

*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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**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 #2024-00003

Approved by Planning and Zoning: July 1, 2024

Permission is hereby granted to: Mohammad Nadeem

to use the premises located at: 727 North Henry Street

for the following purpose: see attached 1

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.

July 1, 2024

Date

*Karl Moritz* (by T. LaColla)

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Karl Moritz, Director  
Department of Planning and Zoning

DATE: July 1, 2024

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

FROM: Mavis Stanfield, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2024-00003  
Administrative Review for a Change in Ownership and a  
Minor Amendment  
Site Use: Restaurant and Outdoor Dining  
Applicant: Mohammad Nadeem  
Location: 727 North Henry Street  
Zone: CSL/Commercial service low

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### **Request**

Special Use Permit #2024-00003 is a change of ownership, from Kimberly Sickmen to Mohammad Nadeem, and a minor amendment to add a maximum of 15 seats of outdoor dining on private property for an existing restaurant. The seats would be located in front of the restaurant's entrance and the area would be separated from the North Henry Street sidewalk right-of-way by flower planters. The seats and planters would be located on private property.

### **Background**

The restaurant is one of four businesses that occupy a commercial building located at the southeast corner of North Henry and Madison Streets. The restaurant occupies 525 square feet of a 6,250 square foot building constructed in 1960 for industrial uses.

On September 16, 2017, City Council approved SUP #2017-0079 which granted a full parking reduction for the tenants of the building at 727 North Henry and 1008-1012 Madison Streets.

On September 25, 2017, SUP #2017-00093 was approved administratively for a request for a restaurant to operate as Grateful Juice.

### **Parking**

Section 8-200(A)(17) of the Zoning Ordinance requires restaurants to provide one parking space for every 400 square feet. The first twenty outdoor dining seats are exempt from the parking requirement. The applicant would be required to provide two parking spaces for a restaurant of this size with no seating. However, with the approval of SUP #2017- 0079 in September 2017 by City Council, which granted a full parking reduction for the tenants of the building at 727 North Henry and 1008-1012 Madison Streets, the applicant is not required to provide parking at this location.

**Community Outreach**

Public notice was provided through eNews, via the City’s website, and by posting placards on the site. In addition, the Braddock Metro Citizens’ Coalition was sent a written notification of the current application. Staff has not received any comments from residents or adjacent businesses.

**Staff Action**

Staff supports the request to add outdoor seating to the existing restaurant. The number of outdoor seats is limited to 15 and would be located on private property in front of the restaurant. As the proposed restaurant is separated from residential uses, staff does not anticipate adverse impacts.

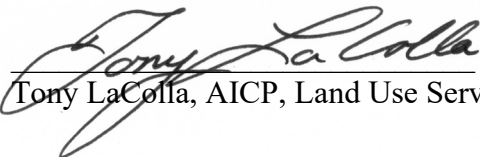
Special Use Permit conditions have been carried forward from Special Use Permit #2017-00093. However, several conditions have been deleted, amended or added in order to reflect the current standard Special Use Permit conditions for a restaurant. This includes the deletion of Condition #6, amendments to existing Conditions #2, #5, #7, #8, #10 #19, and #22 as well as new Conditions #23, #24, #25, #26, #27 and #28.

Staff added outdoor hours of operation in Condition #3 to provide hours of operation until 10 p.m., Sunday through Thursday and to 11 p.m., Friday and Saturday, to be consistent with other outdoor dining in two nearby restaurants, where we have not received complaints.

Staff hereby approves the Special Use Permit request.

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

Date: July 1, 2024  
Action: Approved

  
Tony LaColla, AICP, Land Use Services Division Chief

- Attachments: 1) Special Use Permit Conditions  
2) City Department Comments  
3) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT #2024-00003**

The 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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2017-00093)
2. **CONDITION AMENDED BY STAFF:** ~~Seating shall be not be permitted~~ The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z) (SUP#2017-00093)
3. **CONDITION AMENDED BY STAFF:** ~~The hours for the restaurant's outdoor dining may will be open to the public are 6 a.m. and 8 to 10 p.m., daily Sunday through Thursday and 6 a.m. to 11 p.m., Friday and Saturday. Meals ordered before 8 p.m. may be served, but no new patrons may be admitted, and a~~ All patrons must leave by 9 10 p.m., daily Sunday through Thursday and by 11 p.m. on Friday and Saturday. (P&Z) (SUP#2017-00093)
4. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2017-00093)
5. **CONDITION AMENDED BY STAFF:** ~~On and off premises alcohol service is not permitted~~ is permitted in compliance with Virginia ABC requirements. (P&Z) (SUP#2017-00093)
6. **CONDITION DELETED BY STAFF:** ~~No outside dining facilities shall be located on the premises.~~ (P&Z) (SUP#2017-00093)
7. **CONDITION AMENDED BY STAFF:** ~~Indoor limited, Live entertainment is not permitted at the restaurant~~ 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#2017-00093)
8. **CONDITION AMENDED BY STAFF** ~~Delivery of food to customers may not operate from the restaurant~~ vehicles are permitted and must be parked off street when not in use. (P&Z) (SUP#2017-00093)
9. 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) (SUP#2017-00093)

10. **CONDITION AMENDED BY STAFF** Food, beverages or other material shall not be stored outside with the exception of materials specified in other conditions. (P&Z) (~~SUP#2017-00093~~)
11. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES) (SUP#2017-00093)
12. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES) (SUP#2017-00093)
13. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung 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) (SUP#2017-00093)
14. 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 P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES) (SUP#2017-00093)
15. 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. (T&ES) (SUP#2017-00093)
16. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2017-00093)
17. 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) (SUP#2017-00093)
18. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2017-00093)
19. **CONDITION AMENDED BY STAFF:** ~~The use must comply with the city's noise ordinance.~~ All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (~~SUP#2017-00093~~)
20. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES) (SUP#2017-00093)

21. All windows shall remain transparent. The placement or construction of items that block the visibility of the interior of the commercial space from the street and sidewalk (e.g. storage cabinets, carts, shelving, boxes, coat racks, storage bins, closets, etc.) shall be prohibited. (P&Z) (SUP#2017-00093)
22. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after it has been operational ~~for one year~~, and then again every three years for compliance with all conditions and may 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)~~ or 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 to offset land use impacts not addressed in the city code. (P&Z) (SUP#2017-00093)
23. **CONDITION ADDED BY STAFF:** Outdoor seating areas shall not include signage on outdoor dining furniture or enclosures, including on umbrellas. (P&Z)
24. **CONDITION ADDED BY STAFF:** The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z)
25. **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](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
26. **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](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
27. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. (T&ES)
28. **CONDITION ADDED BY STAFF:** The number of outdoor seats shall not exceed 15 and the seating, tables and planters must remain on private property and shall not encroach into the public right-of-way, which includes the sidewalk. (P&Z) (T&ES)

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

TES/OEQ conditions include carrying forward the following conditions from SUP2017-00093 with this approval.

- R-1 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](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
- R-2 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](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
- R-3 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-4 Benches, flowerbeds and tables shall not obstruct the sidewalk.
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code Enforcement:

- C-1 The plumbing fixtures shall comply with Virginia Plumbing Code chapter 4 (no information provided).

Recreation, Parks, and Cultural Activities:

No comments received.

Police Department:

No comments received.

Health Department:

- C-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, corporation or location to another. Permit application and fee are required.
- C-2. Construction plans shall be submitted to the Health Department located at 4850 Mark Center Dr., 4<sup>th</sup> Floor and 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- fee must be paid separate from any other departmental fees.
- C-3. Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety 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.
- C-4. A Food Protection Manager shall be on-duty during all operating hours.
- C-5. The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6. In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7. Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum



packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

- C-8. Starting on 1/1/2023, The Virginia Department of Agriculture and Consumer Services (VDACS) is the point of contact for the following type of establishments: grocery stores, convenience stores, ice cream stores, wine shops, or bakeries. The divisions of Food Safety can offer further guidance. Please use the following contact information:

**VDAC's Food Safety Program**

804.786.3520

804.371.7792

[foodsafety@vdacs.virginia.gov](mailto:foodsafety@vdacs.virginia.gov)

Fire Department:

- F-1 The change of ownership, if classified as an assembly instead of a business will require a fire prevention permit.

Application can be accessed online at:

[www.alexandriava.gov/fire-department/the-fire-marshals-office](http://www.alexandriava.gov/fire-department/the-fire-marshals-office).

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2024-00003. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant and outdoor dining at 727 North Henry Street.



07/02/2024

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Applicant - Signature

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Date

Mohammad Nadeem

07/02/2024

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Applicant – Printed

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Date