M. Christian Orndorff, P. C.

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August 13, 2019

Max Ewart, Urban Planner I
Land Use Services Division
Department of Planning and Zoning
City of Alexandria
Room 2100, City Hall
301 King Street
Alexandria, VA 22314

Re: 672 South Pickett Street (Current SUP - 2015-0134)
SUP Administrative Apllication – Ownership Change – no change in conditions

Dear Mr. Ewart:

I contacted you on August 1, regarding change of ownership of the above. Tsedey, LLC, has entered into a contract for purchase of this business without change to existing uses and conditions as detailed in the referenced SUP above.

Please find enclosed the following for filing:

1. Special Use Permit Application – Administrative Change of Ownership
2. Check payable to City of Alexandria in amount of $250.00 for the filing fee.

This business is located in a small strip shopping center location with similar businesses; I am not aware of any complaints or violations with respect to this existing business. Please let me know of any additional items you may need and if there are any questions, please do not hesitate to contact me.

Very truly yours,
M. Christian Orndorff, P.C.

Mark Orndorff

cc: Tsedey, LLC

APPLICATION
SPECIAL USE PERMIT

ADMINISTRATIVE CHANGE OF OWNERSHIP OR MINOR AMENDMENT

[✓] Change of Ownership **[ ] Minor Amendment**

[*must use black ink or type*]

PROPERTY LOCATION: 672 South Pickett Street (parcel: 660 South Pickett Street) Pickett St. Plaza

TAX MAP REFERENCE: 067.02-02-19 **ZONE:** CG

APPLICANT

Name: Tsedey, LLC A Virginia Limited Liability Company (represented by Mark Orndorff, Esq.)

Address: 672 South Pickett Street, Alexandria, VA 22304

PROPERTY OWNER

Name: Pickett Square-R, LLC, a Delaware Limited Liability Company

Address: 4350 East-West Hwy., Suite 500, Bethesda, MD 20814

SITE USE: Restaurant and Grocery

Business Name: **Current:** Tsedey Abeba Internal **Proposed (if changing):** Tsedey Restaurant

[✓] **THE UNDERSIGNED** hereby applies for a Special Use Permit for **Change in Ownership**, in accordance with the provisions of Article XI, Division A, Section 11-503 (5)(f) of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

[✓] **THE UNDERSIGNED**, having read and received a copy of the special use permit, hereby agrees to comply with all conditions of the current special use permit, including all other applicable City codes and ordinances.

[ ] **THE UNDERSIGNED** hereby applies for a Special Use Permit for **Minor Amendment**, in accordance with the provisions of Article XI, Division A, Section 11-509 and 11-511 of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

[✓] **THE UNDERSIGNED,** having obtained permission from the property owner, hereby requests this special use permit. The undersigned also attests that all of the information herein required to be furnished by the applicant are true, correct and accurate to the best of his/her knowledge and belief.

Tsedey, LLC by Lijalem Kassa, Manager Member
Print Name of Applicant or Agent

Signature

672 South Pickett Street
Mailing/Street Address

571-357-9270
Telephone # Fax #

Alexandria, VA 22304
City and State Zip Code

tadese01@gmail.com
Email address

8/13/2019
Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____ Fee Paid: $_____

Legal advertisement: _____

ACTION - PLANNING COMMISSION _____ ACTION - CITY COUNCIL: _____

Special Use Permit #_____

The following information must be furnished to the Department of Planning and Zoning to determine if the current use conducted on the premises complies with the special use permit provisions and all other applicable codes and ordinances.

1. Please describe prior special use permit approval for the subject use.

Most recent Special Use Permit # 2015-0134

Date approved: 01 / 22 / 2016
month day year

Name of applicant on most recent special use permit Seifu Tassema

Use Restaurant and Grocery

2. Describe below the nature of the *existing* operation *in detail* so that the Department of Planning and Zoning can understand the nature of the change in operation; include information regarding type of operation, number of patrons served, number of employees, parking availability, etc. (Attach additional sheets if necessary.)

There is no change in operation -- change of ownership only. The Administrative Report dated January 22, 2016 sets out the background and current and continuing operation of the business in detail and is incorporated by reference herein.

3. Describe any proposed *changes* to the business from what was represented to the Planning Commission and City Council during the special use permit approval process, including any proposed changes in the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, any noise emitted by the use, etc. (Attach additional sheets if necessary)

no changes proposed except for change in ownership.

Special Use Permit #_____

4. **Is the use currently open for business?** ☑ Yes ☐ No

If the use is closed, provide the date closed. _____ /_____ /_____
month day year

5. **Describe any proposed changes to the conditions of the special use permit:**

none

6. **Are the hours of operation proposed to change?** ☐ Yes ☑ No
If yes, list the current hours and proposed hours:

Current Hours:

Proposed Hours:

7. **Will the number of employees remain the same?** ☑ Yes ☐ No
If no, list the current number of employees and the proposed number.

Current Number of Employees:

Proposed Number of Employees:

8. **Will there be any renovations or new equipment for the business?** ____ Yes X No
If yes, describe the type of renovations and/or list any new equipment proposed.

9. **Are you proposing changes in the sales or service of alcoholic beverages?** ____ Yes X No
If yes, describe proposed changes:

Special Use Permit #_____

10. Is off-street parking provided for your employees? ☑ Yes ☐ No
If yes, how many spaces, and where are they located?

_____

_____

11. Is off-street parking provided for your customers? X Yes ____ No
If yes, how many spaces, and where are they located?
Per current SUP- 12 spaces in shared parking lot.

_____

12. Is there a proposed increase in the number of seats or patrons served? ☐ Yes ☑ No
If yes, describe the current number of seats or patrons served and the proposed number of seats and patrons served. For restaurants, list the number of seats by type (i.e. bar stools, seats at tables, etc.)

Current:	Proposed:

13. Are physical changes to the structure or interior space requested? ☐ Yes ☑ No
If yes, attach drawings showing existing and proposed layouts. In both cases, include the floor area devoted to uses, i.e. storage area, customer service area, and/or office spaces.

14. Is there a proposed increase in the building area devoted to the business? ☐ Yes ☑ No
If yes, describe the existing amount of building area and the proposed amount of building area.

Current:	Proposed:

15. The applicant is the (check one) ☐ Property owner ☐ Lessee
☑ other, please describe: Purchaser and proposed lease tenant assignee- see #16

16. The applicant is the (check one) ____ Current business owner X Prospective business owner
☐ other, please describe: _____

17. Each application shall contain a clear and concise statement identifying the applicant, including the name and address of each person owning an interest in the applicant and the extent of such ownership interest. If the applicant, or one of such persons holding an ownership interest in the applicant is a corporation, each person owning an interest in excess of ten percent (3%) in the corporation and the extent of interest shall be identified by name and address.

For the purpose of this section, the term "ownership interest" shall include any legal or equitable interest held in the subject real estate at the time of the application. If a nonprofit corporation, the name of the registered agent must be provided.

Please provide ownership information here:

Tsedey, LLC, a Virginia Limited Liability Company d/b/a Tsedey Restaurant.

there are two (2) Members:

1. Kassa Lijalem Mekonnen, 3456 Brookville Lane, Woodbridge, VA 22192; Member 50% and Manager

2. Deyas Asamenen Mulugeta, 3456 Brookville Lane, Woodbridge, VA 22192; Member 50%

DATE: January 22, 2016

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

FROM: Sara Brandt-Vorel, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0134
Administrative Review for Minor Amendment
Site Use: Restaurant and Grocery Use
Applicant: Seifu Tessema
Location: 672 S. Pickett Street
Zone: CG/Commercial General

Request

Special Use Permit #2015-0134 is a minor amendment request to extend the hours of operation for a restaurant and grocery use to an opening time of 8 a.m. instead of the previously approved 10 a.m. No additional changes to the operation are proposed and the applicant intends to continue operating as an Ethiopian restaurant and grocery store under the trade name of Tsedey Abeba Restaurant and Grocery.

Background

The grocery and restaurant use is located within the Pickett Street Plaza, a neighborhood shopping center constructed in 1974. The shopping center consists of a single commercial structure subdivided into eleven retail bays and an accompanying surface parking lot with 109 shared parking spaces. Current tenants include a mix of small take-out restaurants, dry cleaning and laundromat services, and small retail stores.

In 2000 the establishment opened as a grocery store, specializing in Ethiopian baked goods and spices in addition to a broad selection of grocery items. Staff administratively approved the addition of a twelve-seat dining area as an accessory use to the grocery in 2010 through a letter of agreement with the Department of Planning and Zoning. City Council approved SUP # 2013-0094 in April 2014 to increase the total number of seats to 45 and set the hours of operation to 10 a.m to 12 p.m., midnight, daily.

A site inspection in January 2016 found no violations of the Special Use Permit conditions.

Parking

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant is required to provide one off-street parking space for every four seats. The applicant provides twelve off-street parking spaces for their 45 seat restaurant in the shared parking lot.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Cameron Station Civic Association and Cameron Station Community Association were sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses.

Staff Action

Staff supports the applicant's request for a minor amendment to extend hours of operation by two hours to allow an earlier opening in the morning each day. An earlier start time would allow the applicant to meet customer requests for additional hours of operation and capture additional demand. Additionally, staff has considered the parking needs of adjacent retailers in the shopping center and believes the variation in operating hours of other retail destinations would enable the 109 space shared parking lot to adequately support the parking needs of the restaurant and grocery use.

Staff has carried forward prior SUP conditions regulating the number of seats, delivery, entertainment, trash storage, litter removal, and other standard SUP conditions. Staff amended Condition 2 regulating the hours of operation to allow the applicant to open two hours earlier per the Minor Amendment request. A staff-level review of redevelopment potential at the site in April 2019 remains in place in Condition 12. The fixed-date, full-hearing review in 2023 by City Council to assess redevelopment and land use compatibility of the site remains as a component of Condition 12. Condition 14 was amended to reflect current City language reflecting employee transportation requirements and Condition 21 was added to encourage employees to use public transportation.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: January 22, 2016
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2015-0134

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 corporation in which the applicant has a controlling interest. (P&Z) (SUP #2013-0094)

2. **CONDITION AMENDED BY STAFF:** The hours of operation of the restaurant shall be limited to between ~~10 a.m.~~8 a.m. and 12 midnight, seven days/week. Meals ordered before 12 midnight may be served, but no new patrons may be admitted after 12 midnight, and all patrons must leave by 1 a.m. (P&Z) ~~(SUP #2013-0094)~~

3. The maximum number of indoor seats at the restaurant shall be 45. No outdoor seating shall be permitted at the restaurant. (P&Z) (SUP #2013-0094)

4. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP #2013-0094)

5. No live entertainment shall be permitted at the restaurant. (P&Z) (SUP #2013-0094)

6. No on-site alcohol sales shall be permitted at the restaurant. Off-premises alcohol sales may be offered. Beer or wine coolers may be sold for off-premises consumption only in 4-packs, 6-packs, or bottles of more than 40 fluid ounces. Wine may be only sold 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 #2013-0094)

7. No delivery of food or beverages to customers shall be offered from the restaurant. (P&Z) (SUP #2013-0094)

8. 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. (P&Z) (SUP #2013-0094)

9. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2013-0094)

10. 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. (P&Z) (SUP #2013-0094)

11. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security survey for the business and a robbery readiness program for all employees. (P&Z) (SUP #2013-0094)

12. The Special Use Permit shall be reviewed by the Director of Planning & Zoning, with notice to the community, in April 2019, in order to assess the redevelopment potential of the site and the compatibility of the use with other uses in the area. If the Director determines the use to be incompatible with surrounding uses or anticipated redevelopment, the Director shall docket the Special Use Permit for Planning Commission and City Council to take such action as they deem appropriate at the time. Notwithstanding the staff review, City Council shall review the Special Use Permit in November 2023 in order to assess the redevelopment potential of the site and the compatibility of the use with other uses in the area to take such action as they deem appropriate at the time. (P&Z) (SUP #2013-0094)

13. 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 #2013-0094)

14. **CONDITION AMENDED BY STAFF:** 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.~~ (T&ES) ~~(SUP #2013-0094)~~

15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2013-0094)

16. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP #2013-0094)

17. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (T&ES) (SUP #2013-0094)

18. 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. (T&ES) (SUP #2013-0094)

19. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP #2013-0094)

20. 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 #2013-0094)

21. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact the Transportation Planning Division at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services

Previous Conditions:

13. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)

14. **CONDITION AMENDED BY STAFF:** 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~~. (T&ES)

15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)

16. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)

17. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (T&ES)

18. 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. (T&ES)

19. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)

New Conditions:

R-1 The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact the Transportation Planning Division at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)

City Code Requirements:

C-1 Pursuant to Section 6-307 Other Conditions, (B): "All uses, activities and development occurring within any floodplain district shall only be undertaken in strict compliance with the Virginia Uniform Statewide Building Code (VA USBC)." (T&ES)

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)

C-3 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).

C-4 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. (T&ES)

Health Department

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, corporation or location to another. Permit application and fee are required.

C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and 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 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.

C-4 A Food Protection Manager shall be on-duty during all operating hours.

C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.

C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.

C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packing, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Police
No comments received.

Recreation, Parks, and Cultural Activities
No comments received.

Fire Department
No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0134. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant and grocery use at 672 S. Pickett Street.

Applicant - Signature	2/1/16 Date
FOR MAHEDRE / SEIFU TESSEMA Applicant – Printed	2/1/16 Date

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	#2015-0134
Approved by Planning and Zoning:	January 22, 2016
Permission is hereby granted to:	Seifu Tessema
to use the premises located at:	672 S. Pickett 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.

1/22/16
Date

Karl Moritz, Director
Department of Planning and Zoning

SUP#2013-0094
672 South Pickett Street

- SUP request to operate a 45-seat restaurant within an existing grocery
- Four-space parking reduction
- Located in an eleven-tenant commercial center
- Staff recommends APPROVAL

PLANNING & ZONING