



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 #2019-0069

Approved by Planning and Zoning: August 21, 2019

Permission is hereby granted to: Pum's Landmark Deli, LLC

to use the premises located at: 101 South Whiting 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.

8/21/2019
Date

Karl Moritz (by SA)
Karl Moritz, Director
Department of Planning and Zoning

DATE: August 21, 2019

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

FROM: Max Ewart, Planner I, Land Use Services
Department of Planning and Zoning

SUBJECT: Special Use Permit #2019-0069
Administrative Review for a Change of Ownership
Site Use: Restaurant
Applicant: Pum's Landmark Deli, LLC
Location: 101 South Whiting Street
Zone: CRMU(H) / Commercial Residential Mixed Use Zone

Request

Special Use Permit #2019-0069 is a request for a change of ownership to operate a restaurant at 101 South Whiting Street, Suite 115, located in Landmark Towers from Kyung Soo Kim to Pum's Landmark Deli, LLC. The applicant does not propose any changes to the operation and would operate it under the conditions of the previously approved Special Use Permit #2013-0036.

The previously approved operational details include:

Hours of Operation: 7 a.m. – 7 p.m., daily

Seating: 21

Alcohol: No alcohol sales are permitted

Noise: Minimal noise is expected.

Odors: Minimal odors from a restaurant are expected.

Background

City Council first approved SUP#2279 for a restaurant at this site in 1989. Since then, staff has administratively approved several change of ownership Special Use Permits for this site in September 1998 (SUP #98-0081) and in June 2013 (SUP#2013-0036). Zoning enforcement cases and complaints have been recorded at the Landmark Towers, but staff has not received any regarding this tenant space.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, The Olympus Condominium Association, Sentinel of Landmark Condo Association, Highpointe Condo Association and Watergate at Landmark Condo Associations were

sent email notification of the current application. Staff did not receive any comments regarding the application.

Staff Action

Staff supports the applicant's request for a change of ownership of the restaurant located at 101 South Whiting Street. The request to change the ownership of the business is reasonable. Staff has carried over conditions from the previously approved Special Use Permit, updating those that are no longer relevant. Staff has also amended and added conditions to represent present-day standard condition language for restaurant uses.

Staff hereby approves this special use permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: August 21, 2019
Action: Approved



Tony LaCella, AICP, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2019-0069

The applicant 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) (SUP #2279)
2. Seating shall be provided inside for no more than 21 patrons. (P&Z)(SUP #2279)
3. The hours during which the business is open to the public shall be restricted to between 7:00 A.M. and 7:00 P.M., daily, Monday through Saturday, as requested by the applicant. (P&Z) (SUP2013-0036)
4. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2279)
5. Trash and garbage shall be stored inside or in a dumpster. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP2013-0036)
6. Trash and garbage shall be collected daily when the business is open. (P&Z) (SUP #2279)
7. Condition deleted by staff (SUP #2279)
8. No outside dining facilities shall be located on the premises. (P&Z) (SUP #2279)
9. The applicant shall provide five (5) off-street parking spaces at the building. (P&Z) (SUP #2279)
3. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP2013-0036)
4. No alcohol may be sold at the restaurant. (P&Z) (SUP2013-0036)
5. No live entertainment shall be offered at the restaurant. (P&Z) (SUP2013-0036)
6. No delivery service shall operate from the restaurant. (P&Z) (SUP2013-0036)
7. 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. (P&Z) (SUP2013-0036)
8. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (P&Z) (SUP2013-0036)

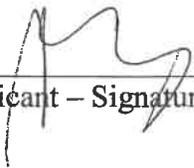
9. Litter on the site and on the public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day, or more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP2013-0036)
10. All loudspeakers are prohibited on the outside of the building and no amplified sound shall be audible past the property line. (P&Z) (SUP2013-0036)
11. 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) (SUP2013-0036)
12. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z) (SUP2013-0036)
13. 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) (SUP2013-0036)
14. **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) (~~SUP2013-0036~~)
15. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
16. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
17. **CONDITION ADDED BY STAFF:** 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. (T&ES)
18. **CONDITION ADDED BY STAFF:** 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) (T&ES)

19. **CONDITION ADDED BY STAFF:** 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. (T&ES)
20. **CONDITION ADDED BY STAFF:** 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. (T&ES)
21. **CONDITION ADDED BY STAFF:** 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. (T&ES)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0069. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant at 101 South Whiting Street.



Applicant - Signature

10 / 01 / 2019
Date

PATRICIA LUONCI

Applicant - Printed

10 / 01 / 2019
Date

