

DATE: April 17, 2015

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

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0032
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Olea Restaurant Inc.
Location: 703 King Street
Zone: KR / King Street Retail

Request

Special Use Permit #2015-0032 is a request to change the ownership of a restaurant at 703 King Street from Mehrnoosh Rajabi to Olea Restaurant Inc. The business plans to operate under the trade name of Magnolia's. No additional changes to the operation of the business are planned.

Background

A restaurant has operated in this space for many years. For example, Parsian Restaurant was located here from 2011-2014. Most recently, in May 2014, staff administratively approved SUP#2014-0039 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 has operated the business under the trade name of Olea for the last year. Mr. Rajabi plans to remain an owner of the proposed new restaurant corporation, but he would not be a majority owner of the new entity.

No complaints regarding the operation of the business or any violations of SUP conditions have been recorded since the most recent SUP was approved last year.

Parking

Section 8-200(B) of the Zoning Ordinance exempts restaurants in the Central Business District from a parking requirement. Condition #9, first added in 2009 and carried over into the current request, requires the applicant to offering subsidized parking for employees and customers at such time that a coordinated parking program commences.

Community Outreach

Public Notice has been provided through eNews and the City's website. Additionally, notification of the proposed change of ownership has been sent to the Old Town Civic Association, Old Town Business and Professional Association, Whales Tail Condominium Association, and Brockett's Crossing Condominium Association. Staff has not received any comments.

Staff Action

Staff supports the change of ownership and views it as a reasonable request. Given that the most recent SUP approval occurred less than a year ago and standard condition language has not changed since that time, staff has carried forward all conditions of approval as they were written in SUP#2014-0039, except that it has renewed the standard one-year review condition (Condition #21) to apply to the current applicant.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: April 17, 2015
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2015-0032

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. 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 by 1 a.m. (P&Z) (SUP#2014-0039)
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. 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#2014-0039)
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 there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (~~SUP#2014-0039~~)

22. CONDITION DELETED BY STAFF (SUP#2014-0039)
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)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0032. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 703 King Street.

Applicant – Signature

Date

Applicant – Printed

Date