

City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2013-0073

Approved by Planning and Zoning: October 28, 2013

Permission is hereby granted to: Hawwi Mosa LLC
t/a Hawwi Ethiopian Café & Restaurant

to use the premises located at: 1125 Queen Street

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

10/28/2013

Date

FAROLL HAMER / AD

Faroll Hamer, Director
Department of Planning and Zoning

DATE: October 28, 2013

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

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2013-0073
Administrative Review for Change of Ownership
Site Use: Outdoor Dining
Applicant: Hawwi Mosa LLC t/a Hawwi Ethiopian Café & Restaurant
Location: 1125 Queen Street
Zone: CL/Commercial Low

Request

Special Use Permit #2012-0059 is a request to change ownership of the outdoor portion of an existing grandfathered restaurant from Caboose LLC to Hawwi Mosa LLC t/a Hawwi Ethiopian Café & Restaurant. No changes to the operation of the outdoor dining are proposed.

Background

A restaurant named Tom Allen's operated in this location for many years prior to 1975. Sergeant's Restaurant, also known as Sarge's, operated here from 1975 until it was gutted by fire in 2007. Since a restaurant operated in this location prior to May 1979, the (interior) restaurant use is considered to be a grandfathered restaurant and may continue operation without Special Use Permit approval so long as it operates within the terms of its grandfathered status.

Pursuant to Section 11-511(M) of the Zoning Ordinance, staff administratively approved SUP#2010-0040 in August 2010 to allow the applicant to add outdoor dining, which was not a historic feature of the restaurant. Most recently, staff administratively approved a change of ownership in September 2012 (SUP#2012-0059).

The current applicant has already started operation of the grandfathered indoor portion of the business but has not yet opened the outdoor dining portion of the restaurant. Aside from a complaint about illegal portable signage that occurred in 2011 under a prior owner, staff has not received any complaints about the business in the last five years.

Parking

The restaurant is currently grandfathered in terms of parking for its indoor seats and no off-street parking is available on-site. As a part of the previous SUP application in 2010, the prior applicant shifted 13 seats from inside the restaurant to the outdoor dining area such that the overall number of seats at the establishment did not exceed the 63 seats

allowed under the terms of its grandfathered status. The current applicant will continue this practice and, as a result, no additional parking spaces are required.

Community Outreach

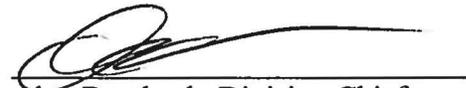
Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the West Old Town Citizens, Old Town Civic, Braddock Station Civic, Prescott Condominium, Cromley Lofts Condominium Associations were sent an e-mail with information about the current 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.

Staff Action

Staff supports the change of ownership request and hereby approves the Special Use Permit.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 10/28/2013
Action: Approved



Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2012-0059

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 corporation in which the applicant has a controlling interest. (P&Z) (SUP#2010-0040)
2. The maximum hours of operation for the outdoor dining area shall be between 7:00am and 10:00pm Sunday-Thursday and 7:00am and 11:00pm Friday and Saturday. The outdoor dining area shall be closed and cleared of all customers by 10:00pm Sunday through Thursday and 11:00pm Friday and Saturday and shall be cleaned and washed at the close of each business day that it is in use. (P&Z) (SUP#2010-0040)
3. The maximum number of outdoor seats at the restaurant shall be 13. (P&Z) (SUP#2010-0040)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2010-0040)
5. No live entertainment shall be permitted in the outdoor dining area. (P&Z) (SUP#2010-0040)
6. On-premises alcohol service is permitted inside the restaurant and in the outdoor dining area. No off-premises alcohol sales are permitted. (P&Z) (SUP#2012-0059)
7. The applicant shall submit a final outdoor seating plan for review and approval consistent with the King Street Outdoor Dining Guidelines to the satisfaction of the Director of Planning & Zoning. The plan shall depict the design, location, size and space of the dining area, chairs, tables, barriers, umbrellas, planters, wait stations, patio surface and other components to be located within the area, and such additional information as the Director may reasonably require. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z) (SUP#2010-0040)
8. 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) (SUP#2010-0040)
9. Tables and chairs used for outdoor dining shall be stacked and locked each night after the restaurant closes in such a manner as to preclude their after-hours use. (P&Z) (SUP#2010-0040)

10. 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 methods to prevent underage sales of alcohol. (P&Z) (SUP#2010-0040)
11. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP#2010-0040)
12. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2010-0040)
13. The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (P&Z) (SUP#2010-0040)
14. 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 that program. (P&Z) (SUP#2010-0040)
15. The applicant shall require its employees who drive to 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) (T&ES) (SUP#2010-0040)
16. 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) (T&ES) (SUP#2010-0040)
17. The applicant shall maintain a minimum six-foot wide unobstructed sidewalk. (T&ES) (SUP#2010-0040)
18. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2010-0040)
19. 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) (SUP#2010-0040)

20. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2010-0040)
21. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2010-0040)
22. **CONDITION AMENDED BY STAFF:** The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery readiness training for employees prior to the operation of the business. (P&Z) (~~SUP#2012-0059~~)
23. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after 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#2012-0059~~)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2013-0073. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the outdoor dining at 1125 Queen Street.



Applicant - Signature

11-05-13
Date

VEREKADU MORA
Applicant - Printed

11-05-13
Date