

Docket Item #6  
SPECIAL USE PERMIT #2005-0089

Planning Commission Meeting  
October 4, 2005

**ISSUE:** Consideration of a request for a special use permit amendment to increase the number of seats at an existing restaurant.

**APPLICANT:** DelNayeri Company LLC/a La Lucia  
by Mehran Nayeri

**LOCATION:** 315 Madison Street

**ZONE:** CRMU-X/Commercial Residential Mixed Use

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**STAFF RECOMMENDATION:** Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

**SITE GRAPHIC**  
**AVAILABLE IN THE PLANNING AND ZONING OFFICE**

## I. DISCUSSION

### REQUEST

The applicant, Mehran Nayeri, requests special use permit approval to increase the number of seats at an existing restaurant located at 315 Madison Street.

### SITE DESCRIPTION

The subject property is one lot of record which encompasses most of an entire city block with approximately 250 feet of frontage on Madison and Montgomery Streets, and 362 feet of frontage along North Fairfax and North Royal Streets. The Montgomery Center is a commercial development of 92,395 square feet that includes personal service, retail and community service uses. The subject restaurant proposed to occupy 2,624 square feet. The subject property is surrounded by residential condominium developments and office buildings.



### HISTORY AND CURRENT RESTAURANT

A restaurant/bakery has operated in this location since 1983. Conditions for the operation of a full-service restaurant with increased seats, outdoor seating and hours of operation were added over the years. From 1998 to 2001, the restaurant was operated as Flatbreads. In December 2003, an administrative change of ownership was granted by the Director of Planning and Zoning allowing the ownership of the restaurant to change from Alborz Inc. to DelNayeri Company LLC, converting the restaurant into “a La Lucia”. On June 12, 2004, City Council approved Special Use Permit #2004-0026 to add seats and increase the space and hours of the restaurant. The applicant is currently completing the interior improvements for the expansion. The applicant has been operating with approximately 40 seats, although up to 75 were previously approved.

### PROPOSAL

The applicant now seeks to increase the allowable number of seats from 75 to 120. Approximately 25 seats will be in the wine bar located at the corner of the building, and the remaining seats would be for full-service dining. Most of the seats will be located in the area to the west of the kitchen (see attached floor plan), with the existing restaurant area proposed to be a more open entryway, with fewer seats. The additional seating will allow the applicant to accommodate larger parties and banquets. The applicant does not expect a full capacity of patrons on a regular basis. No other changes are proposed.

On September 16, 2005, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit. Staff observed that the interior renovations for the expansion are almost complete.

#### PARKING

Parking is regulated through the Montgomery Center umbrella SUP #2004-0080, which allows restaurants to occupy a total of 10,000 square feet without providing additional parking or triggering the need for parking reductions. There are currently three restaurants located within the center that comprise 5,411 square feet of floor area (A La Lucia: 2,624 square feet (includes the expanded area currently under renovation), Perks Coffee House: 1,137 square feet and Bruscatos restaurant: 1,650 square feet). The 5,411 square feet is within the anticipated restaurant space for the center approved under the umbrella SUP.

#### ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CRMU-X/Commercial Residential Mixed Use zone (Old Town North). Section 5-403(V) of the Zoning Ordinance allows a restaurant in the CRMU-X zone only with a special use permit. The Old Town North small area plan chapter of the Master Plan anticipates redevelopment of the site and designates the property for commercial residential mixed use.

## **II. STAFF ANALYSIS**

Staff does not object to the increase in the number of seats at the restaurant. The full-service restaurant provides a restaurant service to area residents and office workers. Staff is not aware of any issues associated with “a La Lucia” since it has been in operation. City Council approved a parking reduction for the entire Montgomery Center, allowing up to 10,000 square feet for restaurant space. The three existing restaurants total only 5,411 square feet, which would allow a significant amount of additional restaurant space assumed in the parking reduction. As a practical matter, staff visited the Center during evening hours when impacts from the subject restaurant would be greatest, and observed a number of available parking spaces within the near vicinity of the restaurant.

Therefore, staff recommends approval of the special use permit.

## **III. RECOMMENDED CONDITIONS**

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

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 #1622-A)

2. Trash and garbage shall be stored inside the building or in a dumpster. (P&Z) (SUP #1622)
3. Condition deleted. (SUP #97-0185)
4. 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 #97-0185)
5. 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 daily 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 #97-0185)
6. Condition deleted. (SUP #97-0185)
7. No food, beverages or other material shall be stored outside. (P&Z) (SUP #1622)
8. The hours of operation of the business shall be limited to 7:00 A.M. to 12:00 midnight daily. (P&Z) (SUP#2004-0026)
9. **CONDITION AMENDED BY STAFF:** Seating shall be provided inside for no more than ~~75~~ 120 patrons. (P&Z) (~~SUP#2004-0026~~)
10. No outside dining facilities shall be provided on the public right-of-way. Outside dining may be provided on private property subject to a plan, to include landscape containers/planters, that is reviewed and approved by the Director of Planning and Zoning. The applicant shall ensure that pedestrian access is provided past the outdoor seating and shall clean and wash the seating area at the close of each day of operation. (P&Z) (SUP#2001-0069)
11. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #97-0185)
12. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #97-0185)

13. On-premise beer and wine service is permitted. For off-premises sales, the following rules apply: Beer and wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (P&Z) (SUP #97-0185)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES) (SUP #97-0185)
15. No amplified sound shall be audible at the property line. (P&Z) (SUP #97-0185)
16. Condition deleted. (SUP# 2001-0069)
17. The Director of Planning and Zoning shall review the special use permit one year after approval 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 a 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)
18. The applicant shall control cooking odors ,smoke and any other air pollution from operations at the site to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP#2004-0026)
19. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey for the business and robbery awareness program for all employees. (Police) (SUP#2004-0026)
20. 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#2004-0026)
21. 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 to provide instruction preventing underage sales of alcohol. (P&Z) (SUP#2004-0026)

22. The applicant shall encourage its employees 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. (P&Z) (SUP#2004-0026).

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;  
Richard Josephson, Deputy Director;  
Valerie Peterson, Urban Planner.

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Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

#### IV. CITY DEPARTMENT COMMENTS

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

##### Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 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)
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- C-1 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.

##### Code Enforcement:

- F-1 The current approved occupant load is 48. The applicant indicates the current occupant load is 75. The occupant load shall be reduced to the approved occupant load of 48.
- F-2 The proposed additional occupant load increase exceeds the required number of restroom facilities proposed. The plans shall be revised so that the number of restroom facilities comply with the requested maximum occupancy load requested.
- C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 A new fire prevention code permit is required for the proposed increase in operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.



- C-4 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-5 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-6 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 119.0.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 This facility and all modifications must meet current Alexandria City Code requirements for food establishments.
- C-3 Five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for plans review of food facilities.
- C-4 Permits must be obtained prior to operation.
- C-5 Certified Food Managers must be on duty during all hours of operation.
- C-6 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.
- F-1 This facility is currently operating as A La Lucia under an Alexandria Health Permit issued to Mehran Nayrei.

Police Department:

- F-1 The Police Department has no objections to the expansion as long as conditions # 13 listed under “Recommended Conditions” (SUP#2004-0026) still applies.
- F-2 All recommendations from SUP #2004-0026 are still the position of the Police Department.

SUP#2005-0089  
315 Madison St

**REPORT ATTACHMENTS  
AVAILABLE IN THE PLANNING AND ZONING OFFICE**