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: #2020-00077
Approved by Planning and Zoning: November 11, 2020
Permission is hereby granted to: Howard Greenstone

To use the premises located at: 124 King 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.

November 11, 2020 Karl Moritz (by T. LaColla)
Date Karl Moritz, Director
Department of Planning and Zoning
DATE: November 11, 2020

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

FROM: Anna Kohlbrenner, Planner
    Department of Planning and Zoning

SUBJECT: Special Use Permit #2020-00077
    Administrative Review for Special Use Permit for a Change of Ownership
    Site Use: Restaurant
    Applicant: Howard Greenstone
    Location: 124 King Street
    Zone: KR/King Street Retail

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Request
Special Use Permit #2020-00077 is a request for a change of ownership of a restaurant from Paradiso OT, LLC to Howard Greenstone. The new owner will continue to operate the business as a restaurant, offering carry-out. The restaurant will provide 122 indoor seats and offer on and off-premise alcohol service.

Background
On November 21, 2009, City Council granted Special Use Permit #0052 to Paradiso OT, LLC for the operation of a restaurant. 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 business owner received one zoning violation in the past five years. The violation was for trash storage, violating Condition #12 of Special Use Permit #2009-0052. The condition was remediated soon after the business operator was notified.

Parking
As the site is located in the Central Business District, the applicant’s parking requirement is waived, pursuant to Section 8-300 of the Zoning Ordinance.

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

Staff Action
Staff finds the change of ownership request to be reasonable as it supports the continuance of a restaurant at a prominent central location in the Central Business District near the waterfront.
Conditions have been carried forward from Special Use Permit #2009-0052. Several have been amended and added to reflect present-day condition language and conditions that are no longer required or have been satisfied are deleted.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: November 11, 2020  
Action: Approved

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Tony LaColla, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent
CONDITIONS OF SPECIAL USE PERMIT #2020-00077
The new owner is responsible for ensuring compliance with all applicable codes and ordinances and ensuring that the following conditions are adhered to at all times. Violation of any of the SUP 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 #2009-0052)

2. The hours of operation of the restaurant shall be limited to between 11:00am and 1:00am seven days/week. (P&Z) (SUP #2009-0052)

3. CONDITION AMENDED BY STAFF: The maximum number of indoor seats at the restaurant shall be 122 shall comply with the state building code. Outdoor seating may be provided on the premises subject to approval by the Director of Planning and Zoning approved through the King Street Outdoor Dining Program. (P&Z) (SUP #2009-0052)

4. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP #2009-0052)

5. CONDITION AMENDED BY STAFF: No live entertainment shall be permitted either inside the restaurant or in any future outdoor dining area. 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) (SUP #2009-0052)

6. CONDITION AMENDED BY STAFF: 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 Restaurant-managed delivery vehicles are permitted subject to the applicant providing dedicated off-street parking for the vehicles when they are not in use, or adequate 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. (PC) (P&Z) (City Council) (SUP #2009-0052)

7. CONDITION AMENDED BY STAFF: On and off-premises alcohol sales may be are permitted, subject to compliance with Virginia ABC requirements. Beer or wine coolers may be sold only in 4-packs, 6-packs or products 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) (SUP #2009-0052)

8. CONDITION DELETED BY STAFF: Alcohol sold for off-premises consumption is
limited to sales in conjunction with a take-out order of food. (P&Z) (Police) (SUP #2009-0052)

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) (SUP #2009-0052)

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) (SUP #2009-0052)

11. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2009-0052)

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) (SUP #2009-0052)

13. CONDITION AMENDED BY STAFF: 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) (SUP #2009-0052)

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) (SUP #2009-0052)

15. CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION AND REPLACED WITH CONDITIONS #25: 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) (SUP #2009-0052)

16. CONDITION AMENDED BY STAFF: Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2009-0052) (P&Z)

17. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. Operation of a wood-burning stove in compliance with applicable ordinances shall not be deemed a nuisance. (PC) (T&ES) (SUP #2009-0052)

18. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP #2009-0052)
19. Litter 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) (SUP #2009-0052)

20. **CONDITION PREVIOUSLY SATISFIED AND DELETED BY STAFF:** 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) (SUP #2009-0052)

21. **CONDITION PREVIOUSLY SATISFIED AND DELETED BY STAFF:** 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) (SUP #2009-0052)

22. **CONDITION DELETED BY STAFF:** Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP #2009-0052)

23. **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)(Police) (SUP #2009-0052)

24. **CONDITION ADDED BY STAFF:** 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)

25. **CONDITION ADDED BY STAFF:** The use must comply with the city's noise ordinance. (P&Z)

26. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
27. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)

28. **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. (P&Z)

29. **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. (P&Z)

30. **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. (P&Z)

31. **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. (P&Z)

32. **CONDITION ADDED BY STAFF:** 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)
STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2020-00077. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant at 124 King Street.

[Signature]
Applicant - Signature

12/9/2020
Date

Haurum Greenstone
Applicant - Printed

12/9/2020
Date