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: #2020-00087
Approved by Planning and Zoning: November 20, 2020
Permission is hereby granted to: Cristian Velasco
to use the premises located at: 2400 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.

November 20, 2020 Karl Moritz (by T. LaColla)
Date Karl Moritz, Director
Department of Planning and Zoning
DATE: November 20, 2020

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

FROM: Anna Kohlbrenner, Planner
      Department of Planning and Zoning

SUBJECT: Special Use Permit #2020-00087
       Administrative Review for Special Use Permit for a New Use
       Site Use: Restaurant with outdoor dining
       Applicant: Cristian Velasco
       Location: 2400 Mount Vernon Avenue
       Zone: CL/Commercial Low

Request
The applicant, Cristian Velasco, proposes a restaurant with outdoor dining at 2400 Mount Vernon Avenue. The applicant proposes 20 indoor seats and eight outdoor seats for the Italian Gelato ice cream restaurant. The eight outdoor seats would be arranged at the side of the building. The fast-casual restaurant would be open Tuesday-Sunday 8 a.m. – 10 p.m. and closed Mondays. The lot also contains an eight-space parking lot to the rear of the building. Loading and unloading would occur between 9 a.m. – 1 p.m., twice a week. The applicant does not propose live entertainment.

Parking
Pursuant to Section 8-200(A)(17)(a) of the Zoning Ordinance, restaurants within the enhanced transit area are required to provide a minimum of one parking space per 1,000 square feet of floor area. The approximately 1,550 square foot structure would require two parking spaces. Outdoor dining up to 20 seats are exempt from providing parking spaces. Section 8-100(A)(9) of the Zoning Ordinances exempts nonresidential uses from providing parking if the requirement is two spaces or less. Therefore, the applicant does not have to satisfy a 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, Del Ray Citizens Association and Del Ray Land Use Committee was sent written notification of the current application. Staff did not receive any comments.

Staff Action
Staff supports the applicants request to operate a restaurant at 2400 Mount Vernon Avenue. The small-scale restaurant is not expected to produce neighborhood impacts, as several restaurants and businesses surround the area.

Staff hereby approves the Special Use Permit request.
ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: November 20, 2020
Action: Approved

Tony LaColla, Division Chief

Attachments: 1) Special Use Permit Conditions
              2) Statement of Consent
              3) Department Comments
CONDITIONS OF SPECIAL USE PERMIT #2020-00087

The new owner is responsible for ensuring compliance with all applicable codes and ordinances and ensuring that the following conditions are adhered to at all times. Violation of any of the SUP 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)

2. All patrons must leave the premises one hour after the closing hour. (P&Z)

3. The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z)

4. The number of outdoor seats shall be eight. All outdoor dining furniture must remain on private property and may not encroach into the public right-of-way. (P&Z)

5. 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)

6. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z)

7. Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)

8. Indoor limited, live entertainment may be offered and must comply with the City's noise ordinance. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z)

9. All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)

10. The applicant shall require its employees who drive to use off-street parking. (T&ES)

11. 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. (T&ES)
12. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)

13. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business’ advertising and website. (T&ES)

14. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)

15. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)

16. If used cooking oil is stored outside, the drum shall be kept securely closed with a hung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)

17. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)

18. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)

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)

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

21. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

22. The use must comply with the city’s noise ordinance. No amplified sound shall be audible at the property line after 10:00 pm. (T&ES)

23. 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)

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)
CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

F-1 SWM has no comments.

R-1 The applicant shall require its employees who drive to use off-street parking. (T&ES)

R-2 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. (T&ES)

R-3 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)

R-4 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business’ advertising and website. (T&ES)

R-5 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)

R-6 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)

R-7 If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)

R-8 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/ replacing damaged dumpsters. (P&Z) (T&ES)

R-9 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)

R-10 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)
R-11 All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)

R-12 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

R-13 The use must comply with the city's noise ordinance. No amplified sound shall be audible at the property line after 10:00 pm. (T&ES)

Code Enforcement:
C-1 A building permit and plan review are required prior to the start of construction.

Health Department:
No comments received.

Parks and Recreation:
No comments received.

Police Department:
No comments received.

Fire:
No comments or concerns. Occupant load does not require a fire prevention permit.
STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2020-00087. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant at 2400 Mount Vernon Ave.

[Signature]
Applicant - Signature

[Printed Name]
Applicant - Printed

[Date]
Date

November 20, 2020