



*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 #2022-00023

Approved by Planning and Zoning: May 27, 2022

Permission is hereby granted to: Khosrow Rezaelpour ZBA llc dba Magnolia

to use the premises located at: 703 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.

May 27, 2022

Date

Karl Moritz (by T. LaColla)

Karl Moritz, Director  
Department of Planning and Zoning

DATE: May 27, 2022

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

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

SUBJECT: Special Use Permit #2022-00023  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: Khosrow Rezaelpour ZBA LLC  
Location: 703 King Street  
Zone: KR / King Street urban retail

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### **Request**

Special Use Permit #2022-00023 is a request to change ownership of an existing restaurant from Olea Restaurant Inc. to Khosrow Rezaelpour ZBA LLC. The applicant will continue to operate the business as Magnolia's. No additional changes to the operation of the business are proposed.

### **Background**

The building in which the use is located was constructed in the early 1980s. A restaurant has operated at this site since at least June 1983, when City Council first approved Special Use Permit #1572 for a 21-seat restaurant and bakery, known as La Tavernetta, at 703 King Street. In December 1986, City Council approved Special Use Permit #1572-A, transferring the ownership of the restaurant from Pasticceria Mauro to Marie Portier and approved an additional seven seats. In October 1992, staff administratively approved Special Use Permit #1572-B change of ownership from Marie Portier to Domenico Tarasco and Serge Quagharoli. In April 1996, staff administratively approved Special Use Permit #96-00033 for a change the ownership from Domenico Tarasco and Serge Quagharoli to TOBE Corporation, by Antonio and Beatriz Flores. In March 1998, staff again administratively approved Special Use Permit #98-00006 for a change of ownership from Domenico Tarasco and Serge Quagharoli to Antonio and Beatriz Flores after the Flores' allowed their 1996 approval to lapse without taking over ownership of the Special Use Permit. In November 1998, City Council approved Special Use Permit #98-00108 for a change of ownership from Antonio and Beatriz Flores to Channel 2000 Inc., trading as Los Amigos Restaurant by Gustavo Erostegevi, who began operating the restaurant as Los Amigos, as well as allowing the new owner to add mixed beverage service, carry-out and delivery service, and to increase the number of seats within the existing restaurant. In September 2002, staff administratively approved Special Use Permit #2002-00073 for a change of ownership from Channel 2000 Inc., trading as Los Amigos Restaurant by Gustavo Erostegevi to Humberto Leon. In August 2006, staff administratively approved Special Use Permit #2006-00069 for a change of ownership from Humberto Leon to Zorkafor's SandVeg Inc. In September 2009, staff administratively approved Special Use Permit #2009-00073 for a minor amendment to change its approved hours of operation. In May 2011, staff administratively approved Special Use Permit

#2011-00029 for a change of ownership from Zorkafor's SandVeg, Inc. to Setareh, LLC, who began to operate the business under the name Parsian Restaurant, as well as a minor amendment to further amend the approved hours of operation. In May 2014, staff administratively approved Special Use Permit #2014-00039 for a minor amendment to allow for an earlier opening hour and to change ownership of the business from Setareh, LLC to Mehrnoosh Rajabi, who began to operate the business under the name Magnolia's. Most recently, in April 2015, staff administratively approved Special Use Permit #2015-00032 for a change of ownership from Mehrnoosh Rajabi to Olea Restaurant Inc.

No complaints regarding the operation of the business or any violations of Special Use Permit conditions have been recorded since the time the most recent Special Use Permit was approved in April 2015.

**Parking**

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

**Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Old Town Civic Association was sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses regarding the request.

**Staff Action**

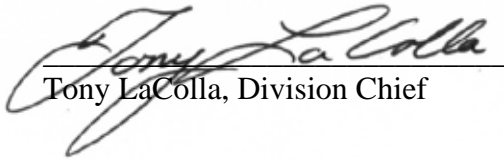
Staff does not object to the change of ownership request as the subject restaurant has operated successfully at this location for many years with little to no negative impacts on the surrounding neighborhood.

SUP conditions have been carried forward and several have been updated to reflect new standard conditions for restaurant uses in the City. This includes amendments to Conditions #2, #4, #5, #6, #9, #10, #11, #12, #13, #16, #20, and #21. In addition, this includes new Conditions #25, #26, #27, #28, #29, #30, #31, #32, and #33. Finally, this also includes the deletion of Condition #19, regarding the need for a security survey for the business and a robbery awareness program for the employees, which is no longer a standard Special Use Permit condition for restaurant approvals.

Staff hereby approves the Special Use Permit request.

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

Date: May 27, 2022  
Action: Approved



Tony LaColla, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT # 2022-00023**

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

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP #1572-A)
2. **CONDITION AMENDED BY STAFF:** ~~The maximum number of indoor Seatings shall comply with the state building code be provided for no more than 60 patrons. (PC) (SUP #98-00108) (P&Z)~~
3. Outdoor seating may be provided on the premises subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program. (P&Z) (SUP #2009-00048)
4. **CONDITION AMENDED BY STAFF:** ~~The hours during which the business is open to the public shall be restricted to between 7:00 a.m. and 12:00 midnight, seven days per week. Meals ordered before the 12 midnight may be sold, but no new patrons may be admitted after 12 midnight and no alcoholic beverages may be sold after 12 midnight and~~ All patrons must leave the premises by 1 a.m. one hour after the closing hour. (P&Z) (SUP#2014-00039)
5. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP #1572-A)
6. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be stored inside or placed in sealed containers which that do not allow odors to escape, and shall be stored inside or in a closed container which does not allow invasion by animals, or leaking. No trash or debris shall be allowed to accumulate on site outside of these 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) (SUP #98-00108)
7. Condition deleted. (SUP#98-00108)
8. Condition deleted. (SUP#98-00108)
9. **CONDITION AMENDED BY STAFF:** ~~The applicant shall post signs directing patrons to the availability of parking at nearby public parking garages where the applicant shall subsidize parking at least to the extent of \$1 off the regular price or 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 Old Town Comprehensive Parking Study (2009).~~ (P&Z/T&ES) (SUP #2009-00048)

10. **CONDITION AMENDED BY STAFF:** The applicant shall require that employees who drive to work use off-street parking ~~and 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 #2009-00048)
11. **CONDITION AMENDED BY STAFF:** Delivery service shall be limited to one delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street, either a bicycle or a moped, and shall be stored on the applicant's property and not on any public rights-of-way when not in use. (P&Z) (SUP #98-00108)
12. **CONDITION AMENDED BY STAFF:** Indoor limited, live entertainment may be offered and must comply with the City's noise ordinance, ~~shall be limited to one guitar player with no amplification system.~~ 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 the food service as well as the entertainment. (P&Z) (SUP #98-00108)
13. **CONDITION AMENDED BY STAFF:** On and off premises alcohol sales ~~service are shall be permitted in compliance with Virginia ABC requirements. No off-premises alcohol sales are permitted.~~ (P&Z) (SUP#2006-00069)
14. The applicant may not provide alcohol service to standing customers. (P&Z) (SUP #98-00108)
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) (SUP #98-00108)
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 #98-00108)
17. 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 and Environmental Services. (T&ES) (SUP#2006-00069)
18. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (T&ES) (SUP#2006-00069)
19. **CONDITION DELETED BY STAFF:** The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 for a security survey for the business and a robbery awareness program for the employees. (P&Z) (SUP#2014-00039)

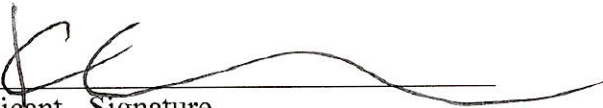
20. **CONDITION AMENDED BY STAFF:** The applicant shall post the hours of operation at the entrance ~~to~~ of the restaurant business. (P&Z) (~~SUP #98-00108~~)
21. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for 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) (~~SUP#2015-00032~~)
22. Condition deleted by Staff. (SUP#2014-00039)
23. The applicant shall conduct employee training sessions on an ongoing basis, including as a part of any employee orientation, to discuss all SUP provisions and requirements and on how to prevent the underage sales of alcohol. (P&Z) (SUP #2009-00048)
24. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP #2009-00048)
25. **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)
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](mailto: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](mailto:goalex@alexandriava.gov) for more information about available resources. (P&Z)
32. **CONDITION ADDED BY STAFF:** The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (P&Z)
33. **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 #2022-00023. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 703 King Street.

  
Applicant - Signature

5/27/22  
Date

Khosrow Rezaei  
Applicant - Printed

5/27/22  
Date