

DATE: February 12, 2014

TO: Alex Dambach  
Department of Planning and Zoning

FROM: Ann Horowitz  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0008  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Business Name: Osteria 1909  
Applicant: Diana Scott  
Location: 1909 Mount Vernon Avenue  
Zone: CL/Commercial Low and  
Mount Vernon Urban Overlay Zone

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### **Request**

Special Use Permit #2014-0008 is a request to change the ownership of a restaurant at 1909 Mount Vernon Avenue from Stephen Scott, Sr. to Diana Scott. The restaurant will continue to operate as “Osteria 1909.” No additional changes are proposed to the operation of the 847-square foot establishment in DelRay.

### **Background**

The restaurant opened in 2011 following administrative approval of Special Use Permit #2010-0004 on April 6, 2010. A routine zoning inspection on May 31, 2012 revealed violations of the approved Special Use Permit regarding matters such as: the number of restaurant seats; employee use of off-street parking; and an up-to-date parking agreement for eight off-street spaces. The applicant subsequently corrected these violations.

The most recent inspection on January 31, 2013 found that the restaurant fulfilled all Special Use Permit conditions after the removal of five excess seats and the posting of public transportation schedules.

### **Community Outreach**

Public Notice was provided through eNews, via the City’s website, and by posting a placard at the site. In addition, The Del Ray Citizens Association has been informed of the change of ownership request. Staff has not received any comments from residents or adjacent businesses.

### **Staff Action**

Staff supports the change of ownership and it views the request as reasonable. Only a few conditions have been revised to reflect current standards. Condition #2 has been clarified to state that the “neighborhood standards” for hours of operation are those maximum hours allowed in the Mount Vernon Urban Overlay Zone according to Section 11-513(L) of the Zoning Ordinance. Condition #19 is no longer required of SUP applicants and has been deleted.

Staff hereby approves the Special Use Permit request.

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

Date: February 12, 2014  
Action: Approved

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Alex Dambach, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2014-0008**

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#2010-0004)
2. **CONDITION AMENDED BY STAFF:** The hours of operation during which the business is open to the public shall be restricted to between 11:00am and 11:00pm Sunday-Thursday, and between 11:00am and 12:00 midnight on Fridays and Saturdays. The applicant may request additional hours of operation up to the neighborhood standard for the Mount Vernon Urban Overlay Zone as stated in Section 11-513(L) of the Zoning Ordinance if she secures permission for the required number of off-street parking spaces subject to review and approval by the Director of Planning & Zoning. The closing hour for indoor seating may be extended to midnight four times per year (Sundays-Thursdays) for special events. (P&Z) (~~SUP#2010-0004~~)
3. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2010-0004)
4. The maximum number of indoor seats at the restaurant shall be 32. (P&Z) (SUP#2010-0004)
5. The maximum number of outdoor seats at the restaurant shall not exceed 16 and shall be permitted in addition to the indoor seats. No live entertainment may be permitted in the outdoor seating area. Outdoor seating areas shall not include advertising signage, including on umbrellas. The outdoor dining area shall be cleared of patrons no later than 10:00pm daily and shall be washed at the close of each business day that it is in use. (P&Z) (SUP#2010-0004)
6. Outdoor dining, including all its components such as planters, wait stations, and barriers shall not encroach onto the public right of way unless authorized by an encroachment ordinance. (P&Z) (SUP#2010-0004)
7. Prior to installation, the applicant shall provide illustrations for any proposed façade improvements, including signage, awnings, and outdoor dining areas, for review and approval by the Director of Planning & Zoning. Such façade improvements shall be consistent with the Design Guidelines of the Mount Vernon Avenue Business Area Plan to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP#2010-0004)
8. The applicant shall provide full service to restaurant customers. The applicant shall offer printed menus, wait service provided at tables, and pre-set tables with non-disposable tableware. (P&Z) (SUP#2010-0004)

9. No delivery vehicles or delivery service shall operate from the restaurant. (P&Z) (SUP#2010-0004)
10. Limited live entertainment may be permitted inside the restaurant. 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#2010-0004)
11. On-premises alcohol service may be permitted, consistent with a valid Virginia ABC license, but shall be limited to table service. No off-premises alcohol sales shall be permitted. (P&Z) (SUP#2010-0004)
12. The facility shall obtain all required state, federal, and local licenses and certificates prior to opening its place of business. (P&Z) (SUP#2010-0004)
13. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP#2010-0004)
14. For indoor patrons, meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2010-0004)
15. The administrative permit approved by the director pursuant to Section 11-513 of the zoning ordinance shall be displayed in a conspicuous and publicly accessible place. A certificate provided by the city shall inform the public of its right to examine the list of standards associated with the permit. A copy of the list of standards with the permit shall be kept on the premises and made available for examination by the public upon request. (P&Z) (SUP#2010-0004)
16. No food, beverages, or other material may be stored outside. (P&Z) (SUP#2010-0004)
17. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP#2010-0004)
18. 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. (T&ES) (SUP#2010-0004)
19. **CONDITION DELETED BY STAFF:** ~~The applicant shall contribute \$500 to the SUP Streetscape Improvement Fund for street trees and trash cans. Monetary contribution shall be submitted to the Department of Transportation & Environmental Services, Room~~

~~4130, 301 King Street prior to the issuance of the Special Use Permit Certificate. The applicant is asked to reference the SUP number and condition number on all correspondence. (T&ES) (SUP#2010-0004)~~

20. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2010-0004)
21. 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#2010-0004)
22. 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#2010-0004)
23. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2010-0004)
24. The applicant shall require its employees who drive to use off-street parking and provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall post information regarding DASH and Metrobus schedules on-site for employees, as well as the location where fare passes for transit are sold and the advertising of carpooling opportunities. The applicant shall also provide information about alternative forms of transportation to access the location of the restaurant, including but not limited to print and electronic promotional materials, posting on the business website, and other similar methods. (P&Z) (T&ES) (SUP#2010-0004)
25. The applicant shall provide and maintain an up-to-date parking agreement for (8) off-street parking spaces for restaurant use during business hours to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. The applicant shall provide an up-to-date parking contract to the Director of Planning and Zoning on January 1st of each year. The applicant shall inform customers about the parking and install signs regarding the availability and location of the parking in conspicuous locations inside the restaurant and at the entrance to the restaurant. (T&ES) (P&Z) (SUP#2010-0004)
26. The applicant shall participate in a shared parking program at such time that a shared parking program is adopted by City Council. (T&ES) (SUP#2010-0004)
27. The applicant shall provide a menu or list of foods and equipments specification to be handled at this facility to the Health Department with construction plans. (Health) (SUP#2010-0004)
28. **CONDITION AMENDED BY STAFF:** The applicant is to contact the Community Relations Unit of the Alexandria Police Department at ~~703-838-4520~~ 703-746-6838 regarding a security assessment for the business and robbery readiness training for all employees. (Police) ~~(SUP#2010-0004)~~

29. **CONDITION AMEDNDED 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#2010-0004~~)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0008. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1909 Mount Vernon Avenue.

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Applicant – Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant – Printed

\_\_\_\_\_  
Date