

11-21-09

DOCKET ITEM #8

Special Use Permit #2009-0052**118 King Street-Pizzeria Paradiso Restaurant**

Application	General Data	
Request: Consideration of a request to operate a restaurant.	Planning Commission Hearing:	November 5, 2009
	City Council Hearing:	November 21, 2009
Address: 118 King Street	Zone:	KR/King Street Retail
Applicant: Paradiso OT, LLC d/b/a Pizzeria Paradiso, by M. Catherine Puskar	Small Area Plan:	Old Town

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov

PLANNING COMMISSION ACTION, NOVEMBER 5, 2009: On a motion by Mr. Dunn, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, with amendments to those conditions requested in the applicant's letter to Planning Commission and agreed to by staff (Conditions #6, #13, #17 and #19), with the addition of staff comment C-12, and subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 6 to 0, with Mr. Wagner absent.

Reason: The Planning Commission agreed with the staff analysis. It declined to change the conditions regarding delivery vehicles and off-premise single beer sales, agreeing with staff that those proposals raise issues for this and other restaurants. Staff had indicated the Police Department's strong opposition to eliminating the single sales provision. As to the use of existing loading zones for delivery vehicles, staff indicated its willingness to study the issue so as to determine whether loading zones would be available for other restaurants.

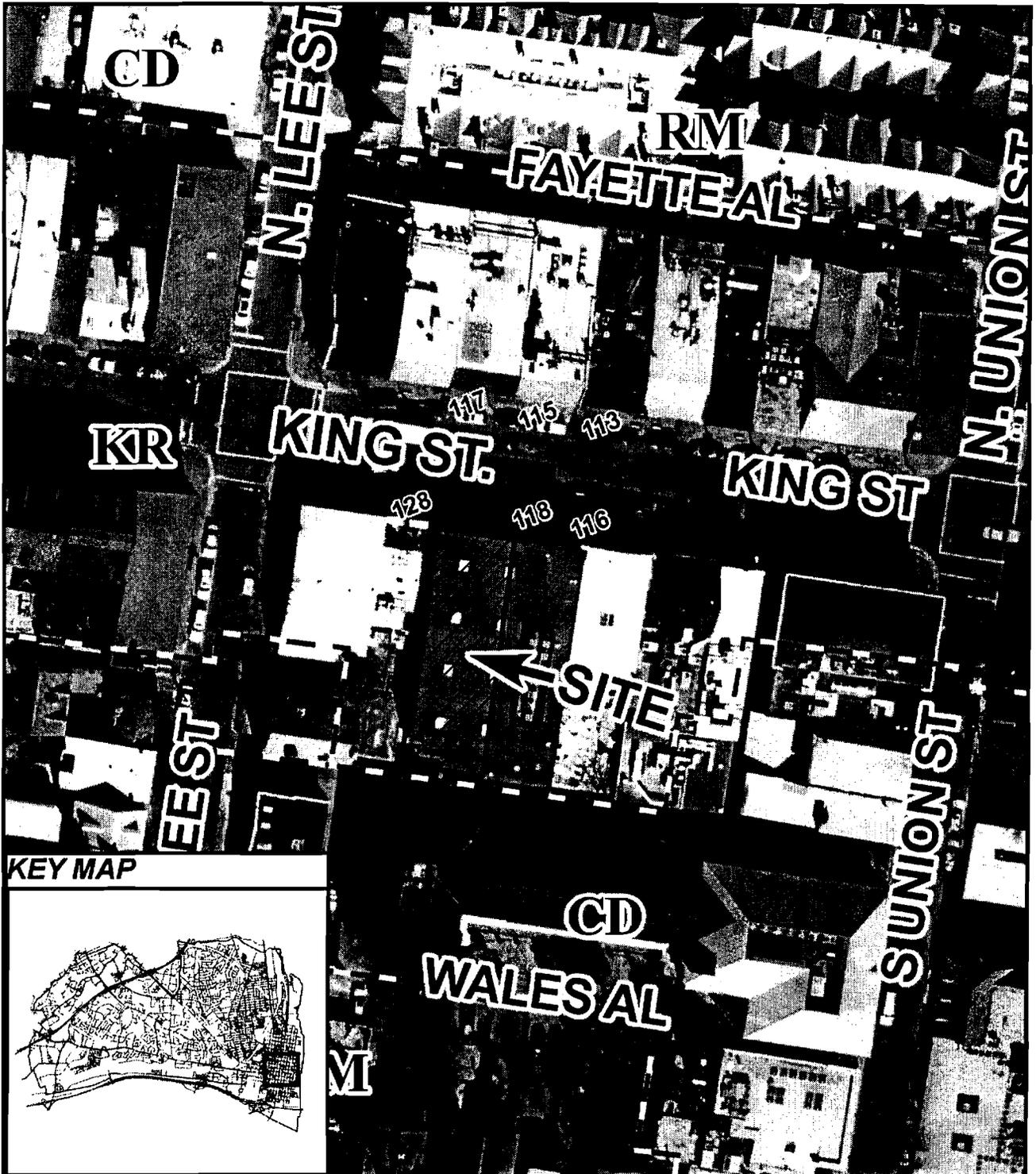
Speakers:

Cathy Puskar, representing the applicant, spoke in support of the request. She stated that the restaurant would be a good use for this block. She requested amendments to Conditions #6, 7, 8, 13, 17, and 19 as noted in her letter to Planning Commission. While acknowledging staff's agreement with most changes, she asked for consideration of two changes not agreed to by staff: permitting the future administrative review of vehicle delivery service using loading zones and permitting single-sales of beer.

Charles Lindsay, neighboring business owner, spoke in support of the request.

Charlotte Hall, Vice President of the Potomac Riverboat Company, spoke in favor of the request, noting the proposed restaurant's good reputation and the need to occupy a currently vacant storefront.

Poul Hertel, representing the Old Town Civic Association, spoke in opposition to the request. He stated that the Master Plan policies for Old Town should be put into proper perspective in order to address how businesses affect residential areas.



KEY MAP



SUP #2009-0052

11/05/09



I. DISCUSSION

REQUEST

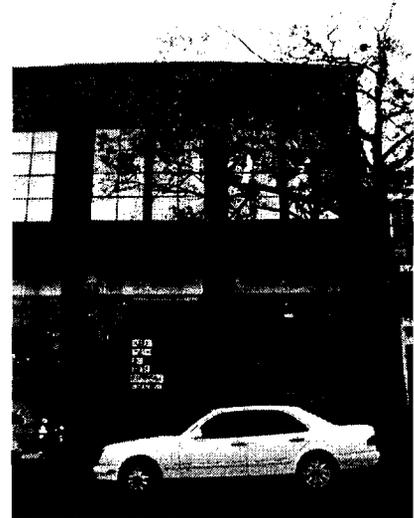
The applicant, Paradise OT, LLC d/b/a Pizzeria Paradiso, requests special use permit approval for the operation of a restaurant located at 118 King Street.

SITE DESCRIPTION

The subject property is one lot of record with approximately 87 feet of frontage on King Street, approximately 116 feet of depth and a total lot area of 10,046 square feet. The site is developed with a two-story commercial building.

This location is the former site of an arcade with various shops known as the Small Mall. The current building on the site was constructed in 2001. The previous tenant of the space was the Discovery Store, which closed in August 2007.

The surrounding area is occupied by a mix of restaurant, office and retail uses. Immediately to the north is Landini's Restaurant. To the south is an office building and residences beyond it. To the east is the Paper Source stationary store and to the west is a gift shop.



PROPOSAL

The applicant proposes to operate a gourmet pizza and Italian restaurant at 118 King Street. The restaurant will occupy approximately 3,378 square feet of space on the first floor of the building. It will contain 122 indoor seats and may apply under a separate application for outdoor seats through the King Street Outdoor Dining Program. The restaurant will offer customers table service, bar service, and carry-out. On and off-premises alcohol service is proposed.

Hours: 11:00am – 1:00am, seven days/week

Number of seats: 102 dining seats
20 bar seats
122 indoor seats

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

Customers: Approximately 500 per day

Alcohol: On and off-premises alcohol is proposed

Entertainment: No live entertainment is proposed

- Delivery: No delivery service is proposed
- Noise: Noise levels will be in compliance with City Noise Ordinance
- Trash/Litter: Trash will be collected three days/week. Employees will monitor the vicinity for litter.

PARKING

The subject property is located within the Central Business District (CBD). According to Section 8-300(B) of the Zoning Ordinance, restaurants located within the CBD are exempt from parking requirements.

BOARD OF ARCHITECTURAL REVIEW

The location of the proposed restaurant is within the boundaries of the Old and Historic Alexandria District and is under the jurisdiction of the Old & Historic Alexandria Board of Architectural Review (BAR.) All exterior changes to the building that are visible from the public right-of-way will require the applicant to obtain approval from the Old and Historic Board of Architectural Review. Such exterior changes include, but are not limited to: the proposed signage, awnings, and lighting, and any new or replacement signage, lighting, window replacement, fencing, kitchen exhaust and/or new HVAC vents or fixtures, or other alterations visible from a public right-of-way.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the KR/King Street Retail Zone. Section 4-503(W) of the Zoning Ordinance allows a restaurant in the KR zone only with a special use permit.

The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff is recommending approval of the proposed restaurant, even though staff has concerns about the large number of restaurant seats on lower King Street and the fact that the restaurant will replace what had been a retail space. On balance, however, staff finds that the addition of a mid-price pizza restaurant will contribute to the mix of uses in the area, enhance an active street-life in the vicinity and fill a vacant space in a highly prominent storefront in Old Town.

In reaching its conclusion staff has analyzed the restaurant proposal for conformance with both the Old Town Restaurant Policy and the King Street Retail Strategy. Those documents are policy statements adopted by Council which emphasize how critical it is for the City to have active, economically healthy commercial district on and near King Street, and the importance of

maintaining an appropriate balance between the significant residential areas of Old Town and that commercial area. The Retail Strategy discusses restaurants and entertainment venues as key components of an active, vibrant area on King Street. 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.

Diversity of Uses

In this particular case, the proposed restaurant will replace space formerly used by the Discovery Store, a retail use. Arguably, the change reduces the important retail/restaurant mix and affects the diversity of uses in the area. However, staff notes that the retail store is not closing as a result of the restaurant proposal and in fact the space has been vacant for over two years. Further, although the 100 block of King Street includes a high number of restaurant seats, a survey of uses currently operating on the 100, 200, and 300 blocks of King Street reveals 13 restaurants, 23 retail shops, and four other uses (institutional, personal service, etc.) If approved, the proposal would bring the total number of restaurants in this section of King Street to 14. Retail shops and other uses would still predominate. The proposal is for an upscale pizza restaurant which has a successful track record in the region. The mid-price dining option will mix well with a series of higher priced restaurants in the area, and will enhance the active pedestrian experience identified as critical in the King Street Retail Strategy.

Parking

The proposed 122-seat restaurant has the potential to create parking impacts in the nearby residential neighborhood. However, off-street parking exists in public garages in the immediate vicinity to accommodate patrons, many of whom will already be in the area as workers and visitors. Furthermore, staff notes that the 122 seat addition is a relatively small increment when compared to the many seats located in the 100 block of King Street. Parking options for customers of almost half of those seats are being offered as part of the Landini's valet parking application. Regarding this particular restaurant, staff has included a condition requiring the applicant to participate in an organized parking program formed as a result of suggested parking strategies in the King Street Retail Strategy.

Late Hours and Alcohol

The restaurant proposes to stay open until 1:00am daily, which is similar to other restaurants in the Old Town area, including The Fish Market, the yet-to-open private club at Landini's Restaurant, and O'Connell's. Several grandfathered restaurants on King Street are open until 1:00am or later as well.

The applicant proposes both on-premises and off-premises alcohol service at the restaurant. Regarding the on-premises alcohol service, staff believes that the proposal is reasonable. The number of bar stools proposed for the restaurant is low and no live entertainment is proposed. Staff believes these points generally support the applicant's statement in the application that alcohol consumption is not expected to predominate over food consumption.

Staff does not object to the restaurant offering off-premises alcohol service, but has included a condition limiting such sales only to customers picking up a take-out order. Staff believes this

condition will help to maintain a relatively low ratio of alcohol consumption to food consumption, ensuring consistency with the Old Town Restaurant Policy, and will also prevent the restaurant from becoming a destination for off-premises alcohol sales.

Litter and Streetscape

Although restaurants generally have the potential to create litter, staff believes that standard conditions contained in Section III of this report sufficiently address any litter concerns.

Staff recommends in Condition #20 that the applicant contribute \$500 to the SUP Streetscape Improvement Fund for the purchase of street trees and trash cans. As a new business, this recommended condition is consistent with City Council policy adopted in June 2009.

On balance, staff supports the proposal for an additional restaurant, as being consistent with both the Old Town Restaurant Policy and the King Street Retail Strategy. Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the restaurant shall be limited to between 11:00am and 1:00am seven days/week. (P&Z)
3. The maximum number of indoor seats at the restaurant shall be 122. 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)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. No live entertainment shall be permitted either inside the restaurant or in any future outdoor dining area. (P&Z)
6. **CONDITION AMENDED BY PLANNING COMMISSION:** ~~No delivery service shall be available from the restaurant.~~ Delivery on-foot, by scooter or by bicycle is permitted. Delivery service by vehicle may be approved by the Director of Planning & Zoning subject to the applicant providing evidence of dedicated off-street parking. (PC) (P&Z)
7. On and off-premises alcohol sales may be permitted. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only

in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (P&Z) (Police)

8. Alcohol sold for off-premises consumption is limited to sales in conjunction with a take-out order of food. (P&Z)(Police)
9. 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)
10. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
11. No food, beverages, or other material shall be stored outside. (P&Z)
12. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
13. **CONDITION AMENDED BY PLANNING COMMISSION:** 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. (PC) (P&Z)(T&ES)
14. 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)
15. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)(T&ES)
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. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from ~~leaving the property or~~ becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. Operation of a wood-burning stove in compliance with applicable ordinances shall not be deemed a nuisance. (PC) (T&ES)

18. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
19. **CONDITION AMENDED BY PLANNING COMMISSION:** ~~Litter on the site and on public rights of way and spaces adjacent to or within 75 feet of the premises along the applicant's frontage~~ 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. (PC) (T&ES)
20. The applicant shall contribute \$500 to the SUP Streetscape Improvement Fund for street trees and trash cans. Monetary contribution to be submitted to the Department of Transportation & Environmental Services, Room 4130, 301 King Street prior to the issuance of the Special Use Permit Certificate. Reference SUP number and condition number on all correspondence. (TES, RP&CA)
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)(Police)

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

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The applicant shall contribute \$500 to the SUP Streetscape Improvement Fund for street trees and trash cans. Monetary contribution shall be submitted to the Department of Transportation & Environmental Services, Room 4130, 301 King Street prior to the issuance of the Special Use Permit Certificate. Reference SUP number and condition number on all correspondence. (T&ES, RP&CA)
- R-2 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-3 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-4 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-5 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-6 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-7 The applicant shall require its employees who drive to use off-street parking and 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)
- R-8 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)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES) In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 519-3486, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form.

- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

Code Enforcement:

- C-1 The current use is classified as M- Mercantile; the proposed use is A-2 Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-3 The means of egress for the building must be compliant with the USBC as well as satisfy occupant load requirements.
- C-4 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-5 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-6 Required exits, parking, and facilities shall be accessible for persons with disabilities.
- C-7 A seating/table layout (indoor and outdoor) complete with dimensions showing all aisle and passageway clearances will be required for review and approval prior to occupancy (USBC 1004.2).
- C-8 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-9 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-10 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-11 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-12 Wood burning appliances (and associated venting) must be listed and labeled by a nationally recognized testing agency, and installed and operated in accordance with the manufacturer's installation instructions.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are non-transferable.
- C-2 Permits must be obtained prior to operation. (\$100.00 Payable to VDH)
- C-3 Five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$200.00 fee for review of plans food facilities (Payable to City of Alexandria).
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods and equipments specification to be handled at this facility to the Health Department with your plans.

Parks and Recreation:

- R-1 The applicant shall contribute \$500 to the SUP Streetscape Improvement Fund for street trees and trash cans. Monetary contribution to be submitted to the Department of Transportation & Environmental Services, Room 4130, 301 King Street prior to the issuance of the Special Use Permit Certificate. Reference SUP number and condition number on all correspondence. (TES, RP&CA)

- C-1 Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owners front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1)

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.
- F-1 The applicant is seeking an “ABC On” and “ABC Off” license. The Police Department has no objections to either license subject to the following conditions for alcohol sold off premise:
1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
 2. That the alcohol sold off-premise is only sold along with a take-out order.
 3. That the SUP is reviewed after one year.

REVISED



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2009-0052

PROPERTY LOCATION: 118 King Street

TAX MAP REFERENCE: 075.01-06-04 ZONE: KR

APPLICANT:

Name: Paradise OT, LLC d/b/a Pizzeria Paradiso

Address: 2003 P Street, N.W. Washington, DC 20036

PROPOSED USE: Restaurant

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

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

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

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

PARADISE OT, LLC
By: M. Catharine Puskar, Attorney
Print Name of Applicant or Agent
Walsh, Colucci, Lubeley, Emrich & Walsh, PC
2200 Clarendon Blvd., Suite 1300
Arlington, VA 22201
City and State Zip Code

M. Catharine Puskar by gmm 8/25/09
Signature Date
Revised 10/9/09
703-528-4700 703-525-3197
Telephone # Fax #
cpuskar@arl.thelandlawyers.com
Email address



SUP # 2009-0052

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 118 King Street, I hereby
(Property Address)

grant the applicant authorization to apply for the restaurant use as
(use)

described in this application.

GROSVENOR URBAN RETAIL, LP

BY: NINA C LATIMER, ASSET MANAGER Phone (202) 777-1264
Name:

Please Print
 Address: 1701 PENNSYLVANIA AVE, NW #1050 Email: nina.latimer@grosvenor.com
WASHINGTON, DC 20006

Signature: *Nina C. Latimer* Date: 8/21/09

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

- Required floor plan and plot/site plan attached.
 Please see interior floor plan attached.
- Requesting a waiver. See attached written request.

2. The applicant is the (check one): description.

- Owner
- Contract Purchaser
- Lessee or
- Other: _____ of the subject property.

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

Ruth Gresser

703 Van Buren Street, N.W.

Washington, DC 20012

100% Ownership

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3. Narrative Description

Paradise OT, LLC, d/b/a Pizzeria Paradiso (the "Applicant") is requesting an SUP in order to establish Pizzeria Paradiso, a gourmet pizza restaurant, at 118 King Street. This site was most recently occupied by the Discovery Store which closed in August 2007. The owner has been marketing the space since that date and is excited about the prospective tenant who currently operates a restaurant in one of their D.C. properties. The Applicant intends to retain the existing building facade, and redesign the interior to accommodate the proposed restaurant.

Ruth Gresser, sole proprietor of Pizzeria Paradiso, currently has two restaurants operating in the District of Columbia, one in Dupont Circle and one in Georgetown, and looks forward opening a third location in Old Town Alexandria. Pizzeria Paradiso was created to serve the kind of pizza which Gresser knew was missing from the D.C. area, the kind of pizza where the crust is the most important part. Pizzeria Paradiso cooks its gourmet pizza in wood-burning, domed, stone ovens to create the perfect crust. The oven is located at the heart of the restaurant as another part of Gresser's vision was to make people feel as though they were dining in the warmth and comfort of close friend's home. In addition to an array of gourmet pizza sections, Pizzeria Paradiso's menu includes Panini sandwiches, salads, antipasto and Italian style desserts. Please see a copy of the Pizzeria Paradiso menu attached.

There are a maximum of 122 restaurant seats proposed. A total of sixty-five restaurant employees are proposed, with approximately sixteen employees working per shift. The Applicant requests hours of operation from 11:00 AM to 1:00 AM Monday through Sunday. Pizzeria Paradiso provides full wait staff service to patrons dining in the restaurant and offers carry-out order for those who wish to pick up their orders. Interior alterations to the building are proposed and the Applicant will be filing a separate application for a Certificate of Appropriateness from the BAR for any proposed exterior lighting, signage, awnings, etc.

Pursuant to Zoning Ordinance Section 8-300(C), because the restaurant is located within the Central Business District, no off-street parking is required for this use. However, adequate street parking is provided within proximity to the restaurant as there are several public parking opportunities within a few blocks, including the garages in the 100 blocks of N. Union and N. Fairfax Streets. It is anticipated that most customers will be nearby residents, office workers, and visitors to the City who will arrive at the restaurant on foot.

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As indicated above, the proposed restaurant will be going into an existing commercial space and does not propose any expansion to the building. In addition, the restaurant use does not require off-street parking and is not proposing any new curb cuts or access to the site. Thus, the Applicant respectfully requests a waiver of the site plan requirement in connection with this SUP application. Please see a detailed interior floor plan for the restaurant layout attached.

Pizzeria Paradiso will offer a new choice for casual gourmet dining within the City's Old and Historic District while furthering the goals and vision of the King Street Retail Strategy. The Applicant looks forward to creating a people-oriented, vibrant and pedestrian friendly restaurant at 118 King Street and to becoming an involved member of the local community.

USE CHARACTERISTICS

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

5. Please describe the capacity of the proposed use:

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

Approximately 500 patrons per day.

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

65 employees total, with approximately 16 employees
per shift.

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

Day: Monday - Sunday Hours: 11:00 AM to 1:00 AM

7. Please describe any potential noise emanating from the proposed use.

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

Noise levels will be in compliance with the City
Noise Ordinance.

B. How will the noise be controlled?

N/A

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

No odors to emanate from the proposed restaurant.

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

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

Typical restaurant food/paper trash.

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

3 yd. dumpster (approximately 10 bags per day)

C. How often will trash be collected?

3 days per week.

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

Employees to monitor premises for litter.

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

[] Yes. [X] No.

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

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

Yes. No.

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

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

Safety training to be provided for employees.

ALCOHOL SALES

13.

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

Yes No

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

The Applicant proposes to sell wine and beer both on
and off-site, as well as the sale of liquor for on-site
consumption only and will obtain the required ABC
license.

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:
 Per Zoning Ordinance Section 8-300(c), because the building is located within the Central Business District, no off-street parking is required for this use.
- N/A Standard spaces
 N/A Compact spaces
 N/A Handicapped accessible spaces.
 N/A Other.

<p>Planning and Zoning Staff Only</p> <p>Required number of spaces for use per Zoning Ordinance Section 8-200A _____</p> <p>Does the application meet the requirement? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

- B. Where is required parking located? (check one) N/A
 on-site
 off-site

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

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

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

Parking reduction requested; see attached supplemental form

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

- A. How many loading spaces are available for the use? 1

<p>Planning and Zoning Staff Only</p> <p>Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____</p> <p>Does the application meet the requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

B. Where are off-street loading facilities located? Loading to occur via rear alley at existing loading space.

C. During what hours of the day do you expect loading/unloading operations to occur? Between 7:00 AM and 5:00 PM, Monday through Saturday.

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate? Loading to occur approximately 3 to 5 times per day, Monday through Saturday.

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

Street access to the property is adequate.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No
Do you propose to construct an addition to the building? Yes No
How large will the addition be? N/A square feet.

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

Approx. 3,378 sq. ft. (existing) + 0 sq. ft. (addition if any) = 3,378 sq. ft. (total)

19. The proposed use is located in: (check one)
 a stand alone building
 a house located in a residential zone
 a warehouse
 a shopping center. Please provide name of the center: _____
 an office building. Please provide name of the building: _____
 other. Please describe: Mixed use building (116-126 King Street)

End of Application

SUP # 2009-0052



APPLICATION RESTAURANT

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

1. How many seats are proposed?
Indoors: 122 Outdoors: Max. of 20 Total number proposed: 122 indoor and up to 20 outdoor, subject to administrative approval through Sec. 6-800 administrative approval.

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

3. Please describe the type of food that will be served:
Gourmet pizza, panini sandwiches, Italian antipasto, and desserts. Please see menu attached.

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

5. If delivery service is proposed, how many vehicles do you anticipate? N/A
Will delivery drivers use their own vehicles? Yes No
Where will delivery vehicles be parked when not in use?

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?
 Yes X No
If yes, please describe:

REVISED

SUP # 2009-0058

Parking impacts. Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)
 100% Public parking garages available in vicinity
 75-99%
 50-74%
 1-49%
 No parking can be accommodated off-street
 N/A
2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)
 All Public parking garages available in vicinity
 75-99%
 50-74%
 1-49%
 None
 N/A
3. What is the estimated peak evening impact upon neighborhoods? (check one)
 No parking impact predicted
 Less than 20 additional cars in neighborhood
 20-40 additional cars
 More than 40 additional cars

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

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

1. Maximum number of patrons shall be determined by adding the following:
 122 Maximum number of patron dining seats (includes potential for 20 outdoor seats)
+ 20 Maximum number of patron bar seats
+ 0 Maximum number of standing patrons
= 142 Maximum number of patrons
2. 16 Maximum number of employees by hour at any one time
3. Hours of operation. Closing time means when the restaurant is empty of patrons.(check one)
 Closing by 8:00 PM
 Closing after 8:00 PM but by 10:00 PM
 Closing after 10:00 PM but by Midnight
 Closing after Midnight
4. Alcohol Consumption (check one)
 High ratio of alcohol to food
 Balance between alcohol and food
 Low ratio of alcohol to food



	8 inch	12 inch
PIZZE		
Margherita	10.25	16.50
Tomato • Basil • Mozzarella		
Napoletana	11.75	17.75
Tomato • Basil • Anchovy • Capers • Mozzarella		
Atomica	11.25	17.25
Tomato • Salami • Black Olives • Hot Pepper Flakes • Mozzarella		
Genovese	10.25	16.50
Potato • Pesto • Parmesan		
Bosco	11.75	17.75
Tomato • Mushrooms • Spinach • Red Onion • Mozzarella		
Quattro Formaggi	11.75	17.75
Pecorino • Fontina • Gorgonzola • Mozzarella • Parsley • Garlic		
di Mare	11.75	17.75
Tomato • Mussels • Garlic • Parsley • Parmesan		
Bottarga	11.95	18.25
Tomato • Egg • Garlic • Parsley • Parmesan • Bottarga		
Siciliana	12.95	18.95
Tomato • Zucchini • Eggplant • Sweet Peppers • Red Onion • Capers		
Paradiso	9.95	15.50
Garlic • Oregano • Mozzarella • Pecorino		

Toppings: Basil • Red Onion • Garlic • Black Olives • Anchovy • Pancetta
 Zucchini • Pesto • Spinach • Salami • Prosciutto • Pine Nuts
 Potatoes • Mushrooms • Sausage • Capers • Pepperni • Parsley
 Roasted Garlic • Sweet Peppers • Oregano • Eggplant • Marinated Artichokes
 Sundried Tomatoes • Extra Cheese .1.35 each
 Bottarga • Prosciutto di Parma • Goat Cheese • Fresh Bulljalo Mozzarella
 Fresh Sliced Tomato • Mussels • Soy Mozzarella .1.99 each .2.35 each
 Fresh Sliced Tomato, Soy Mozzarella, Whole Wheat Crust and
 Fresh Bulljalo Mozzarella may be substituted on any pizza
 1.35 each .2.05 each

ALTRE COSE		
Insalata Mista	Mixed Greens with Balsamic Vinegar and Olive Oil	5.25
Antipasto	Plate of Cured Italian Meats and Pecorino Cheese served with Homemade Bread	6.50
Mozzarella Fresca	Fresh Mozzarella with Sundried Tomatoes, Cherry Tomatoes and Basil	6.50
Insalata Paradiso	Baby Arugula with Goat Cheese, Sweet Peppers, Mushrooms and Pine Nuts	6.95
Insalata Italiana	Mixed Greens with Marinated Artichokes, White Beans, Sundried Tomatoes and Parmesan Cheese	6.95
Insalata Alici	Mixed Greens with Marinated Anchovies, Ligurian Olives, Cherry Tomatoes and Onion	6.95
Insalata di Tonno e Fagioli	Tuna and White Bean Salad	6.50
Panzanella	Tuscan Vegetable Salad served over Homemade Bread	6.25
	Tuscan Vegetable Salad served over Mixed Greens	6.50
Panino di Arrosto di Agnello	Roast Lamb Sandwich served room temperature with a small Insalata Mista	11.95
Panino Grosso Caldo	Buffalo Mozzarella and Prosciutto di Parma Sandwich served warm with a small Insalata Mista	11.95
Crostini di Formaggio di Capra	Toasted Homemade Bread topped with Goat Cheese and Prosciutto di Parma	6.95
Bruschetta	Toasted Homemade Bread topped with Cherry Tomatoes, Basil and Mozzarella Cheese	7.75
Pane	Homemade Bread	2.00
	Homemade Bread served with Roasted Elephant Garlic	5.75

BEVANDE			
Soda	2.75	Espresso	2.75
Root Beer (Bottle)	3.50	Double Espresso	3.50
Mineral Water	3.50	Cappuccino	3.50
Sparkling/Sstill	3.25	Double Cappuccino	4.25
Sparkling Lemonade	2.50	Caffe e Latte	3.50
Iced Tea	1.95	Caffe Mocha	3.95
Hot Tea	2.95	Hot Chocolate	3.95
Milk	2.25	French Press	3.50

entyourpizza.com

Sup 2009-0052



Docket Item # 8
SUP 2009-0052

M. Catharine Puskar
(703) 528-4700 Ext. 5413
cpuskar@arl.thelandlawyers.com

WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

November 4, 2009

Via E-Mail Only

John Komoroske, Chairman
& Members of the Planning Commission
310 King Street, Suite 2100
Alexandria, VA 22301

RE: Docket Item #8—SUP 2009-0052 for Pizzeria Paradiso

Dear Chairman Komoroske and Members of the Planning Commission:

On behalf of the Applicant, Paradise OT, LLC, I respectfully request the following revisions to the conditions for the above-referenced application:

• **Condition #6:**

~~No delivery service shall be available from the restaurant. (P&Z)~~ Delivery on-foot, scooter or by bicycle is permitted. Delivery service by vehicle may be approved by the Director of Planning and Zoning subject to the Applicant providing evidence of dedicated off-street parking or adequate loading zone for delivery vehicles.

It is my understanding that staff is in agreement with the proposed condition language except for the "or adequate loading zone for delivery vehicles" language which they continue to discuss as of the date of this letter. The Applicant would like the proposed language approved in its entirety. In this instance, given the location of the restaurant, to require a dedicated off-street parking space for delivery vehicles would not be practical as the parking would necessarily be located in a garage remote from the site. However, there are a number of existing loading zones in proximity to the site that are intended to be utilized for such a purpose. As such, if the Applicant can provide evidence of an adequate loading zone, they should be able to have delivery by vehicle.

27

PHONE 703 528 4700 ■ FAX 703 525 3197 ■ WWW.THELANDLAWYERS.COM
COURTHOUSE PLAZA ■ 2200 CLARENDON BLVD., THIRTEENTH FLOOR ■ ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 ■ PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

- Condition #7 and Police F-1 (1):

~~On and off premises alcohol sales may be permitted. Beer or wine coolers may be sold only in 4 packs, 6 packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (P&Z) (Police)~~

The proposed use is a family style restaurant, not a quick service convenience store. Given the proposed use and the fact that the conditions for the restaurant require take-out alcohol purchases to be in conjunction with a food purchase, this use can be distinguished from a quick service convenience store where no food purchase is required and where such a condition might be reasonable to mitigate certain negative impacts. As the craft beer industry continues to grow rapidly, as it has been over the past few years, more and more restaurants are offering high quality craft beers as a key component of their menu offerings. Craft beers are often sold in sizes less than 40 oz. It is reasonable to expect that if a patron can go to the restaurant and drink a single, two or three beers, that a patron would be able to do the same for off premises consumption, especially given that an accompanying food purchase is required.

- Condition #8:

On and off-premises alcohol sales may be permitted. Alcohol sold for off-premises consumption is limited to sales in conjunction with a take-out order of food. (P&Z) (Police)

The proposed revision takes acceptable language from condition 7 and merges it into one condition with the existing language for condition 8.

- Condition #13 and T&ES R-7:

The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z) (T&ES)

It is my understanding that staff is in agreement with the proposed revision.

- Condition #17 and T&ES R-3:

The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of

Transportation and Environmental Services. Operation of a woodburning stove in compliance with applicable ordinances shall not be deemed a nuisance. (T&ES)

It is my understanding that staff is in agreement with the proposed revision.

- Condition #19 and T&ES R-6:

~~Litter on the site and on public rights of way and spaces adjacent to or within 75 feet of the premises~~ along the applicant's frontage shall be picked up at least twice a day ~~and at the close of business, and/or,~~ or more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)

It is my understanding that staff is in agreement with the proposed revision.

It is also my understanding that Code Administration is adding a code requirement to the report that states "Woodburning appliances (and associated venting) must be listed and labeled by a nationally recognized testing agency, and installed and operated in accordance with the manufacturer's installation instructions." The Applicant acknowledges this additional requirement.

Thank you for your attention to this matter.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



M. Catharine Puskar

MCP/cs

cc: H. Stewart Dunn, Jr.
Donna Fossum
Jesse Jennings
Mary Lyman
J. Lawrence Robinson
Eric Wagner
Nathan Randall
Barbara Ross
Ruth Gresser
Elizabeth McKeeby

Docket Item # 829
#8 SUP 2009-0052
#9 SUP 2009-0051
City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 5, 2009
TO: CHAIRMAN AND MEMBERS OF PLANNING COMMISSION
FROM: FAROLL HAMER, DIRECTOR OF PLANNING & ZONING *FH*
SUBJECT: SUP REQUESTS FOR RESTAURANTS AT 118 KING STREET AND
904 KING STREET. (DOCKET ITEMS #8 AND #9)

Staff proposes to add the following code requirement to the staff report under Code departmental comments for both SUP2009-0051 and SUP2009-0052:

- C-12 Wood burning appliances (and associated venting) must be listed and labeled by a nationally recognized testing agency, and installed and operated in accordance with the manufacturer's installation instructions.



MEMORANDUM

DATE: November 5, 2009

TO: Planning Commission Chair and Members

CC: Faroll Hamer, Director, Planning & Zoning
Barbara Ross, Deputy Director, Planning & Zoning
Gwen Wright, Division Chief, Development, Planning & Zoning
Nathan Randall, Urban Planner, Planning & Zoning

FROM: Val Hawkins, President & CEO, AEDP
Stephanie Landrum, Senior Vice President, AEDP

RE: King Street Retail and Restaurant Retention and Attraction Efforts
SUP #2009-0052- Pizzeria Paradiso and
SUP #2009-0051- Red Rocks Napoletana

One of the most important components of Alexandria's economic sustainability effort is retaining and attracting restaurants and retail that capture a greater share of resident and visitor spending. City Council recognized efforts in this area as a priority in the FY2010 budget by awarding contingent reserve funding to the economic development partners, the Alexandria Economic Development Partnership (AEDP), the Alexandria Convention and Visitors Association (ACVA) and the Small Business Development Center (SBDC).

AEDP works diligently to promote opportunities for new businesses in the various retail districts within the City. Over recent months, following the release of Bob Gibbs' King Street Retail report, the district has received a great deal of attention. The area is the City's main retail corridor, and host to millions of residents and visitors each year. Changes in vacancies and retail sales directly impact the City's economic health.

The retail and restaurant efforts underway represent one of the most pressing economic development needs in the City and are designed to enhance commercial activities, supporting and increasing the commercial tax base. City Council funded this particular program as it has the potential to return the greatest short-term benefits to the City while addressing the long-term priorities identified in the Economic Sustainability Work Group recommendations.

Specifically the Work Group recommended:

"The City should expand its focus on retail expansion as part of the economic development equation so that retail spending is a new import and not a net export."

The two Special Use Permits under consideration tonight, Pizzeria Paradiso and Red Rocks Napoletana, represent two new businesses ready to invest in the City of Alexandria. Both businesses have shown not only a willingness to make an investment in this challenging economy but a commitment to working with the community and City staff. The City should embrace and support these businesses.

Pizzeria Paradiso will fill a storefront at 118 King Street that has been vacant for years. No sales tax, meals tax or BPOL taxes have been collected from this site during this period. It also represents the last vacancy in the 100-block of King Street, arguably the most visible and visited area of our City. Red Rocks Napoletana will replace a carry-out business with a full-service sit down restaurant. Both will represent a significant increase in taxes contributed to the City.

The approval of both of these local restaurants' SUP requests answer various recommendations made in the Bob Gibbs' Report:

*Many business and property owners stated that **Old Town could support numerous additional retailers and restaurants**, but that community pressure and City policy is suppressing growth.*

*Residential and employee focus groups requested that **more affordable family-type restaurants** be added on King Street, especially leading national chains that offer moderate prices.*

***Dining is one of King Street's strengths** and a unifier for the historic district's various users, providing a special place where visitors and locals can meet. The restaurants also contribute to Old Town's nightlife and provide a needed amenity for the office and hospitality markets.*

*GPG's[Gibbs] research finds that King Street **can support up to 58,000 sf of additional restaurants in 2009**, growing to 82,000 sf by 2013. This growth could represent 10-20 new restaurants or significant increases in sales for existing businesses.*

Approval of these SUP's will send a positive signal to others considering locating in vacant retail space in the area and furthers our efforts to attract quality retail and restaurants of distinction. The City and its partners continue to work on many initiatives which add activity, visibility and vibrancy to Old Town, but these efforts will be fruitless without investment from the retail and restaurant community, as exhibited in the applications you will consider tonight.

We hope that this information is helpful as you consider these applications, and we are prepared to answer any additional questions.

SPEAKER'S FORM
DOCKET ITEM NO. 13

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: M Catharine Puskar
2. ADDRESS: 2200 Clarendon Blvd Ste 1300 Arl, VA 22201
TELEPHONE NO. _____ E-MAIL ADDRESS: _____
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? _____
Paradise OT, LLC
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: AGAINST: _____ OTHER: _____
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES NO _____

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.

13
11-21-09



Joanne Platt
<joanneplatt@comcast.net>

11/15/2009 09:44 PM

Please respond to
Joanne Platt
<joanneplatt@comcast.net>

To william.euille@alexandriava.gov, frank.fannon@alexandriava.gov,
kerry.donley@alexandriava.gov, alicia.hughes@alexandriava.gov,
council@krupicka.com, delpepper@aol.com,

cc

bcc

Subject COA Contact Us: Pizzeria Paradiso



Time: [Sun Nov 15, 2009 21:44:10] Message ID: [16843]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Joanne
Last Name: Platt
Street Address: 103 Cameron Mews
City: Alexandria
State: VA
Zip: 22314
Phone: 703-548-6422
Email Address: joanneplatt@comcast.net
Subject: Pizzeria Paradiso

November 15, 2009

Dear Mayor Euille and members of Council:

We

are writing to support Pizzeria Paradiso's application to operate a restaurant at 118 King Street (the Discovery Store building). We understand that it will offer both eat-in and carryout service, accommodating 122 patrons on site.

From our perspective, this operation is an all-around winner for Old Town:

-- Its two

Comments: Washington restaurants have a good reputation and its pizza has garnered rave reviews.
-- It will revive a venue that has been vacant for over two years. In today's economic climate, that is a godsend.

-- It will offer a mid-price dining choice not only for visitors but
also for those who work and live in
the vicinity.

With these

pluses in mind, please approve this application.

Sincerely

yours,

Joanne Platt
Gary Kilgore



Nancy Belmont
<nbelmont@belmontinc.com>

11/19/2009 11:03 PM

Please respond to
Nancy Belmont
<nbelmont@belmontinc.com>

To william.euille@alexandriava.gov, frank.fannon@alexandriava.gov,
kerry.donley@alexandriava.gov, alicia.hughes@alexandriava.gov,
council@krupicka.com, delpepper@aol.com,

cc

bcc

Subject COA Contact Us: Support for Valet & Pizza Paradiso

13
11-21-09



Time: [Thu Nov 19, 2009 23:03:01] Message ID: [16947]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Nancy
Last Name: Belmont
Street Address: 212 E Windsor Avenue
City: Alexandria
State: VA
Zip: 22301
Phone: 571-218-9903
Email Address: nbelmont@belmontinc.com

Subject: Support for Valet & Pizza Paradiso
Dear Mr. Mayor and City Council Members,

Comments: I am writing to express my support for valet parking at Landini Brothers (and other restaurants for that matter) and for welcoming Pizza Paradiso to Old Town. I understand both issues are up for consideration at this Saturday's City Council meeting. Unfortunately, I can't attend the meeting to express my support publicly, but I am spreading the word through my social networking outlets in hopes that you will receive a positive message from our citizens that will help you vote YES!
Your yes vote will send a message of support for small business, and will certainly enhance the quality and reputation of Old Town.
Thank you!
Nancy Belmont



M. Catharine Puskar
(703) 528-4700 Ext. 5413
cpuskar@arl.thelandlawyers.com

WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

13
11-21-09

November 19, 2009

Via E-Mail Only

Mayor Bill Euille
& Members of the City Council
301 King Street
Room 2300, City Hall
Alexandria, VA 22314

RE: Docket Item #13—SUP 2009-0052 for Pizzeria Paradiso

Dear Mayor Euille and Members of the City Council:

On behalf of the Applicant, Paradise OT, LLC, I respectfully request that you approve the above-referenced application with conditions as amended by the Planning Commission with the following revisions:

• Condition #6:

~~No delivery service shall be available from the restaurant. (P&Z)~~ Delivery on-foot, scooter or by bicycle is permitted. Delivery service by vehicle may be approved by the Director of Planning and Zoning subject to the Applicant providing evidence of dedicated off-street parking or adequate loading zone for delivery vehicles. The use, adequacy and other limitations of a nearby loading zone for delivery service vehicles will be subject to a determination by the Directors of Planning and Zoning and Transportation and Environmental Services that there are sufficient existing, available, well-located zones for use by Old Town restaurants desiring delivery service.

It is my understanding that staff is in agreement with the proposed condition language.

• Condition #7 and Police F-1 (1):

~~On and off premises alcohol sales may be permitted. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (P&Z) (Police)~~

PHONE 703 528 4700 | FAX 703 525 3197 | WWW.THELANDLAWYERS.COM
COURTHOUSE PLAZA | 2200 CLARENDON BLVD., THIRTEENTH FLOOR | ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 | PRINCE WILLIAM OFFICE 703 680 4664

The proposed use is a family style restaurant, not a quick service convenience store. Given the proposed use and the fact that the conditions for the restaurant require take-out alcohol purchases to be in conjunction with a food purchase, this use can be distinguished from a quick service convenience store where no food purchase is required and where such a condition might be reasonable to mitigate certain negative impacts. As the craft beer industry continues to grow rapidly, as it has been over the past few years, more and more restaurants are offering high quality craft beers as a key component of their menu offerings. Craft beers are often sold in sizes less than 40 oz. It is reasonable to expect that if a patron can go to the restaurant and drink a single, two or three beers, that a patron would be able to do the same for off premises consumption, especially given that an accompanying food purchase is required.

- Condition #8:

On and off-premises alcohol sales may be permitted. Alcohol sold for off-premises consumption is limited to sales in conjunction with a take-out order of food. (P&Z) (Police)

The proposed revision takes acceptable language from condition 7 and merges it into one condition with the existing language for condition 8.

Thank you for your attention to this matter.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



M. Catharine Puskar

MCP/cs

cc: Vice Mayor Kerry Donley
Councilman Frank Fannon
Councilwoman Alicia Hughes
Councilman Robert Krupicka
Councilwoman Del Pepper
Councilman Paul Smedberg
Nathan Randall
Barbara Ross
Ruth Gresser
Elizabeth McKeeby

REVISED



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2009-0052

PROPERTY LOCATION: 118 King Street

TAX MAP REFERENCE: 075.01-06-04 ZONE: KR

APPLICANT:

Name: Paradise OT, LLC d/b/a Pizzeria Paradiso

Address: 2003 P Street, N.W. Washington, DC 20036

PROPOSED USE: Restaurant

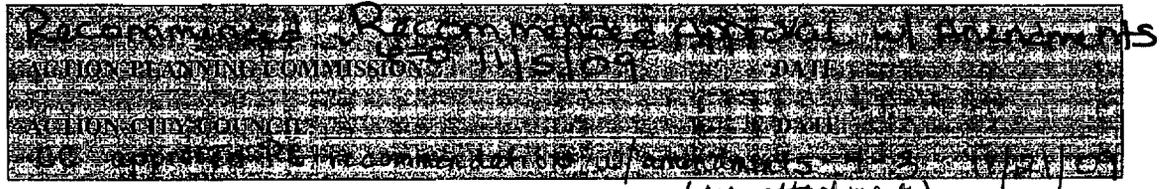
[X]THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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

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

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

PARADISE OT, LLC
By: M. Catharine Puskar, Attorney
Print Name of Applicant or Agent Walsh, Colucci, Lubeley, Emrich & Walsh, PC
2200 Clarendon Blvd., Suite 1300
Arlington, VA 22201
Mailing/Street Address City and State Zip Code
Signature Date Revised 10/9/09
703-528-4700 703-525-3197 Telephone # Fax #
cpuskar@arl.thelandlawyers.com Email address



LANDINI'S RESTAURANT - VALET PARKING

Public Hearing and Consideration of a request for valet parking; zoned KR/King Street Retail. Applicant: Noe Landini

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated November 21, 2009 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 11/21/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Donley and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The voting was as follows:

Krupicka	"aye"	Fannon	"aye"
Donley	"aye"	Hughes	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

13. SPECIAL USE PERMIT #2009-0052

118 KING STREET

PIZZERIA PARADISO RESTAURANT

Public Hearing and Consideration of a request to operate a restaurant; zoned KR/King Street Retail. Applicant: Paradise OT, LLC represented by M. Catharine Puskar, attorney

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 6-0

(A copy of the Planning Commission report dated November 21, 2009 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 11/21/09, and is incorporated as part of this record by reference.)

Planner Randall and Ms. Ross made a presentation of the report and responded to questions of City Council.

The following persons participated in the public hearing on this item:

(a) M. Catherine Puskar, 2200 Clarendon Blvd., Suite 1300, Arlington, attorney representing the applicant, spoke in favor of the request and spoke to the off premises sales of single beers and requested that the applicant be allowed to have single sales of beer and asked Council to eliminate condition 7 and revise condition 8 to say "on and off-premises alcohol sales may be permitted. Alcohol sold for off-premises consumption is limited to sales in conjunction with the take-out order of food."

(b) Poul Hertel, 1217 Michigan Court, president, Old Town Civic Association, spoke about the Small Area Plan and the restaurant policy, which speaks about parking

and retaining a mix of restaurants and shops, and the loss of the retailer in the location is a concern and they would like the staff reports and applications to address that directly, as many applicants say "not applicable" when it comes to the application of the parking impact. He said they would like more adherence to the Small Area Plan and restaurant policy. He spoke of the need for a comprehensive study to ensure it is not a first-come, first-serve but that it serves public purpose and the public purpose dictates that the amendments and changes to it ought to be put in place. Mr. Hertel said they need to retain the residential retail restaurant mix that works for the community.

(c) Amy Slack, 2307 E. Randolph Avenue, spoke in support of the Police Department's recommendation that single sales not be allowed for this establishment, and if Council wants to make a change, it should not do it on an ad-hoc basis but that it go through a public process to allow the entire community to look at it.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing. The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Pepper	"aye"	

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried 4-3, City Council approved the Planning Commission recommendation, with the acceptance of the amendment to condition #6, to delete the words "No delivery service shall be available from the restaurant (P&Z)" and add the words "or adequate loading zone for delivery vehicles. The use, adequacy and other limitations of a nearby loading zone for delivery service vehicles will be subject to a determination by the Directors of Planning and Zoning and Transportation and Environmental Services that there are sufficient existing, available, well-located zones for use by Old Town restaurants desiring delivery service." Council asked staff to use whatever process is appropriate to review the issue of single sales for restaurants and other uses, to look at it City-wide, and after the study of single sales prohibition, if new language or approach comes up, it can be applied to this application. The voting was as follows:

Krupicka	"aye"	Donley	"no"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"no"
	Smedberg	"no"	

14. SPECIAL USE PERMIT #2009-0051
902 & 904 KING STREET
REDROCKS PIZZA NAPOLETANA RESTAURANT
Public Hearing and Consideration of a request to operate a restaurant zoned