

DATE: August 11, 2010

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2010-0044
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Makda Kibour
Location: 535 East Braddock Road
Zone: CRMU-H / Commercial Residential Mixed Use (High)

Request

Special Use Permit #2010-0044 is a request to change ownership of an existing restaurant from Carlo Pascarella to Makda Kibour. No changes to the operation are proposed. The business will remain a restaurant serving Italian food along with new natural and vegetarian options under the new trade name Grass Root Station. The restaurant will primarily serve take-out but customers will also continue to have the option of sitting inside the restaurant without full wait service.

Background

On February 25, 1989, City Council granted Special Use Permit #2215 for the operation of a carry-out restaurant and delicatessen. Ownership of the business has changed several times since then, including in 1999, when City Council approved Special Use Permit #98-0159 to change the ownership, increase the seating from 35 to 50 seats, add delivery service, permit on and off premise alcohol sales, and allow a parking reduction. The most recent change of ownership occurred on January 13, 2001, when City Council approved Special Use Permit #2000-0148 to change ownership from Kerry McAfee to Carlo Pascarella.

The business is currently closed. Staff has not received any complaints that would require staff to docket the special use permit for public hearing.

Parking

Pursuant to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant with up to 60 seats is required to provide 15 parking spaces. A 12-space parking reduction was approved under SUP#98-015 which leaves a balance of three parking spaces that must be provided by the applicant. This requirement is satisfied with three reserved spaces and additional spaces shared with other commercial uses in the Colecroft development.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the West Old Town Citizens' Association, the Colecroft Owners Association, and the Braddock Station Civic Association were sent e-mails with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the special use permit for public hearing.

City Department Comments

As presented to City Council as a part of the 2010 Small Business Zoning initiative, staff no longer automatically seeks comments from other City departments on Administrative SUP requests for a change in ownership except in special circumstances. Staff did not find that such additional input was required in this case. This is the first change of ownership Administrative SUP request to follow the new staff practice.

Staff Action

Staff does not object to the change of ownership and hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: August 12, 2010

Action: Approved

Barbara Ross, Deputy Director

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

CONDITIONS OF SPECIAL USE PERMIT #2010-0044

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. A total of 60 seats shall be permitted, of which not more than 50 seats are indoors and 10 seats outdoors. (P&Z) (SUP #98-0159)
2. The hours during which the business is open to the public shall be restricted to between 6:00 a.m. and 10:00 p.m., Monday through Friday; between 8:00 a.m. and 10:00 p.m. on Saturday; and between 8:00 a.m. and 8:00 p.m. on Sunday, as requested by the applicant. (P&Z) (SUP #2215-A)
3. No food, beverages, or other materials shall be stored outside. (P&Z) (SUP #2215)
4. **DUPLICATE CONDITION DELETED BY STAFF (See Condition #5):**
~~Trash and garbage shall be stored inside or in a dumpster. (P&Z) (SUP #2215)~~
5. 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 and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #98-0159)
6. Condition deleted. (SUP #98-0159)
7. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises 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 #98-0159)
8. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #2215-B)
9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2215-B)
10. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z) (SUP #98-0159)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #98-0159)
12. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building, and no music or amplified sound shall be audible at the property line. (P&Z) (SUP #98-0159)

13. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #98-0159)
14. **CONDITION AMENDED BY STAFF:** The applicant shall require that its employees who drive to work use off-street parking and/or 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) (~~SUP #98-0159~~)
15. Delivery service shall be limited to a maximum of one passenger vehicle at any one time. (P&Z) (SUP #98-0159)
16. **CONDITION AMENDED BY STAFF:** ~~There~~ The delivery vehicle shall not be no parking on the public right-of-way by the delivery vehicles when in the immediate vicinity of the restaurant. (P&Z) (~~SUP #98-0159~~)
17. **CONDITION AMENDED BY STAFF:** The new applicant shall contact the ~~Crime Prevention~~ Community Relations Unit of the Alexandria Police Department at 703-838-4520 for regarding a security survey for the business and robbery awareness program for all employees. (Police)
18. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors, ~~and smoke, and any other air pollution from operations at the site and from the property to prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.~~ (P&Z)
19. On-site alcohol service is permitted. (P&Z) (SUP #98-0159)
20. Beer and wine for off-premise consumption 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 #98-0159)
21. This special use permit allows a reduction in the parking requirement from 15 spaces to three spaces provided the restaurant maintains its current delicatessen/carry-out format. (P&Z) (SUP #98-0159)
22. The applicant shall post signs within the restaurant identifying the parking spaces designated for commercial tenants at Colecroft. (P&Z) (SUP #98-0159)
23. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year from 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 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#2000-0148)
24. **CONDITION AMENDED BY STAFF:** The applicant may not deliver alcoholic beverages as part of his delivery services. (Police) (CC) (SUP #98-0159)
25. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall obtain, at its expense, one Model SD-42 trash container for installation on the adjacent right-of-way. Contact the Department of Transportation and Environmental Services Solid Waste Division at (703) 751-5130 for information. (T&ES) (SUP#2000-0148)~~
26. **CONDITION ADDED BY STAFF:** 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)
27. **CONDITION ADDED BY STAFF:** The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z)
28. **CONDITION ADDED BY STAFF:** For indoor patrons, 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)
29. **CONDITION ADDED BY STAFF:** 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)
30. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
31. **CONDITION ADDED BY STAFF:** The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (P&Z)