

DATE: August 8, 2014

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

FROM: Ann Horowitz, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0061  
Administrative Review for New Use  
Site Use: Outdoor Dining  
Applicant: Balraj Bhasin  
Location: 2607 Mount Vernon Avenue  
Zone: CL/Commercial Low

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### **Request**

Special Use Permit #2014-0061 is a request to operate outdoor dining in front of an existing restaurant specializing in Indian cuisine and known as Bombay Curry. The applicant proposes eighteen outdoor seats in a space measuring nineteen feet by ten feet and bordered by a metal railing. Over five feet of sidewalk clearance would remain with this proposal. The hours for outdoor dining are proposed as 11 a.m. to 10 p.m., Sunday through Thursday, and 11 a.m. to 11 p.m., Friday and Saturday. The indoor restaurant closes one hour later at 11 p.m. on Sunday through Thursday while the Friday and Saturday hours are the same for the indoor and outdoor dining areas.

### **Background**

City Council approved SUP#2011-0080 for the operation of a 40-seat restaurant at 2607 Mount Vernon Avenue on February 25, 2012. After renovation of the leased space was complete, the restaurant opened on July 1, 2014.

### **Parking**

According to Section 6-604(C) of the Zoning Ordinance, a parking requirement does not apply to the first twenty outdoor seats at a restaurant located in the Mount Vernon Urban Overlay Zone. With eighteen outdoor seats, the applicant would not be required to provide additional parking. Two outdoor spaces are provided at the rear of the building for the indoor restaurant with a nine-space parking reduction granted in SUP#2011-0080.

### **Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the DelRay Citizens Association, the DelRay Business Association, and the DelRay Land Use Committee have been notified. Staff has not received any comments from residents or adjacent businesses during the noticing period.

**Staff Action**

Staff supports the SUP request for outdoor dining as an accessory to the restaurant at 2607 Mount Vernon Avenue. Pedestrian access along the public right of way is adequate based on the proposal. The addition of another outdoor dining experience on Mount Vernon Avenue would contribute to the urban vitality of this commercial district.

Conditions have been carried forward from SUP#2011-0080 with amendments to Conditions 2, 3, and 10 that update regulations for the outdoor dining component. Condition 25 has been added regarding encroachments on the public right of way.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: August 8, 2014

Action: Approved

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Alex Dambach, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2014-0061**

The applicant 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#2011-0080)
2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats at the restaurant shall be 40. The maximum number of outdoor seats shall not exceed 18 and shall be permitted in addition to the indoor seats. (P&Z) (~~SUP#2011-0080~~)
3. **CONDITION AMENDED BY STAFF:** The hours of operation for indoor seating at the restaurant shall be limited to between 11 a.m. and 11 p.m. seven days/week. The hours of operation for outdoor dining shall be limited to between 11 a.m. and 10 p.m., Sunday through Thursday, and 11 a.m. and 11 p.m., Friday and Saturday. (P&Z) (~~SUP#2011-0080~~)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2011-0080)
5. **CONDITION DELETED BY STAFF:** ~~No outdoor seating shall be provided at the restaurant.~~ (P&Z) (~~SUP#2011-0080~~)
6. On-premises alcohol service may be permitted but off-premises alcohol sales shall be prohibited. (P&Z) (SUP#2011-0080)
7. No live entertainment shall be allowed at the restaurant. (P&Z) (SUP#2011-0080)
8. Not more than one delivery vehicle operated by the applicant may be used to deliver food to customers. Alternatively, if delivery of food to customers is operated by a third-party service, not more than one delivery vehicle may pick up orders at the restaurant at any one time. In either case, the delivery vehicle must park in an off-street parking space when at the restaurant. (P&Z)(T&ES) (SUP#2011-0080)
9. All façade improvements to the building, including any awnings or signage, shall be consistent with the Design Guidelines of the Mt. Vernon Avenue Business Area Plan to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP#2011-0080)
10. **CONDITION AMENDED BY STAFF:** Meals ordered inside the restaurant before the closing hour may be sold, but no new patrons may be admitted and all patrons must leave by one hour after the closing hour. The outdoor dining area shall be cleared of patrons no later than 10 p.m., Monday through Thursday, and 11:00 p.m., Friday and Saturday. (P&Z) (~~SUP#2011-0080~~)
11. 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) (SUP#2011-0080)
12. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2011-0080)
  13. 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#2011-0080)
  14. 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#2011-0080)
  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#2011-0080)
  16. 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 and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES) (SUP#2011-0080)
  17. 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#2011-0080)
  18. 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#2011-0080)
  19. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2011-0080)
  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#2011-0080)
  21. The applicant shall post signs at the front of the building directing patrons to the location of off-street parking to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP#2011-0080)
  22. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2011-0080)

23. The applicant shall 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. (Police) (SUP#2011-0080)
24. 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#2011-0080~~)
25. **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)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Not more than one delivery vehicle operated by the applicant may be used to deliver food to customers. Alternatively, if delivery of food to customers is operated by a third-party service, not more than one delivery vehicle may pick up orders at the restaurant at any one time. In either case, the delivery vehicle must park in an off-street parking space when at the restaurant.
- R-2 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.
- R-3 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-4 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 and not be discharged to the sanitary or storm sewers or be discharged onto the ground.
- R-5 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.
- R-6 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-7 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am.
- R-8 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.
- R-9 No live entertainment shall be permitted in the outdoor seating area.
- 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.

- C-2 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-3 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](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES) (SUP2011-00080)

Code Enforcement:

- C-1 The path of egress travel along a means of egress shall not be interrupted by any building element other than a means of egress component. Proposed outdoor seating arrangement shall not obstruct a path of egress or block a fire department connection.
- F-1 The following comments are for SUP. If there are any questions, the applicant may contact Charles Cooper, Plan review plans examiner at [Charles.cooper@alexandriava.gov](mailto:Charles.cooper@alexandriava.gov) or 703-746-4197.

Fire Department

- C-1 If during Fall, Winter, or Spring, gas-based heaters are used outside, there use and location must be approved by the Fire Prevention and Life Safety.
- C-2 The occupancy load must be recalculated and posted by Fire Prevention and Life Safety Unit.

Health Department:

- F-1 No comments received

Parks and Recreation:

- F-1 No comments received

Police Department:

- F-1 No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0061. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the day care center at 2607 Mount Vernon Avenue.

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Applicant - Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant – Printed

\_\_\_\_\_  
Date