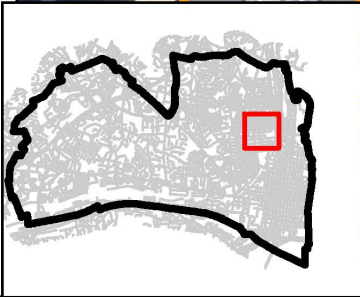
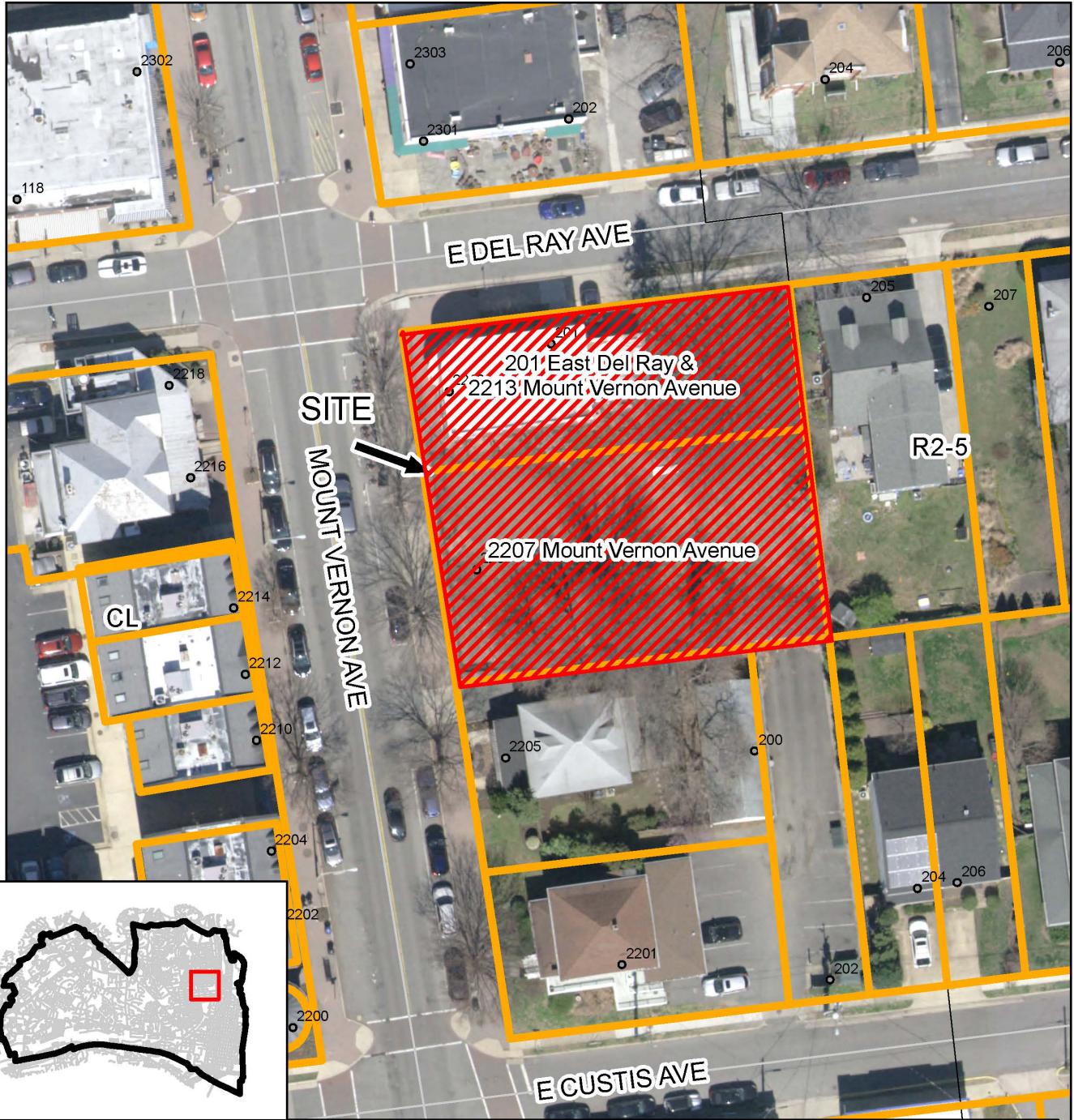


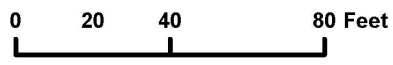
***Docket Item #8  
 Special Use Permit #2024-00033  
 201 East Del Ray Avenue,  
 2207 and 2213 Mount Vernon Avenue  
 Outdoor Dining & Outdoor Recreation and  
 Entertainment Gustave Boulangerie and Brasserie  
 Gustave Le Jardin***

<b>Application</b>	<b>General Data</b>	
Public Hearing and consideration of a Special Use Permit for outdoor dining and outdoor recreation and entertainment (amending SUP #2022-00060)	<b>Planning Commission Hearing:</b>	June 24, 2024
	<b>City Council Hearing:</b>	July 2, 2024
<b>Address:</b> 201 East Del Ray Avenue, 2207 and 2213 Mount Vernon Avenue	<b>Zone:</b>	CL/Commercial low
<b>Applicant:</b> Abderrahim (Rayan) Moussaif	<b>Small Area Plan:</b>	Potomac West
<b>Staff Recommendation:</b> APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.		
<b>Staff Reviewers:</b> Patrick Silva, patrick.silva@alexandriava.gov Ann Horowitz, ann.horowitz@alexandriava.gov		

PROJECT LOCATION MAP



**SUP#2024-00033**  
**201 East Del Ray Avenue,**  
**2207 and 2213 Mount Vernon Avenue**



## I. DISCUSSION

The applicant, Abderrahim (Rayan) Moussaif, requests Special Use Permit (SUP) approval to amend his existing SUP with after-the-fact requests to increase the amount of outdoor dining at his business, Gustave Boulangerie and Brasserie, from 40 seats to 104 seats and for outdoor recreation and entertainment activities. Ten outdoor seats remain at 2213 Mount Vernon Avenue where the restaurant building is located. One hundred and four outdoor dining seats and the recreation and entertainment uses – bocce ball court, sandbox, and off-leash dog park – are found next door at 2207 Mount Vernon Avenue, Gustave Le Jardin.

### SITE DESCRIPTION

The subject sites are two contiguous parcels addressed as 2213 Mount Vernon Avenue and 2207 Mount Vernon Avenue respectively (Figures 1 and 2). Together, they account for a combined lot area a 14,342 square-foot lot with approximately 115 feet of frontage on Mount Vernon Avenue and 127 feet on E. Del Ray Avenue. The parcel addressed as 2213 Mount Vernon Avenue is developed with a 3,160 square-foot, two story commercial building which includes the restaurant known as Gustave Boulangerie & Brasserie on the first floor and its office space is on the second floor. The parcel addressed as 2207 Mount Vernon Avenue is currently undeveloped with any buildings.



*Figure 1: Gustave Boulangerie and Brasserie, 2213 Mount Vernon Avenue*

To the west of the subject property are the Potomac Town Square commercial condominiums which host a variety of commercial uses including personal service establishments, business and professional offices, and retail shopping establishments. The adjacent lots to the north are likewise developed with commercial buildings including St. Elmo's



*Figure 2: Gustave Le Jardin, 2207 Mount Vernon Avenue*

Coffee Pub restaurant and the Dog Store retail shopping establishment. The adjacent properties located immediately to the east are developed with detached and semi-detached residences. The adjacent property to the south is developed as a commercial property and includes a beauty salon and furniture store.

### BACKGROUND

The subject property is developed with a two-story commercial building which was constructed in 1942. Since that time, a number of business and professional offices were building tenants. The parcel at 2207 Mount Vernon Avenue has remained undeveloped. Past property owners allowed the community to use the outdoor space periodically for special events; otherwise it was unused.

A Special Use Permit was first approved at 2213 Mount Vernon Avenue in June 2022, when staff administratively approved Special Use Permit #2022-00035 to grant Abderrahim (Rayan) Moussaif approval to operate a restaurant, named Gustave's Boulangerie & Brasserie. Special Use Permit #2022-00060 was an administrative minor amendment, approved in September 2022, to add up to 40 seats of outdoor dining on the same property with the building along the East Del Ray Avenue and Mount Vernon Avenue frontages. The outdoor dining area operates during the hours of 7 a.m. to 10 p.m., daily.

The Department of Planning & Zoning (P&Z) received an Alex 311 complaint that the bathrooms were not available when the indoor restaurant was closed. The applicant was notified of the complaint. It also brought to Code Administration's attention that only one bathroom was provided and two were required given the number of indoor and outdoor dining seats. The applicant has submitted building permits to allow for the construction of a second bathroom on the first floor of the restaurant, and in the meantime, has made one available to patrons on the second floor. Other building code requirements have been addressed during the SUP analysis, such as a building permit submission for the uncovered bar/service area at the rear of the parcels and gate swing adjustments to allow for outward egress.

### PROPOSAL

The applicant, Abderrahim (Rayan) Moussaif, requests an after-the-fact Special Use Permit amendment approval to increase outdoor dining seats from 40 to 104 seats as well as to operate outdoor recreation and entertainment uses at 2207 Mount Vernon Avenue. A sandbox, a bocce court, and an off-leash dog play area represent the recreation and entertainment uses (Figures 3-7). The applicant's goal is to create a family-friendly community gathering space in the heart of the Del Ray corridor. The hours of operation would remain as 7 a.m. to 10 p.m., daily. The number of patrons at any one time is not expected to exceed 150 at the indoor restaurant and the outdoor dining and recreation and entertainment areas. Up to four employees are on hand during all operating hours. Trash collection takes place once a week. Loading and unloading of supplies and deliveries take place between 7 a.m. and 6 p.m. between one to five times a day, except on Sundays.

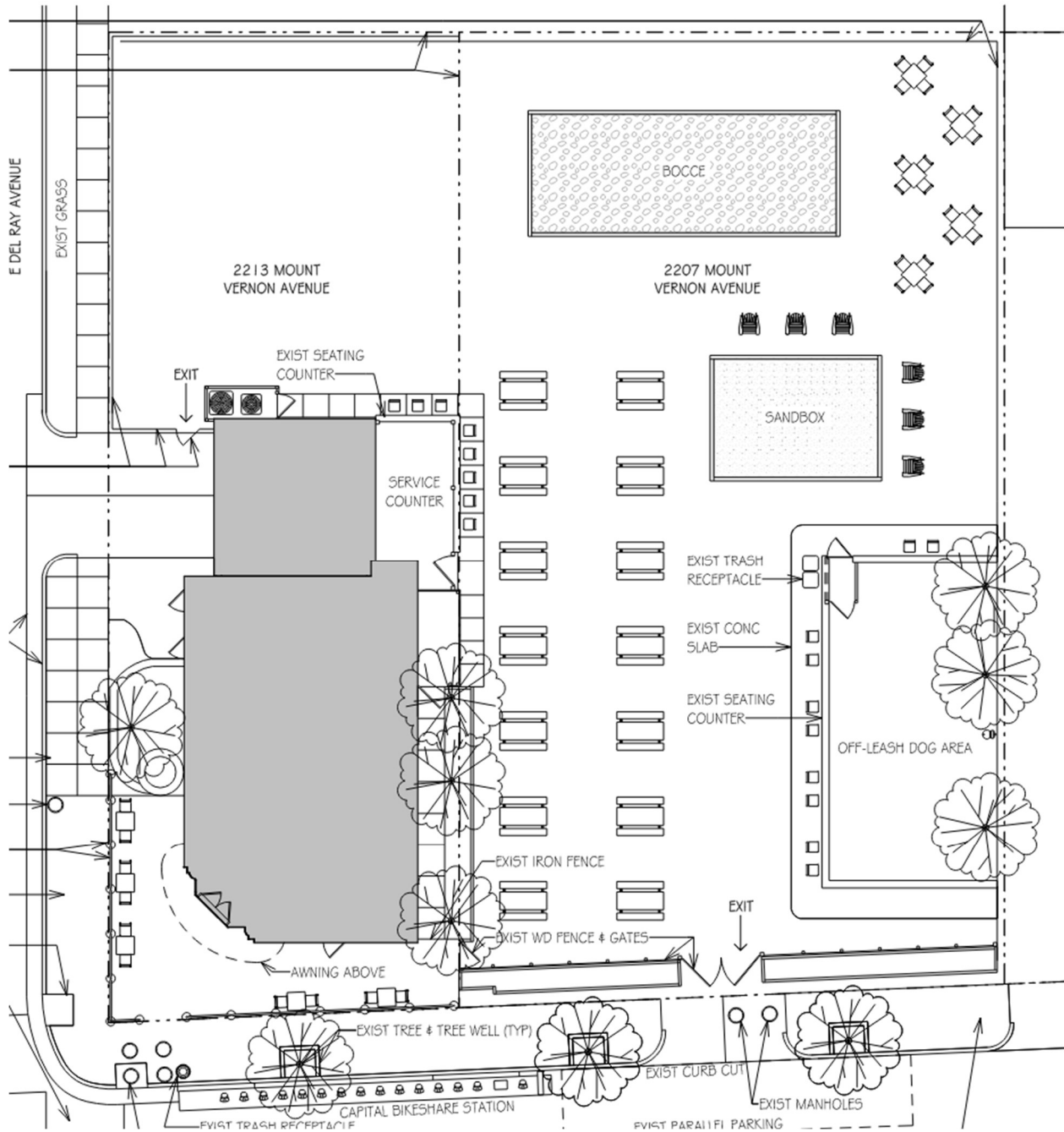


Figure 3: Proposed site layout



*Figure 4: Outdoor dining and exterior of off-leash dog park*



*Figure 5: Interior of off-leash dog park*



*Figure 6: Sandbox*



*Figure 7: Bocce ball court and sandbox. Service bar in foreground on right.*

### PARKING

Pursuant to Section 8-200 (A)(17)(a)(i) of the Zoning Ordinance, a restaurant use located inside the City's Enhanced Transit Area is required to provide a minimum of 1.0 space per 1,000 square feet of gross floor area. The proposed restaurant contains 1,210 square feet of floor area. In addition, the outdoor dining area includes 104 seats, 20 of which are exempt from additional parking requirements per Section 8-200(A)(17)(c) of the Zoning Ordinance. Pursuant to Section 8-200(A)(17)(c) of the Zoning Ordinance, "The area occupied by each seat over 20 shall be calculated as 15 square feet per seat." Thus, for parking calculation purposes, the remaining 84

outdoor seats would count as 1,260 square feet. Combining the restaurant and outdoor dining square footage for a total of 2,470 square feet, three parking spaces are required. For recreation and entertainment uses, Section 8-200(A)(14) of the Zoning Ordinance requires one off-street space for every 400 square feet. Strictly measuring the borders of each, as indicated in Figure 3, the total recreation and entertainment area is 1,884 square feet, requiring an additional five off-street spaces. Based on this, the applicant would be required to provide a total minimum of eight off-street parking spaces for the proposed uses. The applicant meets the requirement by providing three off-street spaces on-site in a lot and a garage facing Del Ray Avenue and five additional spaces off-site at the applicant's Madison Day School, 203 East Custis Avenue, located approximately 200 feet away from the business.

#### ZONING/MASTER PLAN DESIGNATION

The parcels are located in the CL zone and in the retail focus area of the Mount Vernon Urban Overlay. For the indoor restaurant use and pursuant to Section 6-603(C)(2) for the Mount Vernon Urban Overlay retail focus area, restaurants are permitted on the first floor of a building. Section 6-603(D)(1) allows restaurants with SUP administrative approval. Outdoor dining in the Mount Vernon Urban Overlay is allowed according to Section 6-603(D)(2), with over 49 seats requiring docketed SUP approval.

Regarding the proposed outdoor Recreation and Entertainment uses, staff has determined that the 22% area for the combined activity area and a primary focus of the recreation and entertainment uses at the 2207 Mount Vernon Avenue parcel disqualifies the recreation and entertainment use from being an accessory use. The Zoning Ordinance accessory use definition reads:

#### **2-200.2 Use, accessory.**

A use which is clearly subordinate to and serves a permitted principal use; and is subordinate in area, extent and purpose to the principal use served. An accessory use generally occupies less than one-third of the gross floor area of the principal use and does not change the character of the principal use.

The 22% area calculations reflect the strict boundaries of each use, and in practice those engaging with the recreation and entertainment uses spill over beyond the perimeters, increasing the actual use area. Multiple staff visits have revealed equal participation in both uses, and at times patrons have been more involved in the recreation and entertainment aspects than in dining. Recreation and entertainment as proposed here creates an overall use that is not clearly subordinate to outdoor dining, resulting in the potential for neighborhood impacts. Additionally, it substantially changes the character of the principal use (outdoor dining) to one identified more as a community gathering place in a park-like setting where patrons can recreate and dine.

As a principal use, the recreation and entertainment uses -- bocce ball court, sandbox, and dog park -- are not permitted in the Mount Vernon Urban Overlay. Section 6-603(B)(1) presently limits recreation and entertainment use to live theater and music venues with docketed SUP approval and therefore, the uses in operation are not permitted. Nonetheless, a City Council final approval of Zoning Text Amendment #2024-00006 on July 2, the same public hearing where it considers this SUP request, would amend Sections 4-103 and 6-603(B)(1) to allow all outdoor recreation and



entertainment uses listed in the Section 2-188.1, including these, in the Mount Urban Overlay with docketed SUP approval. Otherwise stated, passage of the text amendment would allow the bocce ball court, sandbox, and dog park with City Council SUP approval pursuant to Sections 4-103 and 6-603(B)(1).

The subject site is located within the boundaries of the Potomac West Small Area Plan which designates the subject site for uses associated with commercial operations common in the CL/Commercial Low and Mount Vernon Urban Overlay zones. It is also located within the Mount Vernon Avenue Business Area Plan's Historic Core area which recognizes the importance of restaurants, outdoor dining, and entertainment venues to create active and lively additions along the commercial corridor. Although the business plan envisioned redevelopment of the lot with a mixed-use infill project, the applicant's activation of the space satisfies its goals for street vitality and community gathering. Specifically, on page 31 the plan states:

*"Mt. Vernon Avenue could benefit from an establishment offering entertainment—whether it is a new establishment altogether or a re-theming of an existing restaurant. The Plan recommendations are designed to build on the existing market, promote independent retail businesses, and foster opportunities for continued market growth."*

On pages 75-76, the business plan also supports the application of shared parking programs and related strategies, akin to the approach proposed by the applicant for the use of parking spaces within 1,000 feet of the business.

## II. STAFF ANALYSIS

Staff recommends support of the after-the-fact requests to amend SUP #2022-00060 to allow outdoor dining seats over 49 and to allow bocce ball, sandbox, and off-leash dog park activities. As the expansion to 2207 Mount Vernon Avenue has been in operation for some time, it is easy to recognize that the outdoor area has become a beloved Del Ray community gathering spot, where individual neighbors and families catch up with each other and welcome new residents in a relaxing and low-key way. Residents attending the applicant's May 24 community meeting also described the outdoor business in just this way. The outdoor dining and the recreation and entertainment uses contribute to the community meeting place's success, providing moments to bond over food, drink, and fun, and all in support of the Mount Vernon Business Area Plan.

Given the present limitations for types of recreation and entertainment uses in the Mount Vernon Urban Overlay, however, City Council approval of ZTA #2024-00006 at its July 2 second reading of the implementation ordinance is necessary for the bocce ball court, sandbox, and dog park uses to be considered. Condition #37 notes that approval of the proposed uses is contingent on passage of the ZTA.

Although staff has not received complaints about the outdoor business impacts, staff has analyzed the potential for outdoor commercial activity impacts. Regarding noise, the closest three residents spoke in favor of the SUP requests at a recent Del Ray Land Use Committee. They pointed out that they hear no noise from the business, which could be attributable to the distance the activities

are from residences and the relatively early closing hour of 10 p.m., daily, (although Condition #27 allows until 11 p.m. on Friday and Saturday as carried forward from SUP #2022-00060). They are located approximately 50 feet, 100 feet and 175 feet away from the closest business activities – the service bar area and the bocce ball court. The off-leash dog park, which can be the most impactful of all the uses due to noise from barking, is located along the busy Mount Vernon Avenue frontage and the farthest from the residents at approximately 110, 130, and 210 feet away. Regardless, any noise potentially emanating from the dog park area would be mitigated through several conditions. The hours of operation are limited to 10 p.m., Sunday through Thursday and at 11 p.m. on Friday and Saturday, when the dog park may be in use, as stated in Condition #27. To reduce noise impacts related to barking, Condition #36 ensures that the employees and patrons closely monitor dog behavior through established guidelines. In concert with the Del Ray Land Use Committee suggestions mentioned at its May 28 meeting, the applicant has agreed to serve as the community liaison responsible for any business impacts, including noise, that may affect neighbors, and required in Condition # 35. Noise would be further minimized with the prohibition of outdoor live entertainment, noted in Condition #28.

Staff finds the arrangement for five off-site parking spaces at Madison Street Daycare a reasonable approach to meet the eight-space parking requirement. The daycare business has 17 spaces in its lot and an allowance for 12 spaces dedicated to the daycare would be sufficient to satisfy the Zoning Ordinance and the pick-up and drop off plan. Nevertheless, to allow the applicant flexibility, he may provide off-site parking at another location where he would have exclusive access to five parking spaces within 1,000 feet on commercially zoned property. The address of the off-site parking area would be included on the business website. All aspects of off-site parking for five vehicles are noted in Condition 34.

Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit request for outdoor dining and recreation and entertainment activities.

### III. RECOMMENDED CONDITIONS

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) (SUP2022-00035)
2. All patrons must leave the premises one hour after the closing hour. (P&Z) (SUP2022-00035)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP2022-00035)
4. **CONDITION DELETED BY STAFF AS STATE BUILDING CODE ADDRESSES:**  
~~The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z) (SUP2022-00035)~~

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, and on how to prevent underage sales of alcohol. (P&Z) (SUP2022-00035)
6. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP2022-00035)
7. On and off premises alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z) (SUP2022-00035)
8. Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z) (SUP2022-00035)
9. 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) (SUP2022-00035)
10. 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) (SUP2022-00035)
11. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z) (SUP2022-00035)
12. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z) (SUP2022-00035)
13. 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. (P&Z) (SUP2022-00035)
14. 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 Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (SUP2022-00035)
15. 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. (P&Z) (SUP2022-00035)
16. 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. (P&Z) (SUP2022-00035)
  17. 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. (P&Z) (SUP2022-00035)
  18. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2022-00035)
  19. The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP2022-00035)
  20. 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) (SUP2022-00035)
  21. 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) (SUP2022-00035)
  22. 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) (SUP2022-00035)
  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. (T&ES) (SUP2022-00035)
  24. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after it has been operational ~~for one year~~, and then again every three years for compliance with all conditions and may ~~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)~~ or 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 to offset land use impacts not addressed in the city code. (P&Z) (SUP2022-00060)~~

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) (SUP2022-00060)
26. **CONDITION AMENDED BY STAFF:** A maximum of ~~40~~ 104 seats for outdoor dining are permitted. ~~may be located at outdoor tables.~~ (P&Z) (SUP2022-00060)
27. **CONDITION AMENDED BY STAFF:** Outdoor dining shall be closed and cleared of all customers by 10:00 p.m., Sunday through Thursday, and by 11:00 p.m. on Friday and Saturday. Use of the off-leash dog play area is not permitted after the business closes for the day. (P&Z) (T&ES) (SUP2022-00060)
28. No live entertainment shall be permitted in the outdoor seating area. (P&Z) (SUP2022-00060)
29. Outdoor seating areas shall not include signage on outdoor dining furniture or enclosures, including on umbrellas. (P&Z) (SUP2022-00060)
30. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z) (SUP2022-00060)
31. **CONDITION DELETED AND MERGED WITH CONDITION #32:** ~~No outdoor wall-mounted loudspeakers are permitted (T&ES) (SUP2022-00060)~~
32. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building and n~~No~~ amplified sound shall be audible at the property line after 11:00 pm. (T&ES) (SUP2022-00060)
33. **CONDITION ADDED BY STAFF:** Storage of trash receptacles shall not block gated points of egress. (P&Z)
34. **CONDITION ADDED BY STAFF:** The applicant shall provide off-site parking for five vehicles within 1,000 feet of the business on commercially zoned property. The parking shall be available during the hours the outdoor area is open. Off-site parking space location(s) shall be posted on the business's website. (P&Z)
35. **CONDITION ADDED BY STAFF:** The applicant shall designate an employee as a community liaison to respond to property owners' questions and noise concerns. The contact phone number and email for the community liaison shall be provided to these property owners. (P&Z) (T&ES)
36. **CONDITION ADDED BY STAFF:** The applicant shall develop guidelines for

201 East Del Ray Avenue, 2207 and 2213 Mount Vernon Avenue

customers' use of the off-leash dog play area to include limitations on the number of dogs permitted in the dog park at any one time, patrons' responsibility for their dogs, and employee monitoring of noise generated by recurrent and excessive barking. The applicant shall ensure the dog park guidelines are followed. (T&ES)

37. **CONDITION ADDED BY STAFF:** The combined recreation and entertainment uses, as depicted in Figure 3 are permitted pending City Council approval of ZTA #2024-00006 on July 2, 2024. (P&Z)

**STAFF:** Tony LaColla, Division Chief, Land Use Services  
Ann Horowitz, Principal Planner  
Patrick Silva, Urban Planner

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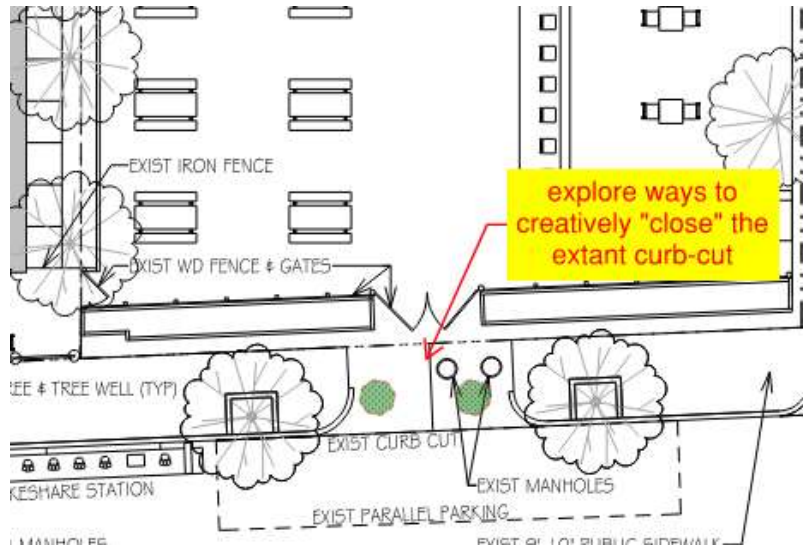
Staff Note: In accordance with Section 11-506(c) of the Zoning Ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

**IV. CITY DEPARTMENT COMMENTS**

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

Transportation & Environmental Services:

- F-1 TES/OEQ does not support a dog park/area next to residential. OEQ does not believe the Noise Code limits are achievable with the proposed dog park along the property line. If the proposed dog park is approved, T&ES recommends the R-1 to R-3:
- R-1 Use of the dog park is not permitted after the business closes for the day.
- R-2 The applicant shall designate an employee as a community liaison to respond to property owners' questions and noise concerns. The contact phone number and email for the community liaison shall be provided to these property owners.
- R-3 Applicant shall develop guidelines for customers' use of the dog park, which includes limitations on the number of dogs permitted in the dog park at any one time, patrons' responsibility for their dogs, and employee monitoring of noise generated by recurrent and excessive barking. The applicant shall ensure the dog park guidelines are followed.
- C-1 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). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP 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-DROW)
- 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. All uses must comply with the noise code, which requires noise to be less than 65 dB(A) at the property line from 7am – 11pm and less than 60 dB(A) from 11pm – 7am. (T&ES)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)
- S-1 Explore ways to creatively "close" the extant curb cut. This could be accomplished by something semi-permanent like a planter box; which could be moved/relocated should the space revert to parking again. (T&ES)



### Code Enforcement:

- C-1 A building permit was submitted and is pending on review.
- C-2 The second bathroom was built but needs approval through a plan review and inspection.
- C-3 For the outdoor fence doors, one was revised to swing out, but the other one is locked. I recommend the owner keep it open during business hours.
- C-4. The addition's roof was removed, leaving some columns, roof framing, and knee walls. This is not a fence as indicated in the permit application plans. They were built with combustible materials, which is different from the existing building's construction type (IIIB construction). A building permit is required for review.





Fire:

F-1 The fire department does not oppose an increase in occupant load, but more detail is required to assess this request.

C-1 A fire prevention permit will be required for this use (occupant load above 49 people):

Application can be accessed online at:  
[www.alexandriava.gov/fire-department/the-fire-marshals-office](http://www.alexandriava.gov/fire-department/the-fire-marshals-office).

C-2 Although it appears to be adequate, applicant shall provide an occupant load calculation based on the square footage of the outdoor area, seating and possible standing room customers to ensure that the additional seating and patrons do not exceed the maximum number of permitted occupants for the area.

- C-3 Calculation shall include seating calculation and occupant load based on number of tables and chairs, possible standing customers, and facility staff working in that area.
- C-4 Aisle widths, exit paths, and exit locations shall be included and clearly shown on scaled plan.
- C-5 Provide width of emergency egress/accessible gate.

Health:

- 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 4850 Mark Center Dr., 4<sup>th</sup> Floor 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- fee must be paid separate from any other departmental fees.
- 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 packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.
- C-8 Starting on 1/1/2023, The Virginia Department of Agriculture and Consumer Services (VDACS) is the point of contact for the following type of establishments: grocery stores, convenience stores, ice cream stores, wine shops, or bakeries. The divisions of Food Safety can offer further guidance. Please use the following contact information:

**VDAC's Food Safety Program**

804.786.3520

804.371.7792

[foodsafety@vdacs.virginia.gov](mailto:foodsafety@vdacs.virginia.gov)

- C-9 As the Environmental Health Division in Alexandria, VA, per [Sec. 11-2-3 of the Alexandria City Code](#), we adopt and enforce the FDA Food Code.

The [2022 FDA Food Code](#) states in [6-501.115 \(D\) Prohibiting Animals](#). that *If APPROVED by the REGULATORY AUTHORITY, FOOD ESTABLISHMENTS may allow pet dogs in outdoor dining areas.*

**ON-LEASH DOGS**

Regarding on-leash dogs, the applicant is required to submit an application to the Health Department for review and potential approval or denial regarding the allowance of on-leash dogs in the outdoor dining area of a food establishment. Please contact the Health Department for the application process. During the review, the Health Department will consider guidance provided at the State level:

[12VAC5-421-3310 \(B\) \(6\). Prohibiting animals](#) of the [Virginia Food Regulations](#) states the following:

*B. Live animals may be allowed in the following situations if the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles cannot result:*

*6. Dogs in outdoor dining areas if:*

*a. The outdoor dining area is not fully enclosed with floor to ceiling walls and is not considered a part of the interior physical facility;*

*b. The outdoor dining area is equipped with an entrance that is separate from the main entrance to the food establishment and the separate entrance serves as the sole means of entry for patrons accompanied by dogs;*

*c. A sign stating that dogs are allowed in the outdoor dining area is posted at each entrance to the outdoor dining area in such a manner as to be clearly observable by the public;*

*d. A sign within the outdoor dining area stating the requirements as specified in subdivisions 6 e, 6 f, and 6 g of this subsection is provided in such a manner as to be clearly observable by the public;*

*e. Food and water provided to dogs is served using equipment that is not used for service of food to persons or is served in single-use articles;*

*f. Dogs are not allowed on chairs, seats, benches, or tables;*

***g. Dogs are kept on a leash or within a pet carrier and under the control of an adult at all times; and***

*h. Establishment provides effective means for cleaning up dog vomitus and fecal matter.*

### **OFF-LEASH DOGS**

Regarding off-leash dogs, review at both the local and state level is mandatory prior to allowing off-leash dogs in outdoor dining areas of food establishments. The applicant is required to provide information to the Alexandria Health Department's Environmental Health Division for, which initiates a variance request at the local level and will result in either approval or denial. The following information must be included in the submission:

*The applicant shall submit to the Alexandria Health Department an explanation of the intended setup for having a section for off-leash dogs and a detailed drawing of the proposed area with respect to other areas of the facility (similar to or the same as a blueprint).*

*The applicant shall also provide in the submission the nature and duration of the request, any relevant analytical results, statements or evidence which establishes that the public health, welfare and environment would not be adversely affected by the request, suggested conditions that might be imposed that would limit the detrimental impact on the public health and welfare (e.g. safety precautions), and any other information believed pertinent by the applicant. We will then review the information and provide a response and/or offer additional guidance.*

After conducting a local review of the submitted documents, the Alexandria Health Department's Environmental Health Division will forward the information for final review at the state level, which will result in either approval or denial.

#### **Parks and Recreation:**

No comments received.

#### **Police Department:**

No comments received.



# APPLICATION SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** 2024-00033

**PROPERTY LOCATION:** 2207 & 2213 Mount Vernon Ave

**TAX MAP REFERENCE:** 034.02-12-02 & 034.02-12-01 **ZONE:** CL

**APPLICANT:**

Name: Abderrahim (Rayan) Moussaif

Address: 2207 & 2213 Mount Vernon Ave Alexandria VA 22301

**PROPOSED USE:** Outdoor dining with over 49 seats.

- THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
- THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.
- THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
- THE UNDERSIGNED, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Abderrahim Moussaif  
 Print Name of Applicant or Agent

1216 South Monroe Street  
 Mailing/Street Address

Arlington VA                      22204  
 City and State                              Zip Code

*Rayan*                                      4/18/2024  
 Signature    Date

703-853-6071                      N/A  
 Telephone #    Fax #

rayanmoussaif9@gmail.com  
 Email address

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 2207 & 2213 Mount Vernon Ave, I hereby

(Property Address)

grant the applicant authorization to apply for the extension of outdoor dining to Lot at 2207 Mount Vernon Ave use as

(use)

described in this application.

Name: Abderrahim Moussaif

Phone: 703-853-6071

Please Print

Address: 1216 South Monroe Street Arlington VA 22204

Email: rayanmoussaif9@gmail.com

Signature: 

Date: 4/18/2024

- 1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

**Required floor plan and plot/site plan attached.**

**Requesting a waiver. See attached written request.**

- 2. The applicant is the (check one):

Owner

Contract Purchaser

Lessee or

Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent.

Gostov Boulangerie & Brasserie (2213 Mount Vernon Ave) - Abderrahim Moussaif - Registered Agent of the Stock Corporation (File#11354888)

1216 South Monroe Street

Arlington VA 22204

The Moussaif Holding Company (2207 Mount Vernon Ave Lot) - Abderrahim Moussaif - Registered Agent of the Limited Liability Company (File#S8284491)

1216 South Monroe Street

Arlington VA 22204

## OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Abderrahim (Rayan)Moussaif	1216 South Monroe Street, Arlington, Virginia 22204	N/A Individual
2.		
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 2207 & 2213 Mt. Vernon Ave., Alexandria, Virginia (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. See attached Supplemental Sheet		
2.		
3.		

**3. Business or Financial Relationships.** Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require to disclose **any** business or financial relationship, as defined by [Section 11-350 of the Zoning Ordinance](#), existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Abderrahim (Rayan)Moussaif	None	
2. MHC	None	
3. GBB	None	

**NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filling of this application and before each public hearing must be disclosed prior to the public hearings.**

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

5 9 24

Duncan W. Blair, Attorney/Agent



Date

Printed Name

Signature

## **Ownership and Disclosure Statement**

### **Part 2 Property Owner**

#### **2207 Mt. Vernon Ave., Alexandria, Virginia**

The Moussaif Holding Company, a Virginia limited liability company (“MHC”) **100%**  
1216 South Monroe Street, Arlington, Virginia 22204

Abderrahim (Rayan) Moussaif **100% of MHC**  
1216 South Monroe Street, Arlington, Virginia 22204

#### **2213 Mt. Vernon Ave., Alexandria, Virginia**

Gostov Boulangerie & Brasserie (“GBB”) **100% of GBB**  
1216 South Monroe Street, Arlington, Virginia 22204

Abderrahim (Rayan) Moussaif **100% of GBB**  
1216 South Monroe Street, Arlington, Virginia 22204



If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

**Yes.** Provide proof of current City business license

**No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

## **NARRATIVE DESCRIPTION**

**3.** The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

For both Alexandria residents and visitors alike, the restaurant 'Gostov Boulangerie & Brasserie', located at 2213 Mount Vernon Ave, has become a favorite  
community-oriented destination in the heart of Del Ray. As such, the Applicant has  
been approached by numerous residents of both Del Ray and Alexandria who have  
uniformly expressed a strong desire for the expansion of outdoor dining to include the  
use of the Applicant's existing lot at 2207 Mount Vernon Ave, located next door to  
Gostov's. To meet this desire, the Applicant is seeking approval, through the SUP  
process, for additional seating to provide an outdoor family-friendly environment, within  
the confines of both 2213 & 2207 Mount Vernon Ave, to foster the very sense of  
community which Alexandrians desire.

Gostov's was permitted under BLDC2022-00271, approved for 54 indoor occupants  
under SUP2022-00035, and approved for 40 outdoor dining seats under  
SUP2022-00060 as a Minor Amendment to SUP2022-00035. Under this SUP, the  
Applicant is seeking a total of 150 occupants across both properties: 54 indoor  
occupants and 10 outdoor dining seats at 2213 Mount Vernon Ave, and; 86 outdoor  
dining seats at 2207 Mount Vernon Ave.

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## USE CHARACTERISTICS

4. The proposed special use permit request is for (*check one*):

- a new use requiring a special use permit,  
 an expansion or change to an existing use without a special use permit,  
 an expansion or change to an existing use with a special use permit,  
 other. Please describe: \_\_\_\_\_

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect?

Specify time period (i.e., day, hour, or shift).

Patron capacity across both 2213 & 2207 Mount Vernon Ave properties is not expected to exceed 150 persons at any given time during hours of operation: Monday - Sunday, 7:00am - 10:00pm daily.

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

Two to four full-time employees will be on site during hours of operation: Monday - Sunday, 7:00am - 10:00pm daily.

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Monday - Sunday

Hours:

7:00am - 10:00pm

7. Please describe any potential noise emanating from the proposed use.

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

There is no noise impact anticipated from mechanical equipment. Outdoor patron noise shall be confined to the current hours of operation as approved under SUP2022-00060.

B. How will the noise be controlled?

Patron noise is not expected to exceed the decibel standard for commercial use as outlined in the Revised Noise Ordinance in Effect as of Jan 1, 2022 for sustained periods of time during the approved hours of operation. Per SUP2022-00060, the Applicant shall continue to adhere to #28 - Condition Added By Staff, acknowledging that live outdoor entertainment is prohibited so as not to generate nuisance noise.

8. Describe any potential odors emanating from the proposed use and plans to control them:

No odors are anticipated as a result of outdoor dining.

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9. Please provide information regarding trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)  
Trash consists of yard debris and recyclable waste (cardboard, paper and plastic). Garbage consists of food waste, napkins, disposable beverage containers, and food wrappers.

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B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

~~An average of three bags of trash and garbage are expected daily.~~

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C. How often will trash be collected?

Trash collection takes place weekly.

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D. How will you prevent littering on the property, streets and nearby properties?

Patrons have direct access to trash receptacles inside the restaurant and within the perimeter of both properties, and employees perform routine trash collection during each shift. An existing City-provided trash receptacle is located on the public sidewalk in immediate proximity to 2213 Mount Vernon Ave.

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10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes.

No.

If yes, provide the name, monthly quantity, and specific disposal method below:

N/A

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**11.** Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes.       No.

If yes, provide the name, monthly quantity, and specific disposal method below:

N/A

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**12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons?

No known chemical impact on nearby residents, employees or patrons is expected as a result of the proposed outdoor dining use.

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## **ALCOHOL SALES**

**13.**

A. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes       No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

The ABC license is posted in Gostov Boulangerie & Brasserie at 2213 Mount Vernon Ave, and includes on- and off-premises sales.

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## PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

3 Standard spaces  
           Compact spaces  
           Handicapped accessible spaces.  
           Other.

Planning and Zoning Staff Only
Required number of spaces for use per Zoning Ordinance Section 8-200A <u>          </u>
Does the application meet the requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No

B. Where is required parking located? (*check one*)

on-site  
 off-site

If the required parking will be located off-site, where will it be located?

Spaces are provided at E Oxford Ave parking lot <500' from Gostov's.

**PLEASE NOTE:** Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

**Parking reduction requested; see attached supplemental form**

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are available for the use? 0

Planning and Zoning Staff Only
Required number of loading spaces for use per Zoning Ordinance Section 8-200 <u>          </u>
Does the application meet the requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No

B. Where are off-street loading facilities located? N/A - On-street loading is permitted within the City's Enhanced Transit Area.

C. During what hours of the day do you expect loading/unloading operations to occur?  
Loading/unloading operations will occur between 7:00am and 6:00pm.

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?  
Loading/unloading operations are expected 1-5 times daily except on Sundays.

**16.** Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

The properties located at 2213 & 2207 Mount Vernon Ave are located within the City's Enhanced Transit Area and require no street improvements.

## **SITE CHARACTERISTICS**

**17.** Will the proposed uses be located in an existing building?  Yes  No

Do you propose to construct an addition to the building?  Yes  No

How large will the addition be? N/A square feet.

**18.** What will the total area occupied by the proposed use be?

5,677 sq. ft. (existing) + 8,659 sq. ft. (addition if any) = 14,336 sq. ft. (total)

**19.** The proposed use is located in: *(check one)*

a stand alone building

a house located in a residential zone

a warehouse

a shopping center. Please provide name of the center: \_\_\_\_\_

an office building. Please provide name of the building: \_\_\_\_\_

other. Please describe: Proposed use involves expansion of outdoor dining in the Applicant-owned lot next door in CL zone.

## **End of Application**



## Department of Planning & Zoning Special Use Permit Application Checklist

### Supplemental application for the following uses:

- Automobile Oriented
- Parking Reduction
- Signs
- Substandard Lot
- Lot modifications requested with SUP use

### Interior Floor Plan

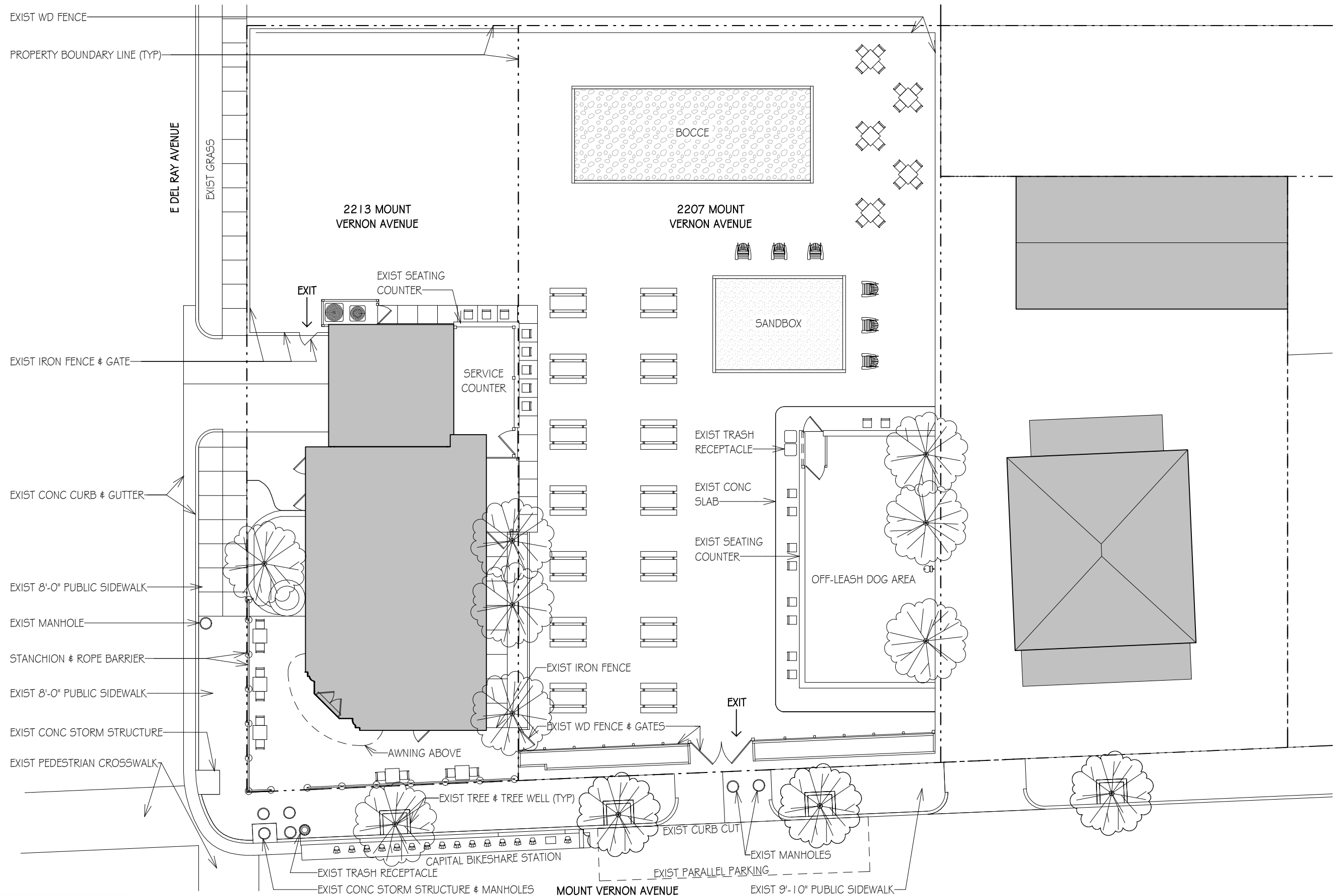
- Include labels to indicate the use of the space (doors, windows, seats, tables, counters, equipment)

### If Applicable

- Plan for outdoor uses

### Contextual site image

- Show subject site, on-site parking area, surrounding buildings, cross streets



**Cole&DennyArchitects**

333 North Fairfax Street  
Alexandria, VA 22314

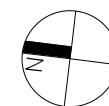
703.684.5994  
coleanddenny.com

# Outdoor Dining Plan with Accessory Uses

Gostov Boulangerie & Brasserie Toilet Room Fit-Out  
2213 & 2207 Mount Vernon Avenue  
Alexandria, VA 22301

**SUP Amendment**

**SK-2**



SCALE: 1/16" = 1'-0"  
0' 10' 20' 30'

18001.06A

DATE: 5/9/2024



