycling demolished materials, incorporating water fixtures certified by the Environmental Protection Agency (EPA) to reduce municipal wastewater, potentially treating stormwater runoff on-site, and continuing to work with staff to incorporate green building design elements at the final site plan stage.

### ***F. Parking***

A restaurant use does not have a parking requirement under the Central Business District zoning regulations. Additionally, the two residential units are grandfathered uses; thus they do not require any parking spaces. The applicant has proposed no off-street parking as part of this application.

Although the lack of parking is a concern, staff believes that this concern is somewhat mitigated in this case as there are a number off-street parking opportunities in the immediate area (including the City's surface lot directly across the street) and there is excellent access to transit. There are several DASH (AT2, AT5, and AT7) bus lines, as well as the trolley, which frequently pass the property. The project site is within 3,000 feet, or approximately one-half mile, of the King Street metrorail station; well within walking distance. Furthermore, as part of the staff recommendations, similar to other restaurant SUPs, the applicant will be required to participate in an organized parking program formed as a result of suggested parking strategies in the King Street Retail Strategy.

## **V. COMMUNITY**

Staff discussed the proposal with the Old Town Civic Association and although, in essence, the application is for an addition and interior renovation, the SUP for the restaurant use garnered some concerns from the Association. Recently, several SUPs have been approved for restaurants in Old Town. These approvals have given the Association two concerns: one is the potential of the restaurant market becoming saturated and the other is the issue of too much retail space converting to restaurants.

Staff is convinced neither the restaurant nor the retail markets will be adversely impacted with the addition of another dining experience on this section of King Street. As previously discussed, the restaurant use is compatible with the area and recommended by several policy documents and studies as being appropriate along King Street, especially west of Washington Street. Although this space had been leased to a retail tenant in the past, it has been vacant for a number of years and had actually been approved for a restaurant SUP in the past.

Staff believes that adding an additional restaurant to this block will be an asset to the commercial character of the immediate area rather than a detriment and will help to reinvigorate a prominent corner that has been vacant for too long.

## **VI. CONCLUSION**

Staff recommends **approval** of the development special use permit with site plan to construct an approximately 1,492 sq. ft. addition subject to compliance with all applicable codes and the following recommended conditions.

Staff: Faroll Hamer, Director of Planning and Zoning;  
Gwen Wright, Division Chief, Development; and  
Colleen Rafferty, AICP, Urban Planner.

## **VII. STAFF RECOMMENDATIONS:**

1. The Final Site Plan shall be in substantial conformance with the preliminary plan dated April 1, 2010 and comply with the following conditions of approval.

### ***A. PEDESTRIAN/STREETSCAPE:***

2. Provide the following pedestrian improvements to the satisfaction of the Directors of P&Z, RP&CA and T&ES:
  - a. Complete all pedestrian improvements prior to the issuance of a certificate of occupancy permit.
  - b. Upgrade existing curb ramp on the northeast corner of North Patrick Street and King Street to current ADA standards.
  - c. All brick sidewalks shall comply with the City's Memo to Industry 05-08.
  - d. All newly constructed curb ramps in Alexandria shall be concrete with detectable warning and shall conform to VDOT standards as outlined in a City Memo to Industry (3/07) available on-line:  
<http://alexandriava.gov/tes/info/default.aspx?id=3522>.\*\*\*  
(P&Z)(RP&CA)(T&ES)

### ***B. BUILDING:***

3. Continue to work with staff to incorporate green building and sustainable design techniques during the final site plan process. (P&Z)
4. The applicant shall work with the City for reuse of the existing building materials as part of the demolition process, including leftover, unused, and/or discarded building materials.(T&ES)
5. The applicant shall use EPA-labeled WaterSense or equivalent fixtures to minimize the generation of municipal wastewater from the site and explore the possibilities of adopting water reduction strategies (i.e., use of gray water system on-site) and other measures that could possibly reduce the wastewater generation from this site. A list of applicable mechanisms can be found at <Http://www.epa.gov/WaterSense/pp/index.htm>. (T&ES)

### ***C. RESTAURANT USE:***

6. 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)
7. The hours of operation of the restaurant shall be limited to between 10:00am and 11:00pm Sunday and Monday, between 10:00am and 12:00 midnight Tuesday through Thursday and between 10:00am and 1:00am Friday and Saturday. (P&Z)

8. Interior seating shall be limited to a maximum of 85 seats. Additional outdoor seating may be provided on the premises subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program. (P&Z)
9. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
10. No live entertainment shall be permitted either inside the restaurant or in any future outdoor dining area. (P&Z)
11. No delivery service shall be available from the restaurant. (P&Z)
12. On-premises alcohol service may be permitted, but no off-premises sales shall be allowed. (P&Z)
13. Meals ordered before the closing hour may be sold, 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)
14. 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)
15. No food, beverages, or other material shall be stored outside. (P&Z)
16. 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)
17. 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. (P&Z)(T&ES)
18. 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)
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 Department of Transportation & Environmental Services. (T&ES)
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)

21. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery readiness training for all employees. (Police)
22. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
23. 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)
24. The placement or construction of items that block the visibility of the interior of the store from the street and sidewalk (e.g. storage cabinets, carts, shelving, boxes, coat racks, storage bins, closets, etc.) shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. This requirement shall be included as part of the lease for each tenant. (P&Z)

**D. SIGNAGE:**

25. All signage shall be subject to approval by the Board of Architectural Review. (P&Z)
26. Install a temporary informational sign on the site prior to the approval of the final site plan for the project. The sign shall be displayed until construction is complete or replaced with a contractor or real estate sign incorporating the required information; the sign shall notify the public of the nature of the upcoming project and shall provide a phone number for public questions regarding the project.\* (P&Z)(T&ES)

**E. PARKING:**

27. Provide 2 bicycle parking space(s) per Alexandria's current Bicycle Parking Standards. Bicycle parking standards, acceptable rack types for short- and long-term parking and details for allowable locations are available at: [www.alexandriava.gov/bicycleparking](http://www.alexandriava.gov/bicycleparking). (T&ES)

**F. SITE PLAN:**

28. Per Section 11-418 of the Zoning Ordinance, the development special use permit shall expire and become null and void, unless substantial construction of the project is commenced within 36 months after initial approval and such construction is thereafter pursued with due diligence. The applicant shall provide a written status report to staff 18 months after initial approval to update the City Council on the project status. (P&Z)
29. Provide a unit numbering plan for each floor of a multi-unit building with the first final site plan submission. The unit numbers should comply with a scheme of 100 level numbers on the first floor, 200 level numbers on the second floor, and 300 level numbers for third floor and continue in this scheme for the remaining floors. Indicate unit's use (i.e.: Residential, Retail, Office) if known. (P&Z)

**G. CONSTRUCTION:**

30. Submit a construction management plan for review and approval by the Directors of P&Z, T&ES and Code Administration prior to final site plan release. The plan shall:
  - a. Include a plan for temporary pedestrian and vehicular circulation;
  - b. Include the overall schedule for construction and the hauling route;
  - c. Copies of the plan shall be posted in the construction trailer and given to each subcontractor before they commence work;
  - d. If the plan is found to be violated during the course of construction, citations will be issued for each infraction and a correction notice will be forwarded to the applicant. If the violation is not corrected within five (5) calendar days, a "stop work order" will be issued, with construction halted until the violation has been corrected. \* (P&Z)(T&ES)(Code)
31. Provide off-street parking for all construction workers without charge to the construction workers. For the construction workers who use Metro, DASH, or another form of mass transit to the site, the applicant shall subsidize a minimum of 50% of the fees for mass transit. Compliance with this condition shall be a component of the construction management plan, which shall be submitted to the Department of P&Z and T&ES prior to final site plan release. This plan shall:
  - a. Establish the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of mass transit.
  - b. Provide for the location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes.
  - c. If the plan is found to be violated during the course of construction, a correction notice will be issued to the developer. If the violation is not corrected within five (5) days, a "stop work order" will be issued, with construction halted until the violation has been corrected. \* (P&Z)(T&ES)

32. The sidewalks shall remain open during construction or pedestrian access shall be maintained to the satisfaction of the Director of T&ES throughout the construction of the project. (T&ES)
33. No major construction staging shall be allowed within the public right-of-way on (specific locations to be specified for each project) King Street and South Patrick Street. The applicant shall meet with T&ES to discuss construction staging activities prior to release of any permits for ground disturbing activities. \*\* (T&ES)
34. Any structural elements that extend into the public right of way, including but not limited to footings, foundations, tie-backs etc., must be approved by the Director of T&ES as a part of the Sheeting and Shoring Permit. (T&ES) [To be used when proposed building is on property line.]
35. A "Certified Land Disturber" (CLD) shall be named in a letter to the Division Chief of Construction & Inspection prior to any land disturbing activities. If the CLD changes during the project, that change must be noted in a letter to the Division Chief. A note to this effect shall be placed on the Phase I Erosion and Sediment Control sheets on the site plan. (T&ES)
36. Prior to commencing clearing and grading of the site, the applicant shall hold a meeting with notice to all adjoining property owners to review the location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Departments of P&Z and T&ES shall be notified of the date of the meeting before the permit is issued. (P&Z)(T&ES)
37. Identify a person who will serve as a liaison to the community throughout the duration of construction. The name and telephone number, including an emergency contact number, of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site and shall be placed on the project sign, to the satisfaction of the Directors of P&Z, RP&CA and T&ES. (P&Z)(RP&CA)(T&ES)
38. Implement a waste and refuse control program during the construction phase of this development. This program shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter or trash, trash generated by construction workers or mobile food vendor businesses serving them, and all sanitary waste at the construction site and prevent offsite migration that may cause adverse impacts to neighboring properties or to the environment to the satisfaction of Directors of T&ES and Code Administration. All wastes shall be properly disposed offsite in accordance with all applicable federal, state and local laws. (T&ES)
39. Contractors shall not cause or permit vehicles to idle for more than 10 minutes when parked. (T&ES)
40. Submit a wall check prior to the commencement of construction of the first floor above grade framing for the building(s). The wall check shall include the building footprint, as

depicted in the approved final site plan, the top-of-slab elevation and the first floor elevation. The wall check shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the P&Z prior to commencement of framing. (P&Z)

41. Submit a height certification and a location survey for all site improvements to the Department of P&Z as part of the request for a certificate of occupancy permit. The height certification and the location survey shall be prepared and sealed by a registered architect, engineer, or surveyor. The height certification shall state that the height was calculated based on all applicable provisions of the Zoning Ordinance. \*\*\* (P&Z)

***H. WASTEWATER / SANITARY SEWERS:***

42. The project lies within the Combined Sewer District, therefore, stormwater management and compliance with the City's Chesapeake Bay Program shall be coordinated with the City's policy for management of the Combined Sewer District. (T&ES)
43. The project lies within the Combined Sewer area. Therefore, the applicant shall contribute \$9,642.00, based on a footprint addition of 1,400 square feet, per the recommendations of Combined Sewer Area Reduction Plan to the City's Combined Sewer Separation Fund. (T&ES)

***I. SOLID WASTE:***

44. Provide \$1,150 per receptacle to the Director of T&ES for purchase and installation of one (1) Iron Site Bethesda Series, Model SD-42 decorative black metal trash cans with domed lid by Victor Stanley. The receptacle(s) shall be placed in the public right of way to serve open space and park sites. Receptacles shall be generally located along the property frontage and at strategic locations in the vicinity of the site as approved by the Director of T&ES. Payment required prior to release of Final Site Plan.\* (T&ES)

***J. STREETS / TRAFFIC:***

45. If the City's existing public infrastructure is damaged during construction, or patch work required for utility installation then the applicant shall be responsible for construction/ installation or repair of the same as per the City of Alexandria standards and specifications and to the satisfaction of Director, Transportation and Environmental Services. (T&ES)
46. A pre-construction walk/survey of the site shall occur with Transportation and Environmental Services Construction and Inspection staff to document existing conditions prior to any land disturbing activities. (T&ES)

***K. UTILITIES:***

47. Locate all private utilities outside of the public right-of-way and public utility easements. (T&ES)



**L. NOISE:**

48. All exterior loudspeakers shall be prohibited and no amplified sound shall be audible at the property line. Musicians outside are prohibited. (T&ES)
49. Supply deliveries, loading and unloading activities shall not occur between the hours of 11:00 pm and 7:00 am. (T&ES)

**M. AIR POLLUTION:**

50. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into any street, alley, or storm sewer. (T&ES)
51. No material may be disposed of by venting into the atmosphere. (T&ES)
52. Control odors and any other air pollution sources resulting from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Director of Transportation and Environmental Services. (T&ES)

**N. CONTRIBUTIONS:**

53. Contribute \$250 towards the Living Landscape fund prior to release of the final site plan. All checks shall be made payable to the City of Alexandria and submitted to the Department of P&Z with a cover letter citing the project name, contribution amount, and the condition being fulfilled.\* (P&Z)

**O. ARCHAEOLOGY:**

54. Call Alexandria Archaeology (703/838-4399) two weeks before the starting date of any ground disturbance so that an inspection or monitoring schedule for city archaeologists can be arranged. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)
55. Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)
56. The applicant shall not allow any metal detection and/or artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology. Failure to comply shall result in project delays. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)

## **CITY DEPARTMENT CODE COMMENTS**

Legend: C - Code Requirement R - Recommendation S - Suggestion F – Finding

### Planning and Zoning:

R - 1. For all first floor bays with a street-facing door providing their primary access, please coordinate with the Geographic Information Systems (GIS) Division for address assignments at tenant fit out. These uses are not permitted to use the primary building address as their address. Please contact the Addressing Coordinator in the GIS Division (703-838-4884) as each new tenant is determined, and an appropriate address based on the location of the primary entrance door of the new space will be assigned.

### Transportation and Environmental Services:

- F - 1. Since the record drawings, maps, and other documents of the City of Alexandria, State, and Federal agencies show the true north pointing upwards, therefore, the Site Plan shall show the true north arrow pointing upward as is customary; however, for the sake of putting the plan together and/or ease of understanding, the project north arrow pointing upward, preferably east, or west may be shown provided it is consistently shown in the same direction on all the sheets with no exception at all. The north arrow shall show the source of meridian. The project north arrow pointing downward will not be acceptable even if, it is shown consistently on all the sheets. (T&ES)
- F - 2. The plan shall show sanitary and storm sewer, and water line in plan and profile in the first final submission and cross reference the sheets on which the plan and profile is shown, if plan and profile is not shown on the same sheet. Clearly label the sanitary and storm sewer, or water line plans and profiles. Provide existing and proposed grade elevations along with the rim and invert elevations of all the existing and proposed sanitary and storm sewer at manholes, and water line piping at gate wells on the respective profiles. Use distinctive stationing for various sanitary and storm sewers (if applicable or required by the plan), and water line in plan and use the corresponding stationing in respective profiles. (T&ES)
- F - 3. The Plan shall include a dimension plan with all proposed features fully dimensioned and the property line clearly shown. (T&ES)
- F - 4. Include all symbols, abbreviations, and line types in the legend. (T&ES)
- F - 5. All storm sewers shall be constructed to the City of Alexandria standards and specifications. Minimum diameter for storm sewers shall be 18” in the public Right of Way (ROW) and the minimum size storm sewer catch basin lead is 15”. The acceptable pipe materials will be AWWA C-151 (ANSI A21.51) Class 52 or Reinforced Concrete Pipe (RCP) ASTM C-76 Class IV. For roof drainage system, Polyvinyl Chloride (PVC) ASTM D-3034-77 SDR 26 and ASTM 1785-76 Schedule 40 pipes will be acceptable.

The acceptable minimum and maximum velocities will be 2.0 fps and 15 fps, respectively. The storm sewers immediately upstream of the first manhole in the public Right of Way shall be owned and maintained privately (i.e., all storm drains not shown within an easement or in a public Right of Way shall be owned and maintained privately). (T&ES)

- F - 6. Crossing Existing or Proposed Utilities: Underground telephone, cable T.V., gas, and electrical duct banks shall be crossed maintaining a minimum of 12" of separation or clearance with water main, sanitary, or storm sewers. If this separation cannot be achieved then the sewer pipe material shall be Ductile Iron Pipe (DIP) AWWA C-151 (ANSI A21.51) Class 52 for a distance of 10 feet on each side of the point of crossing and pressure tested in place without leakage prior to installation. Sanitary / storm sewers and water main crossing over the utilities shall have adequate structural support (pier support and/or concrete encasement) to prevent damage to the utilities. (T&ES)
- F - 7. Show the drainage divide areas on the grading plan or on a sheet showing reasonable information on topography along with the structures where each sub-area drains. (T&ES)
- F - 8. Provide proposed elevations (contours and spot shots) in sufficient details on grading plan to clearly show the drainage patterns. (T&ES)
- F - 9. All the existing and proposed public and private utilities and easements shall be shown on the plan and a descriptive narration of various utilities shall be provided. (T&ES)
- C - 1 Per the requirements of the City of Alexandria Zoning Ordinance Article XI, the applicant shall complete a drainage study and adequate outfall analysis for the total drainage area to the receiving sewer that serves the site. If the existing storm system is determined to be inadequate then the applicant shall design and build on-site or off-site improvements to discharge to an adequate outfall; even if the post development storm water flow from the site is reduced from the pre-development flow. The Plan shall demonstrate to the satisfaction of the Director of T&ES that a non-erosive stormwater outfall is present. (T&ES)
- C - 2 Per the requirements of the City of Alexandria Zoning Ordinance (AZO) Article XIII, the applicant shall comply with the peak flow requirements and prepare a Stormwater Management Plan so that from the site, the post-development peak runoff rate from a two-year storm and a ten-year storm, considered individually, shall not exceed their respective predevelopment rates. If combined uncontrolled and controlled stormwater outfall is proposed, the peak flow requirements of the Zoning Ordinance shall be met. If the project site lies within the Braddock-West watershed then the applicant shall provide an additional 10% storage of the pre-development flows in this watershed to meet detention requirements. (T&ES)
- C - 3 Per the requirements of Article 13-113 (d) of the AZO, all stormwater designs that require analysis of pressure hydraulic systems, including but not limited to the design of flow control structures and storm water flow conveyance systems shall be signed and

sealed by a professional engineer, registered in the Commonwealth of Virginia. The design of storm sewer shall include the adequate outfall, inlet, and hydraulic grade line (HGL) analyses that shall be completed to the satisfaction of the Director of T&ES. Provide appropriate reference and/or source used to complete these analyses. (T&ES)

- C - 4 Location of customer utility services and installation of transmission, distribution and main lines in the public rights of way by any public service company shall be governed by franchise agreement with the City in accordance with Title 5, Chapter 3, Section 5-3-2 and Section 5-3-3, respectively. The transformers, switch gears, and boxes shall be located outside of the public right of way. (T&ES)
- C - 5 (a) Per the requirements of Section 5-3-2, Article A, Chapter 3 of the City of Alexandria Code, all new customer utility services, extensions of existing customer utility services and existing overhead customer utility services supplied by any existing overhead facilities which are relocated underground shall, after October 15, 1971 be installed below the surface of the ground except otherwise exempted by the City Code and to the satisfaction of the Director, Department of Transportation and Environmental Services.  
(b) Per the requirements of Section 5-3-3, Article A, Chapter 3 of the City of Alexandria Code, all new installation or relocation of poles, towers, wires, lines, cables, conduits, pipes, mains, and appurtenances used or intended to be used to transmit or distribute any service such as electric current, telephone, telegraph, cable television, traffic control, fire alarm, police communication, gas, water, steam or petroleum, whether or not on the streets, alleys, or other public places of the City shall, after October 15, 1971, be installed below the surface of the ground or below the surface in the case of bridges and elevated highways except otherwise exempted by the City Code and to the satisfaction of Director, Department of Transportation and Environmental Services. (T&ES)
- C - 6 Flow from downspouts, foundation drains, and sump pumps shall be discharged to the storm sewer per the requirements of Memorandum to the industry on Downspouts, Foundation Drains, and Sump Pumps, Dated June 18, 2004 that is available on the City of Alexandria's web site. The downspouts and sump pump discharges shall be piped to the storm sewer outfall, where applicable after treating for water quality as per the requirements of Article XIII of Alexandria Zoning Ordinance (AZO). (T&ES)
- C - 7 In compliance with the City of Alexandria Zoning Ordinance Article XI, the applicant shall complete a sanitary sewer adequate outfall analysis as per the requirements of Memorandum to Industry No. 02-07 New Sanitary Sewer Connection and Adequate Outfall Analysis dated June 1, 2007. (T&ES)
- C - 8 Americans with Disability Act (ADA) ramps shall comply with the requirements of Memorandum to Industry No. 03-07 on Accessible Curb Ramps dated August 2, 2007 with truncated domes on the end of the ramp with contrasting color from the rest of the ramp. A copy of this Memorandum is available on the City of Alexandria website. (T&ES)

- C - 9 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 plan shall show the turning movements of a trash truck and the trash truck shall not back up to collect trash. 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)
- C - 10 The applicant shall be responsible to deliver the solid waste, as defined by the City Charter and Code of the City of Alexandria, to the Covanta Energy Waste Facility located at 5301 Eisenhower Avenue. A note to that effect shall be included on the plan. The developer further agrees to stipulate in any future lease or property sales agreement that all tenants and/or property owners shall also comply with this requirement. (T&ES)
- C - 11 The applicants will be required to submit a Recycling Implementation Plan form to the Solid Waste Division, as outlined in Article H to Title 5 (Ordinance Number 4438), which requires all commercial properties to recycle.
- C - 12 Bond for the public improvements must be posted prior to release of the site plan.\*
- C - 13 Provide a phased erosion and sediment control plan consistent with grading and construction plan.
- C - 14 All pedestrian, traffic, and way finding signage shall be provided in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), latest edition to the satisfaction of the Director of T&ES. (T&ES)
- C - 15 No overhangs (decks, bays, columns, post or other obstructions) shall protrude into public Right of Ways, public easements, and pedestrian or vehicular travelways unless otherwise permitted by the City Code.
- C - 16 All driveway entrances, curbing, etc. in the public ROW or abutting public ROW shall meet City design standards. (T&ES)
- C - 17 All sanitary laterals and/or sewers not shown in the easements shall be owned and maintained privately. (T&ES)
- C - 18 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 - 19 The applicant shall comply with the Article XIII of the City of Alexandria Zoning Ordinance, which includes requirements for stormwater pollutant load reduction, treatment of the water quality volume default and stormwater quantity management. (T&ES)

- C - 20 The applicant shall comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4. (T&ES)
- C - 21 All required permits from Virginia Department of Environmental Quality, Environmental Protection Agency, Army Corps of Engineers, Virginia Marine Resources shall be in place for all project construction and mitigation work prior to release of the final site plan. This includes the state requirement for a VSMP permit for land disturbing activities greater than 2500 SF. \* (T&ES)

Code Administration:

- R - 1. An automatic sprinkler system is recommended. (Code)
- R - 2. Removal of the existing addition may create an unsatisfactory exposure condition for the wall of the building located on the adjacent interior lot line. It is recommended that the owner of that property be informed. (Code)
- R - 3. It is recommended that the owner present a notarized affidavit to the Building Official stating when (to his best knowledge) the current usage was established. (Code)
- R - 4. For firefighting reasons it is recommended that all stairs extend thru the roof so that door access to the roof is provided. (Code)
- R - 5. In lieu of strict compliance with ladder truck access requirements specified in item C-\_, an alternative compliance proposal is recommended. The proposed massing, articulation of the facade and placement on the lot would be acceptable if the following fire protection and fire fighting features were built into the buildings.
  - a. Enclose all elevator lobbies in smoke tight construction
  - b. Stair capacity to be designed without taking the sprinklered building exception.
  - c. Fire phones installed on every level in the elevator lobby and the stairs.
  - d. Knock out panels that have an area of 20 feet for every 50 lineal feet of building perimeter.
  - e. Full automatic sprinkler system designed to NFPA 13. (Code)

Police:

- R - 1. It is recommended that the buildings have an address number which is contrasting in color to the background, at least 3 inches high, reflective, and visible from the street placed on the front and back of each home. It is strongly suggested that no brass or gold colored numbers are used. This aids in a timely response from emergency personnel should they be needed.
- R - 2. It is recommended that all of the ground floor level windows be equipped with a device or hardware that allows windows to be secured in a partially open position. This is to negate a "breaking and entering" when the windows are open for air.

- R - 3. It is recommended that a “door-viewer” (commonly known as a peep-hole) be installed on all doors on the ground level that lead directly into an apartment. This is for the security of the occupant.

**Archaeology**

- F - 1. According to Ethelyn Cox’s *Historic Alexandria, Street by Street, A Survey of Existing Early Buildings*, the house on this lot was built after 1797, when Francis Peyton acquired the property. The lot therefore has the potential to yield archaeological resources that could provide insight into domestic activities at the end of the 18<sup>th</sup> century and in the early 19<sup>th</sup>-century. In 1984, Alexandria Archaeology was notified that there was a brick shaft in the basement of this house, but no work in the basement area is planned during this project.
- F - 2. If this project is a federal undertaking or involves the use of any federal funding, the applicant shall comply with federal preservation laws, in particular Section 106 of the National Historic Preservation Act of 1966. The applicant will coordinate with the Virginia Department of Historic Resources and the federal agency involved in the project, as well as with Alexandria Archaeology.
- C - 1 All required archaeological preservation measures shall be completed in compliance with Section 11-411 of the Zoning Ordinance.

Asterisks denote the following:

- \* Condition must be fulfilled prior to release of the final site plan
- \*\* Condition must be fulfilled prior to release of the building permit
- \*\*\* Condition must be fulfilled prior to release of the certificate of occupancy
- \*\*\*\* Condition must be fulfilled prior to release of the bond

) APPLICATION for )  
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN  
DSUP # 2010-0002

PROJECT NAME: **King Building at 923**

PROPERTY LOCATION: **923 King Street, Alexandria, Virginia**

TAX MAP REFERENCE: **064.03 06 23**                      ZONE: **KR/King Street Urban Retail Zone**

APPLICANT NAME:            **Seyed Hossein Shoja-Maddahi**  
ADDRESS:                    **3927 Chantilly Road**  
                                      **Chantilly, Virginia 20151-3310**

PROPERTY OWNER NAME: **Seyed Hossein Shoja-Maddahi**  
ADDRESS:                    **3927 Chantilly Road**  
                                      **Chantilly, Virginia 20151-3310**

SUMMARY OF PROPOSAL: **Development Special Use Permit to construct a 2,578 square foot addition to the existing building at 923 King Street.**

MODIFICATIONS REQUESTED:    **Modification of the required onsite landscape crown coverage requirements of §11-410(cc)(2) of the Alexandria Zoning Ordinance, 1992, as amended (the "Ordinance").**

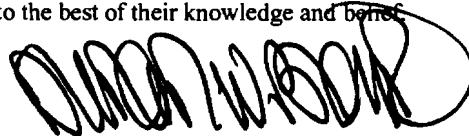
SUP's REQUESTED: **Special Use Permit to increase floor area pursuant to Section 6-705(c)(1)(a) of the Ordinance.**

**THE UNDERSIGNED** hereby applies for Development Site Plan, with Special Use Permit, approval in accordance with the provisions of Title 7, Chapter 5 of the Code of the City of Alexandria, Virginia.

**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 XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

**THE UNDERSIGNED** also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

**Land, Clark, Carroll, Mendelson & Blair, P.C.**  
**Duncan W. Blair, Esquire**  
\_\_\_\_\_  
Print Name of Applicant or Agent

  
\_\_\_\_\_  
Signature

**524 King Street**                      **(703) 836-1000**    **(703) 549-3335**                      **dlbair@landclark.com**  
Mailing/Street Address                      Telephone #                      Fax #                      E-mail:

**Alexandria, Virginia 22314**                      **March 10, 2010**  
City and State                      Zip Code                      Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

Application Received: \_\_\_\_\_                      Received Plans for Completeness: \_\_\_\_\_  
Fee Paid & Date: \$ \_\_\_\_\_                      Received Plans for Preliminary: \_\_\_\_\_

ACTION - PLANNING COMMISSION: \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_



Development Special Use Permit with Site Plan (DSUP) # 2010-0002

All applicants must complete this form.

Supplemental forms are required for childcare facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (*check one*)

- Owner                       Contract Purchaser  
 Lessee                          Other

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.

**Seyed Hossein Shoja-Maddahi is an individual owner.**

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**

2. 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, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. If not appropriate to the request, delete pages 4-7.  
(Attach additional sheets if necessary)

**Seyed Hossein Shoja-Maddahi is requesting a Development Special Use Permit to construct a 2,578 square foot addition to its existing building at 923 King Street.**

Development Special Use Permit with Site Plan (DSUP) # 2010-0002

**Special Use Permit:**

- a) Request for a Special Use Permit to increase FAR pursuant to Section 6-705(c)(1)(a).

**Modification:**

- b) Modification of the required onsite landscaping crown coverage.

- 3. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

**Not Applicable.**

- 4. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

**Not Applicable.**

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

Day:

Hours:

**Not Applicable.**

- 6. Please describe any potential noise emanating from the proposed use:

- A. Describe the noise levels anticipated from all mechanical equipment and patrons.

**All mechanical equipment will be selected and located on the property to comply with noise levels permitted by the Alexandria City Code.**

- B. How will the noise from patrons be controlled?

**Not Applicable.**

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

**Not Applicable.**

Development Special Use Permit with Site Plan (DSUP) # 2010-0002

8. Provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

**Not Applicable.**

B. How much trash and garbage will be generated by the use?

**Not Applicable.**

C. How often will trash be collected?

**Not Applicable.**

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

**Not Applicable.**

9. 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:

**Not Applicable.**

10. 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:

**Not Applicable.**

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

**Street access is adequate and no public right of way improvements are required.**

**ALCOHOL SALES**

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

Yes.      No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

**PARKING AND ACCESS REQUIREMENTS**

13. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

**None: The Project is located in the Downtown Central Business District.**

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

- \_\_\_\_\_ Standard spaces
- \_\_\_\_\_ Compact spaces
- \_\_\_\_\_ Handicapped accessible spaces
- \_\_\_\_\_ Other
- \_\_\_\_\_ Total

C. Where is required parking located?      On-site      off-site *(check one)*

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

**Not Applicable.**

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.

Development Special Use Permit with Site Plan (DSUP) # 2010-0002

D. 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.

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

A. How many loading spaces are required for the use, per section 8-200 (B) of the

Zoning ordinance? **None. The building on which the addition will be constructed existed as of June 25, 1963.**

B. How many loading spaces are available for the use? **Not applicable.**

C. Where are off-street loading facilities located? **Not applicable.**

D. During what hours of the day do you expect loading/unloading operations to occur?

**Not applicable.**

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

**Not applicable.**

15. 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?

**Yes.**

## 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. Seyed Hossein Shoja-Maddahi	3927 Chantilly Road Chantilly, VA 20151-3310	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. Seyed Hossein Shoja-Maddahi	3927 Chantilly Road Chantilly, VA 20151-3310	100%
2.		
3.		

3. Business or Financial Relationship. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required 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.


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. Seyed Hossein Shoja-Maddahi	None	Planning Commission, City Council,
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.

March , 2010  
Date

Seyed Hossein Shoja-Maddahi  
Printed Name

Signature 

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April 16, 2010

Faroll Hamer  
Director  
Department of Planning & Zoning  
301 King Street  
City Hall, Room 2100  
Alexandria, Virginia 22314

**DELIVERED BY HAND AND BY PDF**

**In re: King Street building at 923 King Street  
DSUP 2010-0002**

Dear Faroll:

I am writing on behalf of my client, Seyed Hossein Shoja-Maddahi, the owner of 923 King Street and the applicant requesting approval for a Development Special Use Permit to permit the renovation of the existing building and construction of a rear addition to the existing building at 923 King Street (the "Project") to request an exemption from the City's Green Building Policy adopted in April of 2009 ("Green Building Policy"). The Green Building Policy specifically allows flexibility or an exemption for additions, churches and historic buildings. Specifically, the policy states:

"The types and scale of development within each category vary greatly..... certain building types (for example, medical, hotel, industry, affordable housing, historic buildings, churches, redevelopment of small retail or restaurant establishments and renovations of small additions to existing buildings may require a more flexible approach). The Director of Planning & Zoning will consider whether certain special circumstances in the size, scale, location or use of the building justifies an exemption or alternative method of compliance with the City policy on a case by case basis and must strive to establish consistent criteria of thresholds for such alternatives based on experience with this policy."

Faroll Hamer, Director  
Department of Planning & Zoning  
April 16, 2010  
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On behalf of our client, I submit that the Project qualifies for an exemption from the Green Building Policy.

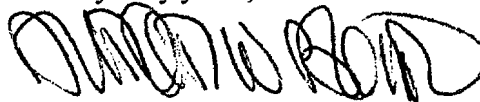
According to Evelyn Cox's history, Historic Alexandria, Street by Street, a Survey of Existing Early Buildings, the building on this lot was built after 1797 when Francis Peyton acquired the property. Clearly the building qualifies as a historic structure. The building is being renovated to be used as two residential apartments on the third and fourth floors and restaurant or retail space on the first and second floors. A small addition will be constructed at the rear of the property to replace an existing 1960s addition.

Given the nature of the building and the scope of the Project, I submit that an exemption is consistent with the City's policy of exempting similar projects from the strict application of the Green Building Policy. For example, in Development Special Use Permit #2007-0002, 630 and 636 North Patrick Street, Church of Good and Saints of Christ was given an exemption from the Green Building Policy. Additionally, in Development Special Use Permit #2009-0003, 4600 and 4604 Eisenhower Avenue, the applicant Restaurant Depot, LLC, was similarly awarded an exemption from the strict application of the Green Building Policy.

Notwithstanding the granting of an exemption, based upon the factors set forth in the Green Building Policy, the owner of 923 King Street is prepared to work with the City of Alexandria to incorporate green building design elements during the final site plan stage to the satisfaction of the Director of Planning & Zoning and Transportation & Environmental Services. This is the approach that was taken in connection with the Church of God and Saints of Christ development approval.

If you have any questions or require any further information concerning this request, please do not hesitate to call.

Very truly yours,



Duncan W. Blair

DWB:k\HamerFaroll-923King 0410

cc: Seyed Hossein Shoja-Maddahi, by PDF  
Shawn Rossoukh, by PDF  
Farhang Mojgani, P.E., by PDF  
Linda Serabian, by PDF  
Gwen Wright, by PDF  
Dirk Geratz, by PDF  
Colleen Rafferty, by PDF

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Old Town Civic Association, Inc.

P.O. Box 1213

Alexandria, Virginia 22313

PC Docket Items

#6 DWP 2010-0008

#7A SUP 2010-0009

#7B ETC 2010-0013

#8A SUP 2010-0017

#8B CC Sec 9.06 #2010-0008

Dear Chairman Komoroske and Members of the Planning Commission :

The Old Town Civic Association wishes to address the Restaurant Special Use Permits on the Docket in context of the 1992 Small Area Plan as amended in 1993 (commonly referred to as the Old Town Restaurant Policy). We will start out by proposing a unified longer-term perspective and then address the individual applications on the immediate term.

**DISCUSSION WITH PLANNING DEPARTMENT (Medium Long term )**

We thank the City Staff for taking time to discuss the overwhelming interest in converting retail space into restaurant space that is potentially altering the balance between the residential, restaurants, retail and commercial in Old Town.

The 1992 Small Area Plan was very specific in curtailing the proliferation of the restaurants by not allowing any new ones. This was reasonably amended by allowing for new ones under the condition that the City takes into consideration, not only parking, drunkenness, trash but also diversity. Furthermore, the amended plan accentuates this further by requiring that the City Council separately adopt criteria for determining the extent to which each criterion is met. This was set in place to ensure that the vision of Old Town would prevail, namely a criterion that was included in the King Street Retail Strategy that was adopted in 2004.

**POLICIES FOR OLD TOWN**

Old Town is unique in that it maintains a very fine residential area in close proximity to the commercial establishments on King and Washington Streets. While both the residential and the commercial areas are currently strong, there is a fragile balance which must be preserved if both are to remain strong and if the ambience of Old Town is to be preserved. Further, the commercial areas contain a mix of activities that is unique within the metropolitan area, and that mix needs to be protected if the character of Old Town is to be preserved.

Since being adopted in 1993, there have been no attempts at quantifying how each group has evolved over the years. As a result, assumptions as to whether or not the diversity and balance has been compromised rests on anecdotal evidence. (The Parking Study is a good beginning to understand the availability of such, but we will get back to that later). What is not in dispute is the economic and social benefit of the small retailers that inhabit Old Town as has been demonstrated in

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numerous studies across the country.

Keep in mind that Old Town became "Old Town" only after King Street was reinvented and populated by the small retailer. By adopting the King Street Retail Strategy, the City embarked on a restaurant-friendly policy, first by encouraging the apportionment of the public realm to the restaurants by allowing them to increase in size through administrative Special Use Permit (SUP), and second, by adopting the Small Business Facilitation Plan that encouraged the increase in the interior size through administrative SUPs. However, we do recognize and appreciate that Old Town did retain an SUP for new restaurants, and in so doing, is allowing us to have this conversation.

While the City might have embarked on a "vibrancy quest" that under current market conditions strongly favors restaurateurs, it has set in motion a process that discards the market mechanism by discouraging the pricing component from clearing the rental market. Instead, the policy encourages restaurants to take over valuable retail space in favor of restaurants as witnessed by the plethora of SUP applications for just that purpose. Moreover, once it is gone, retail space has a hard time coming back.

A speculative bubble in restaurant usage is not inconceivable. It is likely to be taking place already. Although ultimately it will lead to cannibalism among the group, in the long term, it will also diminishes the vitality of the retail segment if it has not already done so by crowding them out both physically and economically.

The Parking Study is a good beginning, but it is too narrowly focused on the restaurant hours and geographically diffuse to provide a realistic appraisal of how much activity can reasonably be handled in specific areas of King Street in order to maintain a balance between the users. If Old Town is to remain the heart and soul of the City, we must not only respect the public realm, but also ensure that do not become just a restaurant destination, but keep the diversity alive.

**Five points were brought** up at the meeting with the City Staff that are well suited to gauge the evolution In Old Town and could serve as guide for adhering to the 1992 Small Area Plan as amended in 1993.

1. Inventory of conditions
2. Information
3. Metric system
4. Restaurant Frontage guide
5. Policy discussion group

During the discussion, it became clear that the City does not have an inventory except for the bottom two blocks of King Street, which they agreed to forward to us

(point #2). However, even there, they do not know the evolutionary trajectory. Therefore, while they work at figuring that out, we urged them to follow the following points, such as:

Use of simple industry standards for parking requirements in conjunction with the knowledge of available parking, which could set the stage for understanding just how much of each grouping can reasonably be handled in any one area.

Furthermore, that this should be tied to the use of the simple concept of measuring the percent of restaurant frontage and comparing the result to a goal that can be easily quantified by asking the following question; if you could develop from scratch how much restaurant frontage would be reasonable for the Old Town King Street area. (Some jurisdictions actually codify the amount of restaurant frontage allowed).

The City should also form a policy discussion group to look at the overarching issues emanating from the market conditions or departure from the rudimentary matrix evaluations from the parking Matrix or the restaurant frontage rule.

#### **IMMEDIATE Short term**

OTCA has taken a pragmatic approach that recognizes the different locations character and needs in framing its position on these three restaurants.

##### **Item 6:**

SPECIAL USE PERMIT #2010-0002 - (DEVELOPMENT)

923 KING STREET- (THE KING BUILDING AT 923)

OTCA Board supports the application to expand the building because of the potential benefit the development can provide by filling a hole on Patrick Street and thereby improve the streetscape. The Board did not have an issue with the restaurant SUP, since the location already an approved restaurant SUP.

##### **Items 7A/7B:**

(A) SPECIAL USE PERMIT #2010-0009 (ENCROACHMENT)

(B) SPECIAL USE PERMIT #2010-0003 - 277 SOUTH WASHINGTON STREET (SOCIETY FAIR RESTAURANT)

The OTCA Board supports the application with two recommendations that we encourage you to adopt. However, we must first express our deep gratitude to the City Staff for setting the stage for the potential tenant using the parking garage connected to the building. Furthermore, the application will restore retail use in the building.

While the parking arrangement is commendable, the temptation for patrons to use the Lyceum parking lot will be overwhelming. We therefore request that the applicant be required to get a Lyceum Parking Only sign for the lot that is approved by the BAR and satisfactory to the Office of Historic Alexandria, in the hopes that the Lyceum staff will not be forced to become parking enforcers.

The encroachment leaves only 6 feet for pedestrians in certain spots. Given the large area, OTCA must reiterate the need for sidewalks to be of a reasonable width; notably that two people should be able to walk side by side while a person travelling the opposite direction can pass by as well, which is 7 feet. The OTCA Board does not see that this will affect the applicant's ability to fit the same numbers of seats in the encroachment area, but does see it as a test of the City's ability to respect the public realm.

**Items 8A/8B:**

SPECIAL USE PERMIT #2010-0010

(A) CITY CHARTER SECTION 9.06

(B) CASE #2010-0002 106 SOUTH UNION STREET

This case severely tests the restaurant policy. While the City Staff again deserves kudos for their parking approaches, the fact that the lot is open to anyone makes it a less attractive solution. However, the OTCA Board is also very concerned about the loss of an important retail location to another restaurant in a section of Old Town that is not underserved. Furthermore, the Wales Alley seating works counter to our desire to the Waterfront being more accessible.

There was very little support for the proposal, but we nevertheless request that you defer this item until such time that it can be properly be assessed in the context of the Waterfront Plan.

Furthermore, the solution being sought in order to accommodate the Boat Club concerns, could irrevocably harm the ability to create a continuous walkway along the Strand. Either way, OTCA having had neither the opportunity to see the "Waterfront" nor the Boat Club solution, would be most appreciative if both could be reviewed prior to this application being heard. Finally, as the Mayor of Charleston, Joseph P. Riley, Jr. said at a recent speech at the Kennedy Center, "people always tell me that I need to do something with empty buildings....anything! But when I am sick, I do not go to the doctor and ask him to do any available surgery, do I? "

Poul Hertel

President , Old Town Civic Association

APPLICATION for  
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN  
DSUP # 2010-0002

PROJECT NAME: **King Building at 923**

PROPERTY LOCATION: **923 King Street, Alexandria, Virginia**

TAX MAP REFERENCE: **064.03 06 23**      ZONE: **KR/King Street Urban Retail Zone**

APPLICANT NAME: **Seyed Hossein Shoja-Maddahi**  
ADDRESS: **3927 Chantilly Road**  
**Chantilly, Virginia 20151-3310**

PROPERTY OWNER NAME: **Seyed Hossein Shoja-Maddahi**  
ADDRESS: **3927 Chantilly Road**  
**Chantilly, Virginia 20151-3310**

SUMMARY OF PROPOSAL: **Development Special Use Permit to construct a 2,578 square foot addition to the existing building at 923 King Street.**

MODIFICATIONS REQUESTED: **Modification of the required onsite landscape crown coverage requirements of §11-410(cc)(2) of the Alexandria Zoning Ordinance, 1992, as amended (the "Ordinance").**

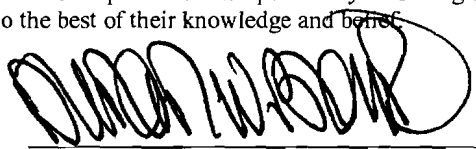
SUP's REQUESTED: **Special Use Permit to increase floor area pursuant to Section 6-705(c)(1)(a) of the Ordinance.**

THE UNDERSIGNED hereby applies for Development Site Plan, with Special Use Permit, approval in accordance with the provisions of Title 7, Chapter 5 of the Code of the City of Alexandria, Virginia.

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 XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

**Land, Clark, Carroll, Mendelson & Blair, P.C.**  
**Duncan W. Blair, Esquire**



Print Name of Applicant or Agent

Signature

**524 King Street**      **(703) 836-1000**      **(703) 549-3335**      **dlbair@landclark.com**  
Mailing/Street Address      Telephone #      Fax #      E-mail:

**Alexandria, Virginia 22314**      **March 10, 2010**  
City and State      Zip Code      Date

=====**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**=====

Application Received: \_\_\_\_\_ Received Plans for Completeness: \_\_\_\_\_  
Fee Paid & Date: \$ \_\_\_\_\_ Received Plans for Preliminary: \_\_\_\_\_

ACTION - PLANNING COMMISSION: Recommended Approval 7-0 5/14/10

ACTION - CITY COUNCIL: 5/15/10 Approved PC recommendation 7-0  
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