

DATE: March 4, 2014

TO: Alex Dambach  
Department of Planning and Zoning

FROM: Ann Horowitz  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0013  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Proposed Business Name: Bistro du Soleil  
Applicant: Samir Labriny  
Location: 1504 King Street  
Zone: KR/King Street Retail

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### **Request**

Special Use Permit #2014-0013 is a request to change the ownership of a restaurant at 1504 King Street from Kasba, Inc. to Samir Labriny. The Casablanca Restaurant, operated by Kasba, Inc. closed on December 15, 2013. The applicant proposes to reopen the restaurant as Bistro du Soleil with no changes to the business operation.

### **Background**

City Council approved the opening of the Casablanca Restaurant in 1986 with Samir Labriny as the original owner. City Council later approved SUP#1957A in 1993 to extend the daily hours of operation to include daytime hours with a closing hour of 12:00 midnight.

In March 2012, Planning and Zoning determined that the restaurant had changed ownership and exceeded the closing hour permitted in the SUP. The business was also alleged to have hosted at least one nightclub-type event. Kasba, Inc. confirmed to the staff that it would no longer host nightclub-like functions in the future and immediately applied for an administrative SUP (SUP#2012-0022) to change ownership and to extend the closing hour to 1:00am through a minor amendment. Staff administratively approved SUP#2012-0022 to reflect the revised SUP conditions in June 2012.

### **Community Outreach**

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Upper King Street Neighborhood Association has been informed of the change of ownership request. Staff obtained two letters of support from city residents; no negative comments from adjacent businesses or residents were received.

### **Staff Action**

Staff views the change of ownership as a reasonable request and supports the proposal. Conditions have been amended or added to reflect the current language of standard SUP requirements. Staff hereby approves the Special Use Permit request.

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

Date: March 4, 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 #2014-0013**

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. **CONDITION AMENDED BY STAFF:** The Special Use Permit shall be granted to the applicant only or to any ~~corporation~~ business or entity in which the applicant has a controlling interest. (P&Z) (~~SUP#2012-0022~~)
2. Seating shall be provided inside for no more than 120 patrons. (P&Z) (SUP#2012-0022)
3. No outside dining facilities shall be located on the premises unless reviewed and approved by the Director of Planning & Zoning as part of the King Street Outdoor Dining Program. (P&Z) (SUP#2012-0022)
4. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2012-0022)
5. **CONDITION AMENDED BY STAFF:** Trash and garbage ~~shall be stored inside or in a dumpster.~~ placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash or debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (~~SUP#2012-0022~~)
6. Trash and garbage shall be collected daily when the business is open. (P&Z) (SUP#2012-0022)
7. The applicant shall continue to lease the 31 parking spaces in the building for use between the hours of 6 p.m. and 1 a.m. daily for as long as the restaurant as the restaurant is open. The 31 spaces shall be additionally available until 2 a.m. on Saturday - Monday mornings when the restaurant closing hour is 1 a.m. (P&Z) (SUP#2012-0022)
8. CONDITION DELETED  
(P&Z) (SUP#2012-0022)
9. The hours during which the business is open to the public shall be restricted to 11 a.m. to 12 midnight Monday-Thursday and 11 a.m. to 1 a.m. Friday through Sunday. (P&Z) (SUP#2012-0022)
10. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2012-0022)
11. **CONDITION AMENDED BY STAFF:** On-premises alcohol service may be permitted, consistent with a valid Virginia ABC license. but off-premises alcohol sales shall be prohibited. (P&Z) (~~SUP#2012-0022~~)
12. All live entertainment at the restaurant shall be subordinate to the principal function of

the business as an eating establishment. No cover or admission fee may be assessed. 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#2012-0022)

13. Rental of the restaurant/nightclub to third-party entities, such as event or party promoters, in which the third party entity has operational control of the premises, shall be prohibited. Restaurant management shall be on-premises at all times to monitor banquet hall activities for compliance with this condition and all other SUP conditions. (P&Z) (SUP#2012-0022)
14. No delivery of food to customers may be operated from the restaurant. (P&Z) (SUP#2012-0022)
15. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2012-0022)
16. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP#2012-0022)
17. 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#2012-0022)
18. The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. (T&ES) (SUP#2012-0022)
19. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2012-0022)
20. The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services. (T&ES) (SUP#2012-0022)
21. The applicant shall require its employees who drive to work to use off-street parking. (T&ES) (SUP#2012-0022)
22. The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (T&ES) (SUP#2012-0022)
23. **CONDITION AMENDED BY STAFF:** The applicant shall encourage its employees and customers to use mass transit or to carpool when traveling to and from work, by

posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. The applicant shall provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also provide information about alternative forms of transportation to access the business in printed and electronic business promotional material, posting on the business websites, and other similar methods. (P&Z) (T&ES) (~~SUP#2012-0022~~)

24. At such time as an organized parking program is adopted by city council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in the program. (T&ES) (SUP#2012-0022)
25. Supply deliveries and loading/unloading activities to the business are prohibited between 11:00 p.m. and 7:00 a.m. (P&Z) (T&ES) (SUP#2012-0022)
26. **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#2012-0022~~)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0013. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1504 King Street.

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Applicant – Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant – Printed

\_\_\_\_\_  
Date