



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2024-00006

Approved by Planning and Zoning: February 23, 2024

Permission is hereby granted to: Capo OT LLC

to use the premises located at: 109 N. Washington Street

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

February 23, 2024

Date

Karl Moritz (by P. Silva)

Karl Moritz, Director
Department of Planning and Zoning

DATE: February 23, 2024

TO: Tony LaColla, Division Chief, Land Use Services
Department of Planning and Zoning

FROM: Patrick Silva, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2024-00006
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Capo OT LLC
Location: 109 N. Washington Street
Zone: CD/Commercial Downtown

Request

Special Use Permit #2024-00006 is a request for a Change of Ownership of a restaurant from Prester J, LLC to Capo OT LLC. The new owner will begin to operate the restaurant under the name Capo Deli and will no longer serve breakfast items, instead focusing on Italian-style delicatessen cuisine. In addition, they will alter the existing hours of operation from Monday through Friday from 7 a.m. to 7 p.m., and Saturday from 8 a.m. to 4 p.m. to 11 a.m. to 9 p.m. Sunday through Thursday and 11 a.m. to 10 p.m. Friday and Saturday. The applicant will not provide outdoor seating, alcohol service, live entertainment, or an owner-operated delivery service.

Background

The subject site is located in a ground floor tenant space on the western side of a commercial building located at 109 North Washington Street. On June 12, 1982, City Council approved Special Use Permit #1477 for the operation of a restaurant known as Old Town Deli. Subsequently, on March 19, 1983, City Council approved Special Use Permit #1477A (Change of Ownership) to grant ownership to Ha-Minh Thi Le. Then, on May 14, 1983, City Council approved Special Use Permit #1744B (Minor Amendment) to amend Special Use Permit #1477A to allow an increase in seating volume from 12 to 26 indoor seats. Next, on June 23, 1987, City Council approved Special Use Permit #1744C (Change of Ownership) to grant ownership to Horsemen International, Inc, Atiq Yonosrai, President. In addition, on April 16, 1988, City Council approved Special Use Permit #1744D (Change of Ownership) to grant ownership to Jordan and Chrisoula Skenteris. In June 1992, administrative approval of Special Use Permit #1744E (Change of Ownership) granted ownership to Jeyr Inc., Youssef Faddoul. Most recently, in October 2021, staff administratively approved Special Use Permit #2021-00092 for a Change of Ownership of the restaurant from Jeyr Inc., Youssef Faddoul to Prester J, LLC.

Parking

The subject property is located within the Central Business District (CBD). Pursuant to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are exempt from ordinary parking requirements. The subject site is well served by public transportation, including nearby

King Street Trolley stops, the DASH bus, Metrorail buses, and is located within a few blocks of several Capital Bikeshare Stations which provide alternative forms of transportation for employees and customers to reach the restaurant.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Old Town Civic Association was sent an email notification of the current application. Staff did not receive any comments regarding the application.


Staff Action

Staff supports the change of ownership request for a restaurant at this location as a restaurant has successfully operated here for many years without negatively impacting the neighborhood. However, in accordance with the City's standard practice for Special Use Permit approvals, Condition #26 has been amended to restart the one-year Special Use Permit review.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: February 23, 2024
Action: Approved



Tony LaColla, Division Chief

Attachments: 1) Special Use Permit Conditions
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT # 2024-00006

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP2021-00092)
2. The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z) (SUP2021-00092)
3. Condition deleted by staff. (SUP2021-00092)
4. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises be picked up at least twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP2021-00092)
5. Condition satisfied and deleted by staff.
6. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP2021-00092)
7. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (SUP2021-00092)
8. That trash and garbage be collected daily when the business is open. (P&Z) (SUP1477D)
9. Condition deleted by staff.
10. All patrons must leave the premises one hour after the closing hour. (P&Z) (SUP2021-00092)
11. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP2021-00092)
12. Indoor limited, live entertainment may be offered and must comply with the City's noise ordinance. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z) (SUP2021-00092)

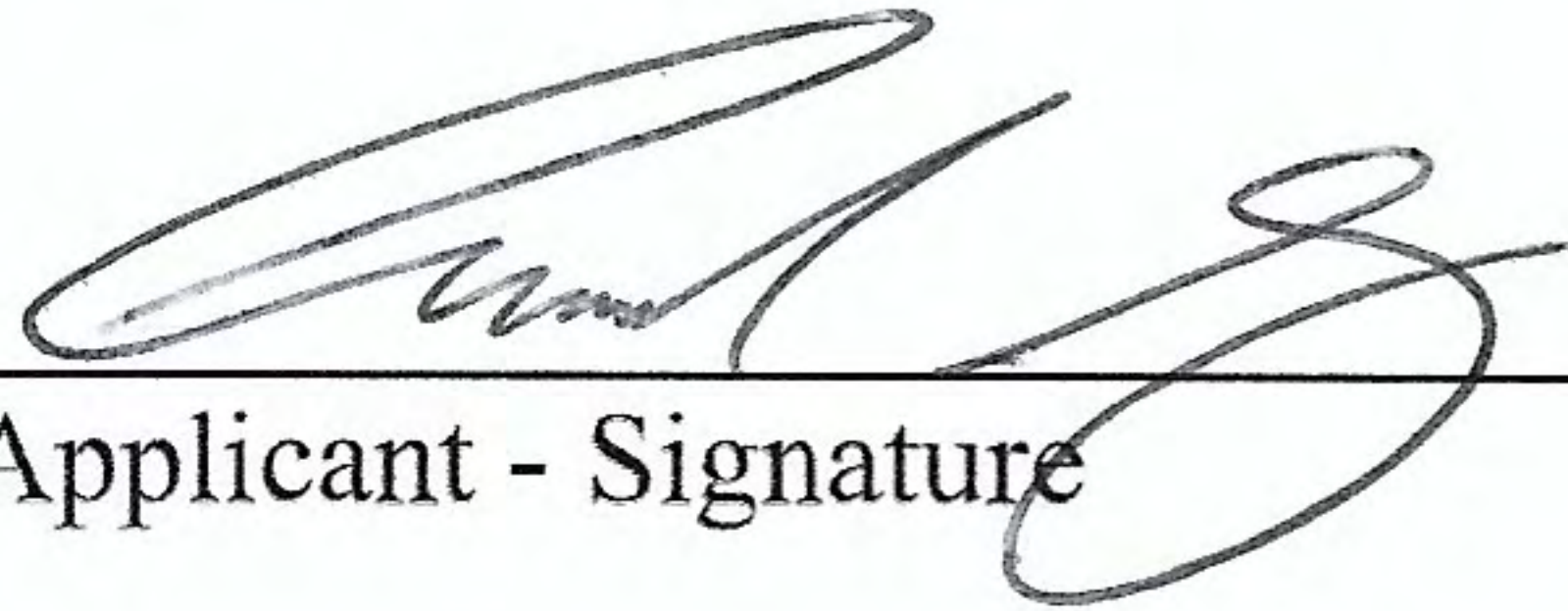
13. All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z) (SUP2021-00092)
14. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z) (SUP2021-00092)
15. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z) (SUP2021-00092)
16. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (P&Z) (SUP2021-00092)
17. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (P&Z) (SUP2021-00092)
18. 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. (P&Z) (SUP2021-00092)
19. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (P&Z) (SUP2021-00092)
20. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z) (SUP2021-00092)
21. The applicant shall require its employees who drive to use off-street parking. (P&Z) (SUP2021-00092)
22. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (P&Z) (SUP2021-00092)
23. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at

goalex@alexandriava.gov for more information about available resources. (P&Z)
(SUP2021-00092)

24. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (P&Z)
(SUP2021-00092)
25. The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (P&Z) (SUP2021-00092)
26. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review, as 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) (SUP2021-00092)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2024-00006. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 109 N. Washington Street.



Applicant - Signature

2/23/24
Date

Andrew Seligman

Applicant - Printed

2/23/24
Date