

DOCKET ITEM #7

Special Use Permit #2013-0074

1106-1108 King Street – Notting Hill Restaurant

Application	General Data	
Consideration of SUP amendments to allow an outdoor bar and remove various SUP conditions at an existing restaurant.	Planning Commission Hearing:	December 3, 2013
	City Council Hearing:	December 14, 2013
Address: 1106-1108 King Street	Zone:	KR / King Street Retail
Applicant: Notting Hill Restaurant & Bar LLC	Small Area Plan:	Old Town

Staff Recommendation: PARTIAL APPROVAL and PARTIAL DENIAL 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, DECEMBER 3, 2013: On a motion by Vice Chair Dunn, seconded by Commissioner Macek, the Planning Commission recommended partial approval of the parking-related request and denial of the music-related requests and the outdoor bar, with amendments to Condition #7 regarding parking and Condition #22 regarding required SUP reviews and subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 6 to 0.

Reason: The Planning Commission agreed with the staff analysis and expressed concern about the series of SUP violations that have occurred at the restaurant. It recommended in Condition #7 that the applicant provide additional off-street parking spaces (15) compared to the 10-space staff recommendation. The Commission also amended Condition #22 to stipulate that a full-hearing review of the SUP could occur at any time in the future if violations or other circumstances requiring a review are found at the restaurant.

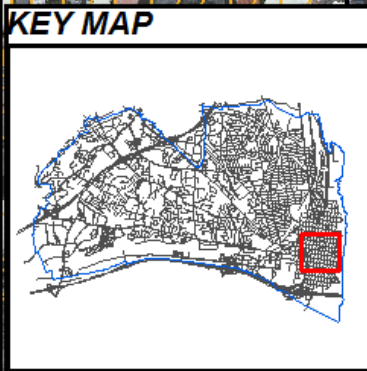
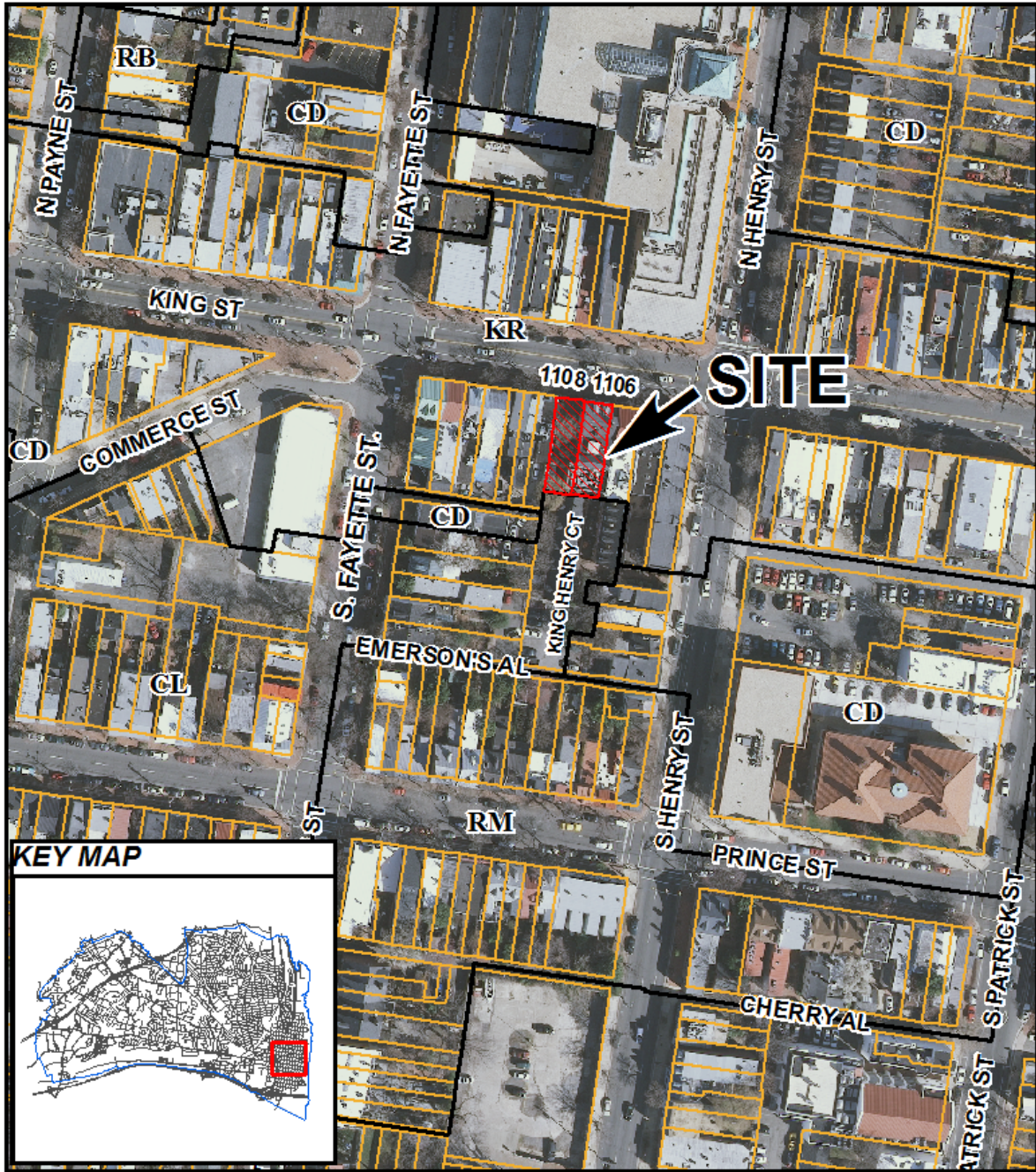
Speakers:

Amir Jahangeri, applicant, spoke in support of the request and characterized the restaurant as a fine-dining establishment. He stated his difficulty in contracting to provide off-street parking and described the illegal outdoor music at the restaurant as being soft jazz that has not occurred late into the night. He expressed his interest in having the outdoor bar as a new attraction without adding overall capacity or beer taps. He stated that no building permit related matters were unresolved.

Rodger DiGilio, 1115 King Street, stated that he has heard music inside his residence coming from the restaurant on an ongoing basis, including as recently as last Saturday. He stated that the applicant has not followed the rules and that the City should enforce existing regulations. He also noted that parking is an important issue in the area.

Winifrede Ottinger, 1115 King Street, also noted that music from the restaurant could be heard at her residence and expressed concern about the length of time necessary to address the noise-related SUP violations at the restaurant.

Yvonne Weight Callahan, representing Old Town Civic Association, supported staff's position regarding the music-related requests and the outdoor bar but did not support a reduction in the number of required off-street parking spaces. She also expressed concern about the length of time necessary to address the violations.



SUP# 2013-0074
1106-1108 King St



I. DISCUSSION

The applicant, Notting Hill Restaurant & Bar LLC by Amir Jahangeri, requests Special Use Permit amendments to allow outdoor live entertainment, outdoor speakers for music, an outdoor bar, and removal of the requirement to provide off-street parking at an existing restaurant at 1106-1108 King Street.

SITE DESCRIPTION

The subject site is two lots of record, each with 25 feet of frontage on King Street, 84 feet of depth and a lot area of approximately 2,100 square feet. The majority of the restaurant use is located in a three-story building at 1106 King Street. A patio area with outdoor dining is located on the adjacent lot at 1108 King Street.



The property is surrounded by a mix of residential and commercial uses. Other commercial uses located on the 1100 block of King Street include three other restaurants, three home furnishing stores and two retail jewelry/accessory shops. Residences are located above some of these establishments. Residential townhouses are located immediately behind the restaurant to the south in the King Henry Court community.

GENERAL BACKGROUND

A restaurant has operated at this site since at least 1985. A French restaurant known as Le Gaulois was located at this site for many years until it closed in approximately 2009. The space, which was actively marketed for prospective restaurant uses, had been vacant for approximately three years when Staff granted Administrative SUP approval (SUP#2012-0068) to the applicant in October 2012 to reopen the restaurant with a change in ownership. Notting Hill opened in late December 2012.

ENFORCEMENT BACKGROUND

Prior to opening the restaurant, Planning & Zoning staff found that the applicant had installed window signage without proper Board of Architectural Review approval. The applicant worked with staff to obtain necessary permits. In December 2012, Code Administration found that the applicant not obtained proper building and fire permits for the scope of improvements it made inside the building. It issued a stop-work order in February 2013 to achieve preliminary compliance.

In May 2013, staff received a complaint about loud music being present at the restaurant. Staff inspected the premises and found no such loud music, but in a follow-up visit to the site, it

discovered several violations of the Special Use Permit conditions. These violations included loudspeakers located on the side of the building (Condition #17), evidence that live entertainment occurs in the outdoor dining area (Condition #10), off-street parking spaces required were not provided (Condition #7), and three additional seats in the outdoor dining area (Condition #3). Additional violations related to the posting of hours of operation and public transit information. Staff issued a warning to the applicant in June 2013 and required compliance within a reasonable period of time.

While it awaited the applicant's compliance, staff received another complaint in early July 2013 that a new bar had been constructed in the outdoor patio, representing an unapproved intensification of the use compared to its prior SUP and one that had also not been approved by the Old & Historic Alexandria Board of Architectural Review, Code Administration, or the Health Department. Staff issued a second warning ticket and reminded the applicant that compliance with all SUP terms and conditions was required. Upon hearing the applicant's interest in submitting a new SUP application, staff agreed to forestall enforcement of certain matters, such as the need to remove the outdoor bar, until such time that staff determined its recommendation regarding these matters in any new SUP.

The applicant submitted a new Special Use Permit request in late July, but staff needed to issue a \$50 ticket in August in order to obtain a complete application. Staff contacted the initial complainant as part of its SUP review who advised that music, both live and recorded, could still be heard from the restaurant past the property line at various times. It re-inspected the site and found no music being played outdoors during daytime hours. Staff then met with the applicant in October and informed him that it would no longer forestall enforcement of the music-related SUP violations since it did not intend to recommend approval of those requested SUP amendments. Despite providing a reasonable amount of time for compliance, staff could hear a low-to-moderate level of music emanating from the speakers on November 1st in violation of Condition #17. A second notice of violation, with a \$100 fine, was issued. The applicant subsequently informed staff that his speakers are now inoperable and during a follow-up visit, no music was heard and no SUP violations were noted.

PROPOSAL - EXISTING USE

The applicant operates an approximately 6,000 square-foot restaurant at this location specializing in American cuisine with Middle Eastern and European influences. A total of 153 seats are available on two floors inside the restaurant building and in the outdoor dining area located in a garden-style patio at 1108 King Street. A small bar area exists on the second floor where live entertainment is offered consistent with the existing SUP. Additional elements of the existing restaurant operation are as follows:

Hours of Operation:
7 a.m. – 1 a.m. daily (indoor seats)
11:30 a.m. – 10 p.m. Sunday-Thursday (outdoor seats)
11:30 a.m. – 11 p.m. Friday & Saturday (outdoor seats)

<u>Seats:</u>	108 indoor seats <u>45 outdoor seats</u> 153 total seats
<u>Type of Service:</u>	Table service, bar service
<u>Employees:</u>	10
<u>Alcohol:</u>	On-premises alcohol service only
<u>Live Entertainment:</u>	Live background music, typically smooth jazz
<u>Delivery:</u>	No delivery of food to customers is offered
<u>Noise:</u>	Music will be kept at low volume to maintain restaurant atmosphere
<u>Odors:</u>	An insulated walk-in box in which trash and other items are stored is located behind patio
<u>Trash/Litter:</u>	Food waste, bottles and other typical restaurant trash are held in the insulated walk-in box. Commercial service picks up trash twice each week.

PROPOSED CHANGES

The applicant now requests SUP amendments for four changes to its existing operation as follows: 1) to amend existing Condition #17 to allow loudspeakers on the side of the building, 2) to amend existing Condition #10 to allow live entertainment in the outdoor patio area, 3) to allow after-the-fact approval of a bar in the outdoor dining area and 4) to eliminate of the existing Condition #7 that requires the applicant to provide 33 off-street parking spaces for customers. No other changes to the operation of the restaurant or to existing SUP conditions are requested.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the KR/King Street Urban Retail zone. Section 6-702 (A)(2) of the Zoning Ordinance allows a restaurant in the KR/King Street Urban Retail zone only with a Special Use Permit. The proposed use is consistent with the Old Town and King Street Retail Strategy chapters of the Master Plan.

PARKING

According to Section 8-300 (B) of the Zoning Ordinance, ordinary parking requirements do not apply to restaurants located within the Central Business District. The restaurant has been required to provide off-street parking spaces since it was first approved by SUP in 1985, and the original 25-space requirement was raised to the current 33 spaces when outdoor dining was added in 1996 (Condition #7).

II. STAFF ANALYSIS

Staff is concerned about the series of SUP violations that have occurred at the restaurant and considers the docketing of this request to also serve as a one-year review of the use consistent with existing Condition #22. Although the individual violations have not been especially severe when observed, staff is nonetheless troubled by the number of violations and the apparent slowness with which the applicant has responded to many of these matters. At the same time, staff recognizes the importance of maintaining successful businesses along King Street generally and in this location in particular, which had been vacant for over three years until Notting Hill opened approximately a year ago.

Staff's ultimate preference is to see the restaurant thrive in this location in compliance with all SUP conditions and other applicable codes. Consistent with that goal, it has identified one element of the applicant's request that, with an important amendment, it can support: a reduction in required off-street parking. However, given the applicant's enforcement history, the presence of complaints, and especially the proximity of the restaurant to residences, it does not believe that existing music-related restrictions should be lifted nor should they be potentially exacerbated by after-the-fact approval of the outdoor bar. Staff recommends **partial approval** of the applicant's parking-related request, **denial** of the request for removal of loudspeaker and outdoor live entertainment conditions and **denial** of the outdoor bar request.

Parking

Although staff understands the difficulty in finding affordable off-street parking in Old Town, it cannot support the complete elimination of the parking requirement as requested. The Old Town Restaurant Policy specifically requires a review of a restaurant's potential parking impact, and if no parking were provided at all, this 153-seat restaurant could potentially negatively impact parking in adjacent residential areas. Staff has also reviewed the parking requirements for other, similarly-sized restaurants located on adjacent blocks of King Street. It found that virtually all of these restaurants larger than 100 seats, such as Hard Times Cafe and Casablanca, are required to provide a specific number of off-street parking spaces. For consistency with the Policy, the practice of requiring at least some off-street parking as a condition of the SUP has been continued.

Some reduction in the specific number of off-street parking spaces stipulated in Condition #7 is reasonable, however, for four reasons. First, public transportation has significantly improved in the King Street area in the nearly 30 years since the restaurant was first approved and the parking requirement was imposed. The King Street Metro station had opened by 1985, but the Metrorail system has substantially expanded and has grown in popularity since that time. DASH Bus had only begun operating in 1984. More recently, the King Street Trolley has begun shuttling riders between the Metro station and the foot of King Street providing direct access to this restaurant. Second, the parking requirement for outdoor seating has been relaxed at some restaurants in recent years given that such seats are seasonal in nature. Third, the City has implemented recommendations from the Old Town Parking Study to improve parking in the area, including encouraging the greater use of existing garage spaces, a review of on-street parking rates, and the installation of multi-space meters. Finally, this restaurant has the highest off-street parking requirement compared to other restaurants in adjacent blocks with a specific off-street parking

requirement despite its number of seats being comparatively average.

Staff ultimately recommends that Condition #7 be amended to reduce the number of required off-street parking spaces from 33 to 10. The 10-space requirement is largely based on the number of employees at the establishment. This approach balances the reality that public transportation is a much more viable option than it was 30 years ago with the continued need to provide parking for employees, who may have a more pronounced impact on parking in adjacent residential areas given that the spaces in which their vehicles are parked may not, as a practical matter, turn-over as frequently as customer vehicles. The applicant has provided staff with a survey indicating that only two of its employees currently drive to the restaurant, and that eight either walk or take public transportation. Staff's 10-space recommendation anticipates that additional employees may be hired in the future and that employee transportation choices may change over time.

Music-Related Conditions

Staff cannot endorse the applicant's proposal to eliminate two existing music-related conditions in the existing SUP. The prohibitions on loudspeakers and live music from being present outside, standard conditions included in SUPs for many years, are designed to protect adjacent uses from negative noise impacts. Negative impacts are much more likely for outdoor music compared to indoor music given that no buffer is typically available outside to dampen sounds. Although the jazz music the applicant has played may not be as loud as hard rock, for example, all outdoor music has the potential to create nuisance impacts.

In this case, although hemmed in on its sides by buildings, the outdoor dining area is open to the front. Although buffered by a tall brick wall to the rear, sound can travel over or through the wall to reach residences located behind the restaurant. Importantly, residences are located in close proximity to the outdoor dining area, with the nearest residence located only 30 feet from the closest tables and chairs and less than ten feet from the rear brick wall. Finally, staff has already received complaints about noises coming from the restaurant and the applicant has only reluctantly achieved compliance with these SUP conditions. The combination of heightened impact, proximity, and complaint history compels staff to recommend the retention of all existing music-related SUP conditions.

Outdoor Bar

Staff is reluctant to recommend after-the-fact approval of the bar area constructed in the outdoor patio. The addition of a bar serving alcohol could encourage an operational change in the outdoor dining area with the potential to create negative impacts, such as noise from loud conversations, on nearby residences. Currently, the garden patio is configured as a sit-down restaurant. The retention of the bar, along with outdoor live entertainment as requested by the applicant, could encourage a different atmosphere in which customers drinking alcoholic beverages stand throughout the outdoor dining area. Noise impacts from increased customers, particularly those who are drinking alcohol, are possible in such a scenario. It is important to note that such a circumstance has not been observed at this point and the SUP application states that no alcohol will be served from the bar. Staff does not object to the establishment of an actual service station in the area as inferred from the application. However, the size, design, and inclusion of three taps from which draught beer can be sold (one of which has been observed to include a microbrewery tap handle) suggest that bar has been constructed with the intention of selling alcohol.

Future Enforcement

As part of its recommendation of partial approval and partial denial, staff has included new enforcement-related condition language designed to facilitate full compliance and to maintain compliance into the future. Condition #42 requires the applicant to completely remove the outdoor speakers from the building within 60 days of this SUP decision. Condition #43 requires the applicant to remove the existing bar in the outdoor patio within 60 days or to significantly reduce it in size such that it is consistent with a serving station. Amended Condition #7 requires the applicant to obtain 10 off-street parking spaces within 60 days and provide a written agreement to the Director which authorizes those spaces for use in connection with the restaurant.

As an additional measure to ensure compliance, staff also recommends amended review condition language. Staff will review the SUP in six months for compliance with SUP conditions and will docket the request for review if problems are found. The six-month review notwithstanding, amended Condition #22 also now requires an automatic one-year review before Planning Commission and City Council.

Conclusion

Although staff's split recommendation is uncommon, this approach will offer a degree of flexibility to the applicant regarding parking, which is the one element for which staff agrees some relief from existing requirements is warranted. At the same time, it retains those music-related restrictions that remain necessary to reduce potential noise impacts on adjacent residences. For similar noise-related reasons and due to the presence of violations, staff is also reluctant to support the addition of the outdoor bar. Staff recommends partial approval and partial denial of the SUP amendments subject to the conditions contained in Section III of this report.

III. RECOMMENDED CONDITIONS

Staff recommends **partial approval and partial denial** of the requested SUP amendments 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) (SUP #1817)
2. Seating shall be provided inside for no more than 108 patrons. (P&Z) (SUP #96-0020)
3. Outside dining facilities shall be provided for no more than 45 patrons on the patio to the west of the building. Additional outdoor dining seats may be provided in front of the restaurant subject to the review and approval of the Director of Planning & Zoning through the King Street Outdoor Dining program. (P&Z) (SUP#2012-0068)

4. **CONDITION AMENDED BY STAFF:** Hours of operation shall be limited to between 7 a.m. – 1 a.m. daily. For indoor seating, meals ordered before 1 a.m. may be served, but no new patrons may be admitted and no new alcoholic beverages may be served after 1 a.m., and all patrons must leave by 2 a.m. (P&Z) (~~SUP #2006-0107~~)
5. Trash and garbage shall be stored inside or in dumpsters which are fully enclosed within a refrigerated storage container at the rear of the property. Trash and garbage shall only be removed from the storage container for the purposes of collection and cleaning. (King Henry Court Owners Association) (SUP #96-0020)
6. Condition deleted. (SUP #96-0020)
7. **CONDITION AMENDED BY STAFF AND PLANNING COMMISSION:** The applicant shall provide a minimum of ~~33~~ 10 ~~15~~ off-street parking spaces ~~within 500 feet of the site to accommodate restaurant patrons after the normal working hours in the evenings primarily for restaurant employees,~~ to the satisfaction of the Director of Planning and Zoning. The applicant shall also provide and maintain a written agreement for the 10 15 off-street parking spaces to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services. ~~On each anniversary of the approval of the special use permit, the applicant shall provide to the Director of Planning and Zoning copy of (1) the lease or other arrangement by which the applicant makes off-street parking available for customers and employees, (2) the materials advertising such off-street parking, and (3) a report concerning the utilization of off-street parking subsidies by the restaurant's patrons.~~ (P&Z) (PC) (~~SUP #96-0020~~)
8. There will be no through vehicular traffic via the alley from Fayette Street. (PC) (SUP #1817)
9. Condition deleted by staff. (P&Z) (SUP #2006-0107)
10. **CONDITION AMENDED BY STAFF:** Live entertainment shall be permitted only to provide background ambient music to restaurant patrons during the hours of 9:00am to 1:00am. Live entertainment shall be limited to inside the restaurant building only, and shall not be permitted in any outdoor seating area. Advertising that features entertainment as a destination is prohibited. No admission or cover fee shall be charged. (PC)(P&Z) (~~SUP#2008-0063~~)
11. The hours of operation for the outdoor dining area shall be limited to 11:30 A.M. to 10:00 P.M. Sunday through Thursday, and limited to 11:30 A.M. to 11:00 P.M. Friday and Saturday. No meals may be served in the outdoor patio area after 9:30 P.M. Sunday through Thursday and after 10:30 P.M. Friday and Saturday and the patio shall be closed and cleaned by 10:00 P.M. Sunday through Thursday and 11:00 P.M. Friday and Saturday. (P&Z) (PC) (SUP#2012-0068)
12. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #96-0020)

13. Alcoholic beverages may be sold for on-premises consumption only. (P&Z) (SUP #96-0020)
14. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #96-0020)
15. 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. (P&Z) (T&ES) (SUP #96-0020)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #96-0020)
17. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building, and no music or amplified sound shall be audible at the property line. (T&ES) ~~(SUP#2002-0079)~~
18. Condition deleted by staff. (P&Z) (SUP #2006-0107)
19. Condition deleted. (City Council) (SUP#2002-0079)
20. The applicant shall (a) advertise the availability of off-street parking by including such notice in any advertising; (b) urge patrons who drive to use the space; and (c) post signs at the restaurant directing patrons to the availability of such parking. (P&Z) (SUP #96-0020)
21. Condition deleted by staff. (P&Z) (SUP #2006-0107)
22. **CONDITION AMENDED BY STAFF AND PLANNING COMMISSION:** The Director of Planning and Zoning shall review the Special Use Permit ~~one year after approval~~ six months after the final City Council hearing date, 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 a 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. Staff shall automatically docket the Special use Permit for review one year from the final City Council hearing date. (P&Z) ~~(SUP#2012-0068)~~
23. Condition deleted by staff. (P&Z) (SUP #2006-0107)

24. The wooden door shall be kept closed at all times while the outdoor dining area is open, except for purposes of taking deliveries during daylight hours. (King Henry Court Owners Association) (SUP #2006-0107)
25. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors, ~~and smoke, and any other air pollution~~ from operations at the site and ~~property to~~ prevent them from leaving the property, or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (~~SUP # 2002-0049~~)
26. 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) (SUP #2006-0107)
27. The applicant shall conduct employee training session on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and to provide instruction preventing underage sales of alcohol. (P&Z) (SUP#2004-0037)
28. The applicant shall submit a seating plan that accurately reflects the conditions at the site along with the proposed seating arrangement. (Code Enforcement) (SUP#2004-0037)
29. A clear, unobstructed path measuring no less than 44 inches is required to be maintained from the building exit, through the courtyard to the approved exits to the public way. The pathway shall remain clear of tables, chairs and planters at all times. The approved pathway shall be designated by the applicant and approved by the Director of Code Enforcement. (Code Enforcement) (SUP#2004-0037)
30. A secondary exit from the courtyard shall comply with the USBC, remain free of obstructions and be properly illuminated at all times. The aforementioned shall include the exit door, pathway to the alley, and the alley leading to the public way. (Code Enforcement) (SUP#2004-0037)
31. Front gates of the courtyard shall remain unlocked and held in the open position at all times the building is occupied. (Code Enforcement) (SUP#2004-0037)
32. Any encroachment from any other structure that impacts the courtyard, requires a new review of the courtyard seating shall be revisited for compliance with the USBC. (Code Enforcement) (SUP#2004-0037)
33. CONDITION DELETED BY STAFF (SUP#2012-0068)
34. CONDITION DELETED BY STAFF (SUP#2012-0068)
35. **CONDITION DELETED BY STAFF (See Condition #4):** ~~Meals ordered before the closing hour may be served, but no new patrons may be admitted and no new alcoholic~~

~~beverages may be served, and all patrons must leave by one hour after the closing hour.
(P&Z) (SUP#2012-0068)~~

36. ~~CONDITION DELETED BY STAFF (SUP#2012-0068)~~
37. The applicant 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 Study. (P&Z) (SUP#2006-0107)
38. ~~**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#2006-0107)~~
39. Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2008-0063)
40. **CONDITION ADDED BY STAFF:** No delivery of food or beverages to customers shall be offered from the restaurant. (P&Z)
41. **CONDITION ADDED BY STAFF:** All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
42. **CONDITION ADDED BY STAFF:** The applicant shall completely remove the unapproved loudspeakers currently located on the side of the restaurant building within 60 days of the date of the final City Council hearing. (P&Z)
43. **CONDITION ADDED BY STAFF:** The applicant shall completely remove the unapproved outdoor bar, or reduce it in size such that it functions only as a service station to the satisfaction of the Director of Planning & Zoning, within 60 days of the date of the final City Council hearing. (P&Z)

STAFF: Alex Dambach, Division Chief, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: In accordance with Section 11-506(C) of the Zoning Ordinance, operation shall be commenced 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:

F-1 Staff does not support the use of live entertainment outdoors. (T&ES)

R-2 Recommendations carried forward/modified from SUP2012-00028:

- ~~7. **CONDITION DELETED BY STAFF:** The applicant shall provide a minimum of 33 off-street parking spaces within 500 feet of the site to accommodate restaurant patrons after the normal working hours in the evenings to the satisfaction of the Director of Planning and Zoning. On each anniversary of the approval of the special use permit, the applicant shall provide to the Director of Planning and Zoning copy of (1) the lease or other arrangement by which the applicant makes off-street parking available for customers and employees, (2) the materials advertising such off-street parking, and (3) a report concerning the utilization of off-street parking subsidies by the restaurant's patrons. (P&Z) (SUP #96-0020)~~
10. Live entertainment shall be permitted only to provide background ambient music to restaurant patrons during the hours of 9:00am to 1:00am. Live entertainment shall be limited to inside the restaurant only, and shall not be permitted in any outdoor seating area. Advertising that features entertainment as a destination is prohibited. No admission or cover fee shall be charged. (PC)(P&Z) (SUP#2008-0063)
15. 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. (P&Z) **(T&ES)** (SUP #96-0020)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #96-0020)
17. **CONDITION AMENDED BY STAFF:** All ~~l~~oudspeakers shall be prohibited from the exterior of the building, and no music or amplified sound shall be audible at the property line. (T&ES) ~~(SUP#2002-0079)~~
25. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors, ~~and~~ smoke, and any other air pollution from operations at the site and ~~property~~ to prevent them from leaving the property, or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) ~~(SUP # 2002-0049)~~

26. 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) (SUP #2006-0107)
39. Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2008-0063)
- R-3 Provide and maintain an agreement for 10 off-street parking spaces for employees to the satisfaction of the Director of Transportation & Environmental Services. (T&ES)
- R-4 All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-2 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).

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) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

Code Enforcement:

- F-1 The review by Code Administration is a SUP review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plan Review Services Division Chief at ken.granata@alexandriava.gov or 703.746.4192.
- C-1 Request for bar construction requires a building permit per USBC.
- C-2 In accordance with Section 36-99 of the Code of Virginia, the USBC shall prescribe building regulations to be complied with in the construction and rehabilitation of buildings and structures, and the equipment therein.
- C-3 Construction documents shall show the dimensions, material and required details of construction, including loads, stresses and anchors.

- C-4 **Building permit BLD2012-01076** has not had a final inspection for interior alterations; inspections are required for this permit and work completed.
- C-5 An automatic sprinkler system shall be provided for group A-2 occupancies where one of the following conditions exists: The fire area has an occupant load of 100 or more in night clubs. This provision is required to be met if live entertainment will be performed inside the building and during those hours listed in narrative.

Health:

- F-1 Outdoor bar has not been approved. Plans must be submitted to Alexandria Health Department for approval.
- C-1 Requirements for food facilities:
1. An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual or location to another.
 2. Plans shall be submitted to the Health Department through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
 3. Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
 4. Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.
 5. A Certified Food Manager shall be on-duty during all operating hours.
 6. The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
 7. Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

Parks and Recreation:

- F-1 No comments received

Police Department:

F-1 No comments received



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2013-0874

PROPERTY LOCATION: 1106-1108 King Street, Alexandria, VA 22314

TAX MAP REFERENCE: 074.01-04-08, 074.01-04-09 ZONE: KR

APPLICANT:
Name: ~~Amir Jahangeri~~ Notting Hill Restaurant & Bar LLC

Address: 1106 King Street, Alexandria VA 22314

PROPOSED USE: Restaurant & Bar

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.

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.

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.

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.

Amir Jahangeri
Print Name of Applicant or Agent
1106 King Street Alexandria
Mailing/Street Address
Alexandria, VA 22314
City and State Zip Code

[Signature] 7/12/13
Signature Date
(703) 999-4590 "Cell: 703-334-8288"
Telephone # Fax #
Core Contracting @ AOL Com
Email address

ACTION-PLANNING COMMISSION: _____ DATE: _____
ACTION-CITY COUNCIL: _____ DATE: _____

SUP # 2013-0074

PROPERTY OWNER'S AUTHORIZATION

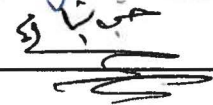
As the property owner of 1106-1108 King St. Alexandria, VA. 22314, I hereby
(Property Address)
grant the applicant authorization to apply for the Restaurant use as
(use)
described in this application.

Name: Sayed H. Shajaa Maddahi

Phone: 703 868-9990

Please Print
Address: 1123 King St. Alexandria, VA. 22314

Email: KingRugBallary@Hotmail.com

Signature: 

Date: 7/12/13

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.
- Requesting a waiver. See attached written request.

2. The applicant is the (check one):

- 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.

Amir Jahangiri, 1106 King Street, Alexandria, VA. 22314

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Amir Jahangeri	1106 King St. Alex. Va. 22314	100%
2. /	/	/
3. /	/	/

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1106-168 King St. Alexandria, VA 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. S.H. Shofa Maddah	1123 King St. Alex, Va. 22314	100%
2. /	/	/
3. /	/	/

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require to disclose any business or financial relationship, as defined by [Section 11-350 of the Zoning Ordinance](#), existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. None		
2. None	/	/
3. None	/	/

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

9/13/13
Amir M. Jahangeri
Signature
Date
Printed Name

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

Yes. Provide proof of current City business license

No. The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

1. To Remove the Parking restriction. The Parking restriction in the existing SUP is costly and is not available any more. 35 spaces were available for us since JAN 2013 for \$30,000. These spots never been used by any one despite of advertising in our web site.

2. To Remove The Restriction For live entertainment in the Garden. The intention is provide live smooth jazz program for our guests between 7pm - 10.30 pm Monday to Sunday (No speakers shall be used).

3. To Remove The Restriction for the used of Speakers transmitting soft music from sound system located inside Building.

4. Permission to have second bar. We would like to have this bar in the patio. A counter space is build in the patio with eight bar stools for our guests to dine. The counter space is used as a long table.

~~5. Additional outdoor dining seats in front of restaurant.~~

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).

The Same as Existing SUP. 108 Inside, 45 in the Patio

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

The Same as Existing SUP, 10 Per Shift.

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

Day:

The Same as Existing
Monday - Sunday
"Daily"

Hours:

The Same as Existing
7:00 am - 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.

Certainly below the traffic noise, passing by. The music is background, shall be played from iPod or live music.

B. How will the noise be controlled?

~~no speakers for live~~ no speakers for live
live entertainment, this is restaurant, not a club or lounge!

Acoustic only

(Speakers are not meant for Loud music or live entertainment)

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

An Insulated room located at the rear behind
Patio "Walk In Box"

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)

Food; vegetable matter & bottles.

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

APRX. 14 to 16 Bags

C. How often will trash be collected?

Trash Held
In the insulated walk in box picked up Two Times
a week by Commercial service, Mon & Fri

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

all trash is kept in the walk in box

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

Yes. No.

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

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?

Regular cleaning, Regular trash removal, Control all trash by proper storage. Wall & Door at the back of Property. metal Fence & Gate at the Front.

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.

~~There shall be no sale of beer wine or mixed drinks~~
~~but there shall be sale of beer wine or mixed drink.~~
~~(No money exchange at this location)~~
 Alcohol will not be sold from the Beer cut Side

PARKING AND ACCESS REQUIREMENTS

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

- 0 Standard spaces
- Compact spaces
- Handicapped accessible spaces.
- Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A _____

Does the application meet the requirement?
 Yes No

B. Where is required parking located? (check one)

- on-site
- off-site *no parking*

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.

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? one loading space at the rear to the patio

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?
 Yes No

B. Where are off-street loading facilities located? Back ally. Located behind patio

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

10-12 am & 2-4 pm

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

Two Times a day

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?

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? _____ square feet.

No Construction

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

Appr. 6000 sq. ft. (existing) + 0 sq. ft. (addition if any) = 6000 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: _____

End of Application



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: 108 Outdoors: 45 Total number proposed: 153

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

3. Please describe the type of food that will be served:
American Cuisine inspired by exotic flavors of middle East & different parts of Europe.

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

5. If delivery service is proposed, how many vehicles do you anticipate? _____
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 No
If yes, please describe:
Back ground Music, Smooth Jazz (Live)

Parking impacts. Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)
 - 100%
 - 75-99%
 - 50-74%
 - 1-49%
 - No parking can be accommodated off-street

2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)
 - All
 - 75-99%
 - 50-74%
 - 1-49%
 - None

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.

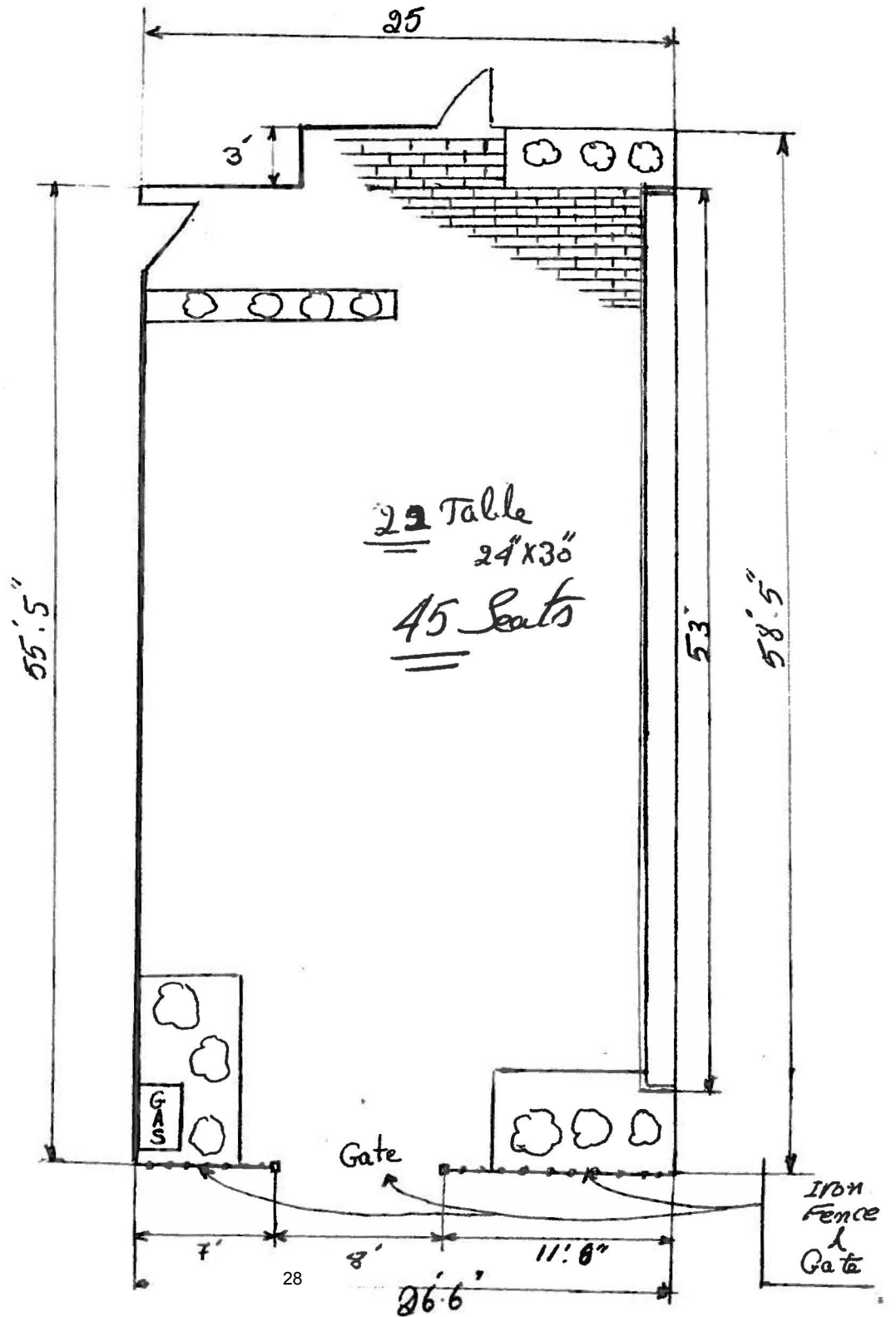
Alcohol Consumption and Late Night Hours. Please fill in the following information.

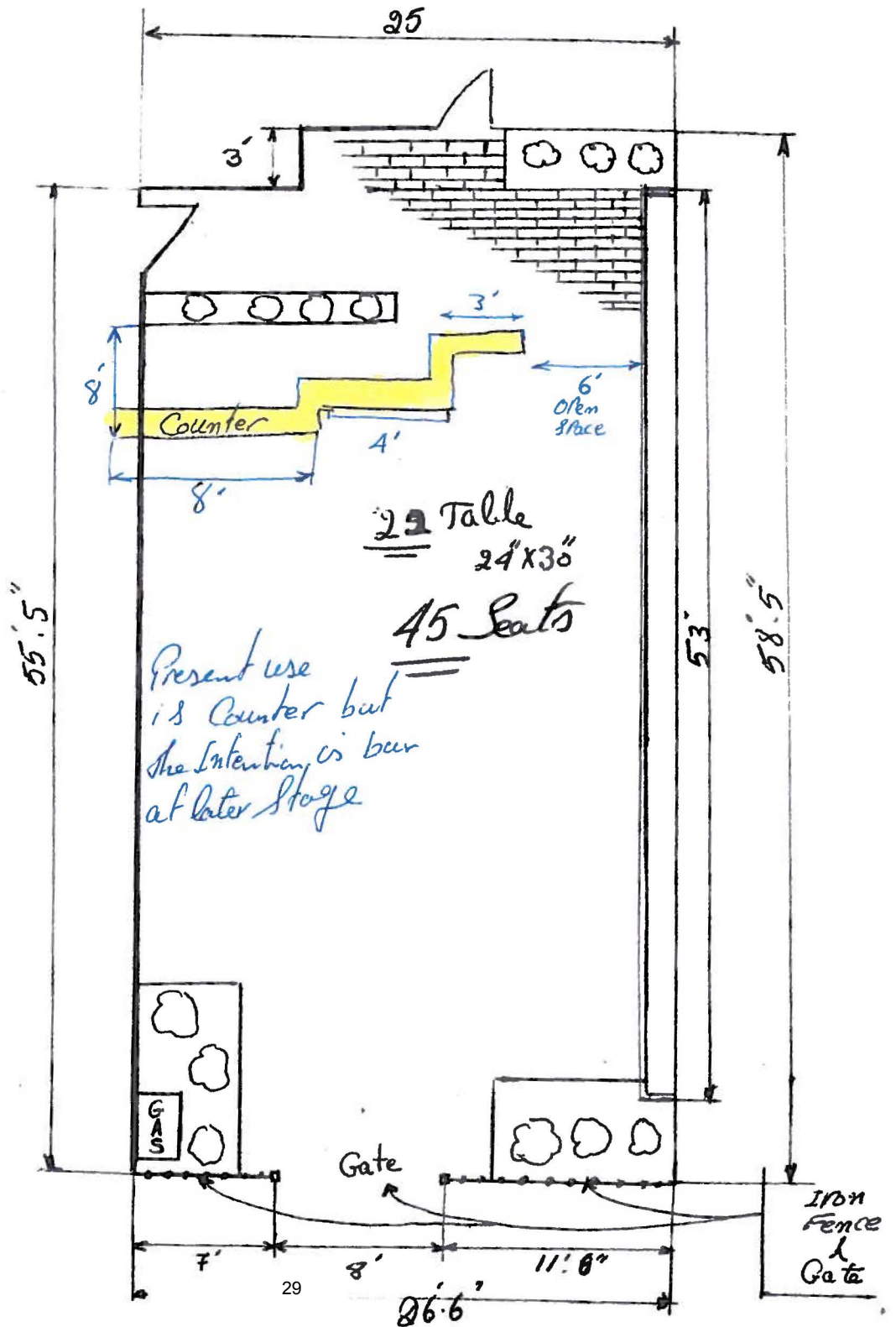
1. Maximum number of patrons shall be determined by adding the following:
 - 146 ~~146~~ Maximum number of patron dining seats
 - + 7 Maximum number of patron bar seats
 - + 5 Maximum number of standing patrons
 - = 158 Maximum number of patrons

2. 9 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





Notting Hill Restaurant & Bar
1106 King St. Alexandria, VA

First Name	Last Name	Means of Transportation (Car, Walk, Bike, Metro, Train, Other)
Mark	Schnee	Walk
Peda	BENKHADIR	car (side street)
Perry	Bagwell	Train OR BUS
ALFREDO	MILANGO	CAR, side STREET
MANFRED	Lagos	BUS

Notting Hill Restaurant & Bar
1106 King St. Alexandria, VA

First Name	Last Name	Means of Transportation (Car, Walk, Bike, Metro, Train, Other)
Saul David	Reyes	Bus
Rudy Jackelin	Cruz	Bus
Yajira Stewart	Stewart	Metro and Train
Jose LARR	LARR	Bus Train
Angie	Flores	BUS

PC Docket Item #: 7

Project: 1106 King Street

Kendra Jacobs

From: Nathan Randall
Sent: Monday, December 02, 2013 12:34 PM
To: Kendra Jacobs
Cc: Alex Dambach; Karl Moritz
Subject: FW: Special Use Permit

-----Original Message-----

From: jason modzeleski [<mailto:jmodzeleski@yahoo.com>]
Sent: Thursday, November 28, 2013 3:43 PM
To: Nathan Randall
Subject: RE: Special Use Permit

Mr. Nathan Randall,

This letter is to serve as the official stance of the King Henry Courts Home Owners Associations in regards to the special use permit request for Notting Hill restaurant on 1106 King street. It is the KHC HOA opinion that the special use permit should not be issued or allowed. It's our concern that outside entertainment (specially at night and on weekdays) will disturb the peace and quite inside our homes and possible effect home values. Notting Hill has already held live entertainment on their patio and it was easily heard from inside my home which is the furthest unit from the restaurants patio. We believe the hours and regularity in which they are seeking to have live entertainment would be a constant source of noise.

This is the unanimous opinion of all eight owners in the King Henry Court HOA, please consider this our official vote on this issue as I am uncertain if a representative will be able to make the hearing in person.

Jason Modzeleski
President
King Henry Court Home Owners Association.