

DATE: May 5, 2014

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0039
Administrative Review for Change of Ownership and Minor Amendment
Site Use: Restaurant
Proposed Business Name: OLEA
Applicant: Mehrnoosh Rajabi
Location: 703 King Street
Zone: KR/King Street Retail

Request

Special Use Permit #2014-0039 proposes to change the ownership of a restaurant at 703 King Street from Setareh, LLC to Mehrnoosh Rajabi. The applicant requests to reopen the restaurant under the trade name of OLEA. A minor amendment is also proposed to add four hours of operation each morning with daily hours from 7 a.m. to 12 midnight. The existing SUP permits the restaurant to be open from 11 a.m. to 12 midnight.

Background

The Parsian restaurant opened in 2011 (SUP#2011-0029) and was the most recent of several restaurants that previously operated at this site. Violations of SUP conditions were discovered during the one year review in 2012, although they were found to be corrected at a subsequent re-inspection. The Parsian restaurant closed on March 25, 2014.

Parking

Section 8-200(B) of the Zoning Ordinance exempts restaurants in the Central Business District from a parking requirement. Condition 9 from SUP#2009-0048, however, requires the applicant to continue offering subsidized parking for employees and customers.

Community Outreach

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Old Town Civic Association and the Old Town Business and Professional Association have been informed of the change of ownership and minor amendment request. Staff has not received any public comments.

Staff Action

Staff considers the change of ownership as a reasonable request and supports the proposal since a restaurant has existed at this site for many years. The minor amendment request for additional morning hours is eligible for minor amendment consideration pursuant to Section 11-511(A)(2)(b)(i)(a) of the Zoning Ordinance. The proposed hours are acceptable due to their

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

Alex Dambach, Division Chief



Date: May 5, 2014
 Action: Approved

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Staff hereby approves the Special Use Permit request. originally stated in Condition 22. also been added to Condition 4 regarding service limitations at the closing hour, which were therefore, has been changed to reflect the applicant's proposed hours of operation. Language has consistency with other restaurants on King Street that serve a breakfast menu. Condition 4,

CONDITIONS OF SPECIAL USE PERMIT #2014-0039

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. Seating shall be provided for no more than 60 patrons. (PC) (SUP #98-0108)
3. Planning and Zoning through the King Street Outdoor Dining Program. (P&Z) (SUP #2009-0048)
4. **CONDITION AMENDED BY STAFF:** The hours during which the business is open to the public shall be restricted to between ~~11:00 a.m.~~ 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 by 1 a.m. (P&Z) (SUP #2009-0048) (SUP #2011-0029)
5. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #1572-A)
6. Trash and garbage shall be 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 these containers. (P&Z) (SUP #98-0108)
7. Condition deleted. (SUP#98-0108)
8. Condition deleted. (SUP#98-0108)
9. 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 #2009-0048)
10. 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 #2009-0048)
11. Delivery service shall be limited to one delivery vehicle, 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 #98-0108)

- 12. Live entertainment 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 #98-0108)
- 13. On premises alcohol service shall be permitted. No off-premises alcohol sales are permitted. (P&Z) (SUP#2006-0069)
- 14. The applicant may not provide alcohol service to standing customers. (P&Z) (SUP #98-0108)
- 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 #98-0108)
- 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 #98-0108)
- 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#2006-0069)
- 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#2006-0069)
- 19. **CONDITION AMENDED BY STAFF:** The applicant shall contact the ~~Entertainment~~ 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. (Police) (SUP #2009-0048) (SUP #2011-0029) (P&Z)
- 20. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #98-0108)
- 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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- 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 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.
- 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) (SUP2009-000048)

Code Administration:

- F-1 The following comments are for SUP review. Once the applicant has filed for a building permit and additional information has been provided, code requirements will be based upon that information and the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plan Review Division Chief at ken.granata@alexandriava.gov or 703-746-4193.
- C-1 Building, trade permits and inspections are required for proposed alterations to existing restaurant. Six sets of construction documents sealed by a Registered Design Professional that fully detail the construction as well as layout and schematics of the mechanical, electrical, and plumbing systems shall accompany the permit application(s) The building official shall be notified in writing by the owner if the registered design professional in the responsible charge is changed or is unable to continue to perform the duties.

Fire Department:

- C-1 New owner shall apply for a new fire prevention permit – assembly.

Health:

Food Facilities:

- 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 or location to another.
- C-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.
- C-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

there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP #2009-0048)

22. **CONDITION DELETED BY STAFF:** Meals ordered before the closing hour may be sold, but no new patrons may be admitted after the closing hour and no alcoholic beverages may be sold after the closing hour and all patrons must leave by one hour after the closing hour. (P&Z) (SUP #2009-0048)
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 #2009-0048)
24. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP #2009-0048)

offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.

- C-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.
- C-5 A Certified Food Manager shall be on-duty during all operating hours.
- C-6 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-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:

No comments received

Police Department:

No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0039. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 703 King Street.



Applicant – Signature

Mehresh Rajabi

Applicant – Printed

05/06/2014

Date

05/06/2014

Date