



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 #2019-0065

Approved by Planning and Zoning: August 16, 2019

Permission is hereby granted to: Sanjjav Oyuntsetseg

to use the premises located at: 2607 Mount Vernon Avenue

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.

8/16/2019
Date

Karl Moritz (by PR)
Karl Moritz, Director
Department of Planning and Zoning

DATE: August 16, 2019

TO: Tony LaColla, Division Chief
Department of Planning and Zoning

FROM: Greg Garland, Senior Planning Technician
Department of Planning and Zoning

SUBJECT: Special Use Permit #2019-0065
Administrative Review for a Change of Ownership
Site Use: Restaurant with Outdoor Dining
Applicant: Sanjjav Oyuntsetseg
Location: 2607 Mount Vernon Avenue
Zone: CL/Commercial Low

Request

Special Use Permit #2019-0065 is an administrative request to change the ownership of a restaurant with outdoor dining from Balraj Bhasin to Sanjjav Oyuntsetseg. The applicant proposes no other changes to the restaurant. The restaurant, formerly Bombay Curry, with 40 indoor seats and 18 outdoor seats would continue to serve Indian food under the name of Spice Kraft Indian Bistro. The hours of operation would continue as 11 a.m. to 11 p.m. seven days a week. The hours of operation for outdoor dining are between 11 a.m. and 10 p.m., Sunday through Thursday, and 11 a.m. and 11 p.m., Friday and Saturday.

Background

City Council approved SUP#2011-0080 for the operation of a 40-seat restaurant with a nine-space parking reduction at 2607 Mount Vernon Avenue on February 25, 2012. After renovation of the leased space was complete, the restaurant opened on July 1, 2014. Staff administratively approved SUP #2014-0061 for a minor amendment to add 18 outdoor seats in front of the restaurant.

Parking

Two outdoor spaces are provided at the rear of the building. The applicant is not required to provide additional parking.

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, Potomac Yard Citizens Association, Arlandria Civic Association, North Ridge Citizens Association, Rosemont Citizens Association have been notified. Staff has not received any comments from residents or adjacent businesses during the noticing period.

Staff Action

Staff supports the SUP change of ownership request for the continuation of a restaurant in the heart of the Del Ray central business district at 2607 Mount Vernon Avenue.

Conditions have been carried forward from SUP#2014-0061. Staff deleted Conditions 23 and 24 as the requirements are no longer required. Condition 20 was also deleted and replaced with Condition 26 to reflect the new GoAlex program.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: August 16, 2019

Action: Approved



Tony LaColla, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2019-0065

The applicant is responsible for ensuring that the following conditions are always adhered to. 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. 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#2014-0061)
3. 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#2014-0061)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2011-0080)
5. Condition deleted (SUP#2014-0061)
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. 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#2014-0061)
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. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION 26:** ~~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. **CONDITION DELETED 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. (Health) (SUP#2011-0080)~~
23. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~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. **CONDITION AMENDED BY STAFF:** 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#2014-0061)
25. 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#2014-0061)
26. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (P&Z)

