

DATE: May 8, 2015

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

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0011
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Thomas Persing
Location: 446-A Calvert Avenue
Zone: I / Industrial

Request

Special Use Permit #2015-0011 is a request to change ownership of an existing restaurant at 446-A Calvert Avenue from Mustafa Ozdemir to Thomas Persing. No other changes to the operation of the business are proposed and the restaurant would continue to provide carry-out or delivery service similar to the existing operation. The new owner plans to operate under the trade name of Sebastien's Sicilian Pizza.

Background

In 1996 City Council approved Special Use Permit #96-0077 to Saver Pizza Inc. t/a Pizza Boli's for the operation of a restaurant with carry out. Staff administratively approved changes of ownership in 2005, 2010, and 2011. Most recently, in April 2014, staff administratively approved SUP#2013-0096 to change ownership of the business to Mustafa Ozdemir.

Staff had placed the Special Use Permit on hold for the last two months while it awaited confirmation of off-street parking from the property owner. Staff recently received confirmation of the availability of six off-street parking spaces for the use at the on-site parking lot.

Parking

The Zoning Ordinance requires the six-seat restaurant to provide two off-street parking spaces. One additional parking space per delivery vehicle is also required. The original request to continue to use up to five delivery vehicles therefore would have resulted in a total parking requirement of seven off-street spaces. However, the property owner has confirmed in a letter to staff that the applicant has the use of only six off-street parking spaces instead of the required seven spaces. Staff has therefore amended Condition #18 in this report to reduce the maximum number of delivery vehicles – from five to four - that may operate from the restaurant at any one time. With this change, the applicant now meets its off-street parking requirement.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Del Ray Citizens and Mount Jefferson Civic Associations 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 does not object to the applicant's change of ownership request. All conditions of existing SUP#2013-0096 have been carried forward to this report with three exceptions. Condition #11 regarding robbery readiness training has been deleted since it is not currently routinely recommended as a standard condition. The maximum number of delivery vehicles allowed to operate from the restaurant at any one time has been reduced in Condition #18 from five to four given that one fewer parking off-street parking space is available now compared to one year ago. The standard one-year review (Condition #12) has also been updated such that a new review will be required in approximately one year from the approval of this request.

Staff hereby approves the Special Use Permit.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: May 8, 2014
Action: Approved

Alex Dambach, Deputy Director

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

CONDITIONS OF SPECIAL USE PERMIT #2013-0096

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#96-0077)
2. The maximum number of seats at the restaurant shall be six. (P&Z) (SUP#2013-0096)
3. The hours of operation shall be limited to 11:00 A.M. to 1:00 A.M., Sunday through Thursday, and 11:00 A.M. to 2:30 A.M., Friday and Saturday. (P&Z) (SUP#96-0077)
4. No alcoholic beverages are permitted. (P&Z) (SUP#96-0077)
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 a day, and more often if necessary at the close of business, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP#96-0077)
6. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#96-0077)
7. 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#96-0077)
8. No customers, employees or delivery vehicles shall park on Calvert Street. (T&ES) (SUP#96-0077)
9. The hours of operation shall be posted at the entrance to the restaurant. (P&Z)(SUP#96-0077)
10. Kitchen equipment shall not be cleaned outside, nor shall cooking residuals be washed into the streets, alleys or storm sewers. (T&ES) (SUP#96-0077)
11. **CONDITION DELETED BY STAFF:** ~~The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey and robbery awareness program for the business. (Police) (SUP#2013-0096)~~

12. **CONDITION AMENDED BY STAFF:** 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) (~~SUP#2013-0096~~)
13. DUPLICATE CONDITION DELETED - See Condition #9. (SUP#2010-0005)
14. 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#2010-0005)
15. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (P&Z) (T&ES) (SUP#2010-0005)
16. 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#2005-0099)
17. 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#2005-0099)
18. **CONDITION AMENDED BY STAFF:** A maximum of ~~five~~ four delivery vehicles may operate from the restaurant, consistent with prior SUP approval. (P&Z) (~~SUP#2010-0005~~)
19. No live entertainment shall be permitted on premises. (P&Z) (SUP#2010-0005)
20. 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#2010-0005)
21. If at any time the applicant cannot meet required off-street parking on the site, he or she shall provide and maintain an up-to-date agreement that provides for the required number of off-street parking spaces for the restaurant use during business hours to the satisfaction of the Directors of Planning and Zoning and Transportation and

Environmental Services. The applicant shall post information regarding the availability of parking for patrons in a conspicuous location within the restaurant and shall include such notice in any advertising. (T&ES) (P&Z)

22. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2010-0005)
23. CONDITION DELETED BY STAFF (SUP#2013-0096)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0011. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 446A Calvert Avenue.

Applicant - Signature

Date

Applicant – Printed

Date