



DOCKET ITEM #7
Special Use Permit #2015-0056
2216 Mount Vernon Avenue

Application	General Data	
Public hearing and consideration of a request for an amendment to existing Special Use Permit #2014-0033 to allow for restaurant seating and dining in the second floor	Planning Commission Hearing:	October 6, 2015
	City Council Hearing:	October 17, 2015
Address: 2216-2218 Mount Vernon Avenue	Zone:	CL/Commercial Low and Mount Vernon Avenue Urban Overlay
Applicant: Del Ray Pizzeria LLC	Small Area Plan:	Potomac West

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Alex Dambach, AICP alex.dambach@alexandriava.gov

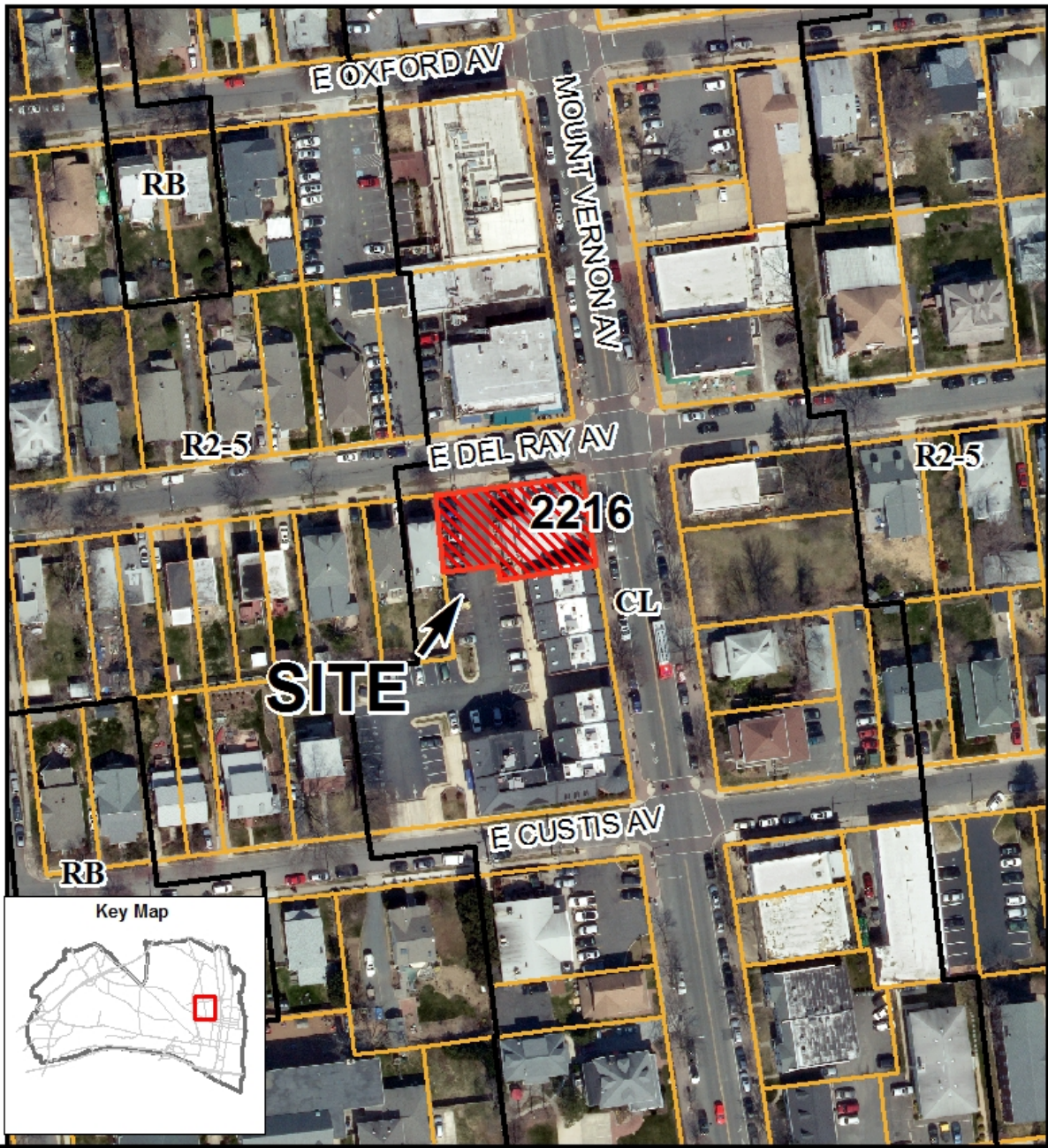
PLANNING COMMISSION ACTION, SEPTEMBER 1, 2015:

On a motion by Commissioner Dunn, seconded by Commissioner Koenig, the Planning Commission voted to defer this Special Use Permit application.

Reason: The Commission requests that staff look at the entire restaurant operation and examine combining conditions and operational considerations for the entire establishment.

Speakers:

Eric Dorn, the applicant, spoke in favor of the application.



SUP #2015-0056
2216 Mount Vernon Avenue



I. DISCUSSION

The applicant, Del Ray Pizzeria LLC, requests a Special Use Permit amendment to its existing Special Use Permit #2014-0033 to allow for restaurant seating and dining in the second floor at 2216-2218 Mount Vernon Avenue.

SITE DESCRIPTION

The subject site is a 3,300 square-foot, two story commercial building on one lot of record with 62 feet of frontage on Mount Vernon Avenue, 103 feet of frontage on East Del Ray Avenue, and a total lot area of approximately 6,400 square feet. A surface parking lot, accessed from East Del Ray Avenue is located on the property immediately behind the building. The surrounding area features commercial uses, including restaurants, retail shops, and personal service uses. Beyond the commercial uses on Mount Vernon Avenue are townhouses and one and two-family dwellings in the Del Ray neighborhood.



BACKGROUND

The restaurant was first approved by Administrative special use permit in January 2010 (SUP#2009-0060) and opened for business in the fall of 2010. The building and site were part of a site plan (SIT#87-0032) approved in 1989 for the construction of the Potomac Town Square office complex on the lot to the south and for site improvements to the subject property. Staff found several violations of SUP conditions in December 2011, including unapproved indoor seats. The applicant subsequently addressed the violations by either directly correcting them or applying for SUP approval. In June 2012, City Council approved SUP#2011-0087 to increase seating on the first floor and outdoor dining areas from a combined 44 seats to 92 seats (72 seats indoors and 20 outdoors). That SUP approval also included a parking reduction and the creation of a 2nd floor dining room with an additional 30 seats for parties and special events on a reservation basis only. In April 2014, staff inspected the site for compliance with all conditions of SUP#2011-0087. It found that the SUP certificate was not posted at the site, that the required bike racks and trash cans were not installed, and that the applicant was only apparently offering four off-street parking spaces for special events on the second level of the restaurant instead of the required 10. The applicant subsequently corrected these violations. In 2014, the applicant received two amendments (SUP#2014-0033) to its existing Special Use Permit approval to allow for the addition of a 272 square-foot second-level balcony on the front side of the building and to allow

for off-premises alcohol sales in the form of growlers. Early in 2015, staff was notified that the second floor was being used for regular restaurant service instead of for special events. Staff took enforcement action, and the applicant subsequently applied for SUP approval seeking to use the second level for regular restaurant purposes.

PROPOSAL

The applicant seeks an amendment to Condition #2 of its current SUP approval so that the second floor, and its 30 seats, can be used as regular restaurant dining space instead of as a reservation only special event space. The 30 second floor seats would be added to the 72 indoor seats on the first floor and the 20 outdoor seats on the site for use as restaurant dining. This would bring the seating count to a total of 122. Throughout this establishment's approval history, the applicant had represented that the second floor space was to be used only for special events where the room would be rented out in its entirety to private groups for parties and gatherings. When the 2nd floor expansion was approved in 2011, the language in Condition # 2 was amended to state that "the second-level seats shall be available on a reservation-only basis, must be accompanied by 10 off-street parking vouchers or spaces, and shall not be used as overflow seating associated with the normal operation of the restaurant." Subsequently, the applicant started using the second floor as a restaurant dining space to be open to the public under the name "DRP Reserve," and it became open to the general public for restaurant dining on a reservation-only basis. DRP Reserve uses the main kitchen of Del Ray Pizzeria and a warming kitchen on the second floor for food preparation. The second floor concept has a separate menu and entrance. Now the applicant seeks to amend Condition #2 of its SUP approval to clearly allow for the 2nd floor to be used for general restaurant dining and to remove the restriction requiring reservation seating.

The concept for the second floor is for the restaurant to serve fine-dining cuisine with a menu that the chef changes each week. There would also be themed dining events. It would operate only for dinner service on weeknights with its hours limited to after 5 p.m. On weekends, it would also serve meals throughout the day. The first floor would operate with casual full-service dining. The applicant has not requested any amendments to its approval granted in 2014 permitting a second floor patio. Therefore, no additional seating would be permitted for the patio area. It would be possible, however, for some of the existing 30 second floor seats to be moved out to the patio when necessary.

Details of the applicant's existing and proposed operation are as follows:

Hours of Operation:

First Floor (Del Ray Pizzeria):

6 a.m. – 11 p.m. Sunday-Thursday

6 a.m. – 12 midnight Friday & Saturday

Second Floor (DRP Reserve):

5 p.m. – 11 p.m. Monday-Thursday

5 p.m. – 12 midnight Friday

6 a.m. – 12 midnight Saturday

Number of Seats: 72 indoor seats
30 second-level
20 outdoor seats
122 total seats

Type of Service: Table and carry-out service

Alcohol Sales: On-premises and off-premises (growler fills only) service

Delivery: No delivery service of food to customers

Live Entertainment: No live entertainment is requested, though limited live entertainment is permitted in current SUP. Several large screen televisions are also located inside the restaurant.

PARKING

According to Section 8-200(A)(8) of the Zoning Ordinance, one off-street parking space is required for every four restaurant seats. Section 6-604(B) exempts the first 20 outdoor dining seats from the ordinary restaurant parking requirement. The restaurant, with a total of 102 indoor seats (including the 30 second-level seats) and 20 outdoor seats, ordinarily would be required to provide 26 off-street parking spaces. The applicant partially satisfies this requirement with the provision of nine off-street parking spaces to the rear of the restaurant. The prior SUP approval (SUP32011-0087) included a 17-space parking reduction on the condition that the applicant to provide 10 off-street parking spaces (vouchers) when the 30 second-level seats are in use. The applicant proposes to continue to use that same parking arrangement with the current proposal. The applicant has made arrangements to provide parking vouchers for the parking facility at 2401 Mount Vernon Avenue, and the manager of that parking lot has provided written assurance that there would be at least 10 spaces available to patrons during the 2nd floor's operating hours. The applicant purchases vouchers for patrons in "books" of 300 vouchers at a time and provides them to diners. In addition, the applicant owns the parking lot at Del Ray Variety Store at 203 Custis Avenue, which is 1 block away and has parking spaces that can informally be used by restaurant patrons in the evening, after 7 p.m., when the store and other businesses that use that parking are closed.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CL / Commercial Low zone and is located within the Mount Vernon Urban Overlay Zone. Section 4-103(M) of the Zoning Ordinance allows restaurants in the CL zone with a Special Use Permit, unless eligible for administrative approval. This proposal has been brought forward as a full hearing case because the restaurant has more than 100 seats and features off-premises alcohol sales and is thus not eligible for administrative approval. The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff supports the applicant's request to convert the second floor from a special event space into a regular restaurant dining area. The anticipated level of activity with restaurant service is generally similar to that expected with special event space. The request is unlikely to create negative impacts given that its scope is limited to 30 seats. They would now be allowed to be used by dining patrons if approved. It is also unlikely that the proposal would have a negative impact on neighborhood parking given that the seat count will remain the same, and the applicant provides parking vouchers to a nearby parking lot. Accordingly, staff recommends an amendment to Condition #2 to allow for the second floor to be used for restaurant seating, but with the continuation of the existing requirement that the applicant provide the aforementioned 10 off-street parking spaces when the second floor is operational. Staff also believes the potential for nuisance noises from the use of the second floor as restaurant space would be low. Staff continues to recommend a prohibition on live entertainment from occurring on the balcony in Condition #9. Staff recommends approval of the Special Use Permit request.

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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2009-0060)
2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats on the first floor of the restaurant shall be 72. The maximum number of seats on the second floor of the restaurant shall be 30, and may be located either inside or on the balcony. The second-level seats ~~shall be available on a reservation-only basis,~~ must be accompanied by 10 off-street parking vouchers or spaces **provided and made available during all times the second floor is open for business,** ~~and shall not be used as overflow seating associated with the normal operation of the restaurant.~~ (P&Z)
3. The hours during which the business is open to the public shall be restricted to between 6:00am and 11:00pm Sunday-Thursday and from 6:00am until 12:00 midnight Fridays and Saturdays. Meals ordered before 11 p.m. Sunday-Thursday or 12 midnight Friday and Saturday may be served, but no new patrons may be admitted after 11 p.m. Sunday-Thursday or 12 midnight Friday and Saturday and no new alcohol may be served, and all patrons must leave by 12 midnight Sunday-Thursday and 1 a.m. Friday and Saturday. The closing hour for indoor seating may be otherwise extended to midnight Sunday-Thursday four times per year for special events. (P&Z)
4. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2009-0060)
5. Condition deleted.

6. The maximum number of ground-level outdoor seats at the restaurant shall not exceed 20 and are permitted in addition to the indoor seats. Outdoor seating areas shall not include advertising signage, including on umbrellas. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z)(PC)
7. 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#2009-0060)
8. No delivery service shall operate from the restaurant. (P&Z)
9. Limited live entertainment may be permitted inside the restaurant, but no live entertainment shall be allowed in the ground-level outdoor dining area or on the second level balcony. 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) (T&ES) (SUP#2009-0060)
10. On-premises alcohol service may be permitted, consistent with a valid Virginia ABC license. The sale of off-premises alcohol, only through the use of growlers or other containers measuring at least 64 fluid ounces, may be permitted. (P&Z)
11. The facility shall obtain all required state, federal, and local licenses and certificates prior to opening its place of business. (P&Z) (SUP#2009-0060)
12. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP#2009-0060)
13. Condition deleted by staff (See Condition #3).
14. The Special Use Permit shall be displayed in a conspicuous and publicly accessible place. A certificate provided by the city shall inform the public of its right to examine the list of conditions associated with the permit. A copy of the list of conditions with the permit shall be kept on the premises and made available for examination by the public upon request. (P&Z) (SUP#2009-0060)
15. No food, beverages, or other material may be stored outside. (P&Z) (SUP#2009-0060)
16. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP#2009-0060)

17. The applicant shall maintain the building façade consistent with the Design Guidelines of the Mt. Vernon Avenue Business Area Plan to the satisfaction of the Director of Planning & Zoning. The size and location of the second-level balcony shall be consistent with plans and renderings submitted as part of this application to the satisfaction of the Director. (P&Z) (PC)
18. 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#2009-0060)
19. Condition satisfied and deleted by staff.
20. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2009-0060)
21. 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#2009-0060)
22. All loudspeakers shall be prohibited from the exterior of the building, including the new second story porch, and no amplified sounds shall be audible at the property line. (T&ES)
23. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. Vehicles delivering supplies to the restaurant shall only park, load, unload, or stand in an on-street loading zone approved by the Traffic and Parking Board. (T&ES)(P&Z)(PC)
24. The applicant shall require its employees who drive to use off-street parking and provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall post DASH and Metrobus schedules on-site for employees. The applicant shall also provide information about alternative forms of transportation to access the location of the restaurant, including but not limited to print and electronic promotional materials, posting on the restaurant website, and other similar methods. (P&Z) (T&ES) (SUP#2009-0060)
25. The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (P&Z) (SUP#2009-0060)
26. The applicant shall participate in a shared parking program at such time that a shared parking program is adopted by City Council. (T&ES) (SUP#2009-0060)
27. Condition deleted.

28. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for the business and robbery readiness training for all employees. (Police) (SUP#2009-0060)
29. The Director of Planning and Zoning shall review the Special Use Permit six months after approval, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as 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)
30. Condition deleted by staff (See Condition #2).

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

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:

- R-1 Limited live entertainment may be permitted inside the restaurant, but no live entertainment shall be allowed in the ground-level outdoor dining area or on the second level balcony. 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) (T&ES) (SUP#2009-0060)
- R-2 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2009-0060)
- R-3 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#2009-0060)

- R-4 All loudspeakers shall be prohibited from the exterior of the building, including the new second story porch, and no amplified sounds shall be audible at the property line. (T&ES)
- R-5 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. Vehicles delivering supplies to the restaurant shall only park, load, unload, or stand in an on-street loading zone approved by the Traffic and Parking Board. (T&ES)(P&Z)(PC)

Code Enforcement:

No comments received.

Fire:

F-1 No comments or concerns.

Health:

No comments received.

Parks and Recreation:

No comments received.

Police Department:

No comments received.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2015-0056

PROPERTY LOCATION: 2216 Mount Vernon Avenue, Alexandria, Virginia

TAX MAP REFERENCE: 34.02-11-11

ZONE: Commercial Low (CL) & Mt Vernon Overlay

APPLICANT:

Name: Del Ray Pizzeria, LLC

Address: 2216 Mt Vernon Avenue, Alexandria, Virginia

PROPOSED USE: Amendment to Special Use Permit #2011-0087 to allow second floor of restaurant to be used at any time without reservations.

☒ **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.

Erik Dorn

Print Name of Applicant or Agent

2216 Mt Vernon Avenue

Mailing/Street Address

Alexandria, VA

City and State

22301

Zip Code

Erik Dorn

Signature 571-969-9699

703-549-2999

Telephone #

delrayshops@gmail.com

Email address

5/14/15

Date

Fax #

ACTION-PLANNING COMMISSION: _____ **DATE:** _____

ACTION-CITY COUNCIL: _____ **DATE:** _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 2216 Mt Vernon Ave, I hereby
 (Property Address)
 grant the applicant authorization to apply for the amendment to special use permit use as
 (use)
 described in this application.

Name: MVA Properties, LLC by Erik Dorn, ManagerPhone: 703-549-2999
 Please Print
 Address: 2216 Mt Vernon Ave, Alexandria, VA 22301
Email: delrayshops@gmail.comSignature: Erik DornDate: 5/14/15

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 ten percent.

Del Ray Pizzeria LLC is a Virginia limited liability company. The members of the company owning in excess of a ten (10%) interest are Erik Dorn and James Mallon c/o 2216 Mt. Vernon Ave, Alexandria, VA 22301

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 ten 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 Del Ray Pizzeria LLC	2218 Mt Vernon Ave	100%
² Erik Dorn	1200 Chadwick Ave	50%
³ James Mallon	4130 Lawrence Ave Alex. VA 22304	50%

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 2216 Mt Vernon Avenue, Alexandria, Virginia (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten 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.

MVA Properties LLC

Name	Address	Percent of Ownership
¹ Erik Dorn	1200 Chadwick Ave	45%
² Michael Southard	102 Cahill Dr. Alex. VA	25%
³ Dana Lawhorne Tim Gleeson	2216 Mt Vernon Ave, Alexandria, VA 22301	15% 15%

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 required 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 indicate 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 Dana Lawhorne	\$50 contribution to Del Pepper for City Council	Planning Comm and City Council
² James Mallon Michael Southard	None None	" "
³ Erik Dorn Tim Gleeson	None None	" "

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing 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.

5/19/15
Date

Erik Dorn
Printed Name

Erik Dorn
Signature

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.)

2014-0033 ER

Del Ray Pizzeria, LLC a Virginia limited liability company ("DRP") trading as Del Ray Pizzeria, is requesting an amendment to SUP #~~2014-0087~~ to allow the second floor 30 seat restaurant space to be used at any time without the requirement for reservation seating for special events. DRP is not requesting any additional seats beyond the thirty (30) seats already permitted on the second floor of the restaurant.

Currently the restaurant has 102 indoor seats (30 of which are on the 2nd floor and used by reservation only)

The upstairs space will have a limited menu that will change weekly by the chef. It is a changing menu with steak, seafood + chicken

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).

The applicant estimates the restaurant serves about 150 diners per day. Patrons will consist primarily of nearby residents.

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

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

The restaurant employs twenty five (25) full time and eight (8) part time employees

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

Day:

sunday-thursday

Hours:

6am to 11pm

Friday-saturday

6am to 12am

7. Please describe any potential noise emanating from the proposed use.**A.** Describe the noise levels anticipated from all mechanical equipment and patrons.

It is not anticipated that noise levels will exceed permitted levels under the Alexandria City Code.

B. How will the noise be controlled?

It is not anticipated that patron noise will be a source of complaints; as such, no extraordinary noise mitigation and control measure are warranted.

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

It is not anticipated that offensive odors will emanate from the use of the
~~property as a restaurant.~~

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)
 The type and volume of trash and garbage generated by the restaurant will be mainly refuse from
 products received and from general restaurant operations.

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per
 week)
~~The restaurant will generate about a half dumpster full of garbage per day.~~

C. How often will trash be collected?
 Trash is collected seven (7) days per week.

D. How will you prevent littering on the property, streets and nearby properties?
 Litter is not an anticipated problem, however staff will self police the sidewalks
 and area around the restaurant.

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:

small quantities of organic compounds, generally recognized to be appropriate for use by
 restaurants in the operation of the business, will be stored, used as solvents, and disposed of in
 accordance with applicable regulations.

- 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:

small quantities of organic compounds, generally recognized to be appropriate for use by restaurants in the operation of the business, will be stored, used as solvents, and disposed of in accordance with applicable regulations.

- 12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons? The location in the central business district and the proposed hours of operations should provide a safe environment for its patrons and staff. It is not anticipated that extraordinary security measures will be required.
-
-

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.

On premise consumption of beer, wine and spirits, and the sale of beer for off premise consumption in growlers.

PARKING AND ACCESS REQUIREMENTS

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

9 Standard spaces on site with 10 off site spaces located
 Compact spaces at Del Ray Variety 203 Custis Ave
 Handicapped accessible spaces. and voucher parking spaces at 2401
 Other. Mt Vernon Ave. after 5 PM M-F
 and Saturday + Sunday
 Note SUP # 2011-0097 approved parking reduction

Planning and Zoning Staff Only Required number of spaces for use per Zoning Ordinance Section 8-200A _____ 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?

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? None

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

- B. Where are off-street loading facilities located? Not applicable
- C. During what hours of the day do you expect loading/unloading operations to occur?
Pursuant to SUP #2011-0087 condition 23, deliveries shall not occur between the hours of 11pm and 7am.
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
The restaurant anticipates about Eight (8) deliveries per week
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?
Existing street access is adequate.

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? _____ square feet.
18. What will the total area occupied by the proposed use be?
3,572 sq. ft. (existing) + 0 sq. ft. (addition if any) = 3,572 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: _____

End of Application

SUP # 2015-0056

Admin Use Permit #



SUPPLEMENTAL APPLICATION

RESTAURANT

All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

1. How many seats are proposed?

Indoors: 102

Outdoors: 20

Total number proposed: 122

2. Will the restaurant offer any of the following?

Alcoholic beverages (**SUP only**)

☒

Yes

☐ No

Beer and wine — on-premises

☒

Yes

☐ No

Beer and wine — off-premises

☒

Yes

☐ No

3. Please describe the type of food that will be served:

Please see attached menus.

4. The restaurant will offer the following service (check items that apply):

☒

table service

☒

bar

☒

carry-out

☐ delivery

5. If delivery service is proposed, how many vehicles do you anticipate? NA

Will delivery drivers use their own vehicles?

☐ Yes

☐ No

Where will delivery vehicles be parked when not in use?

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?

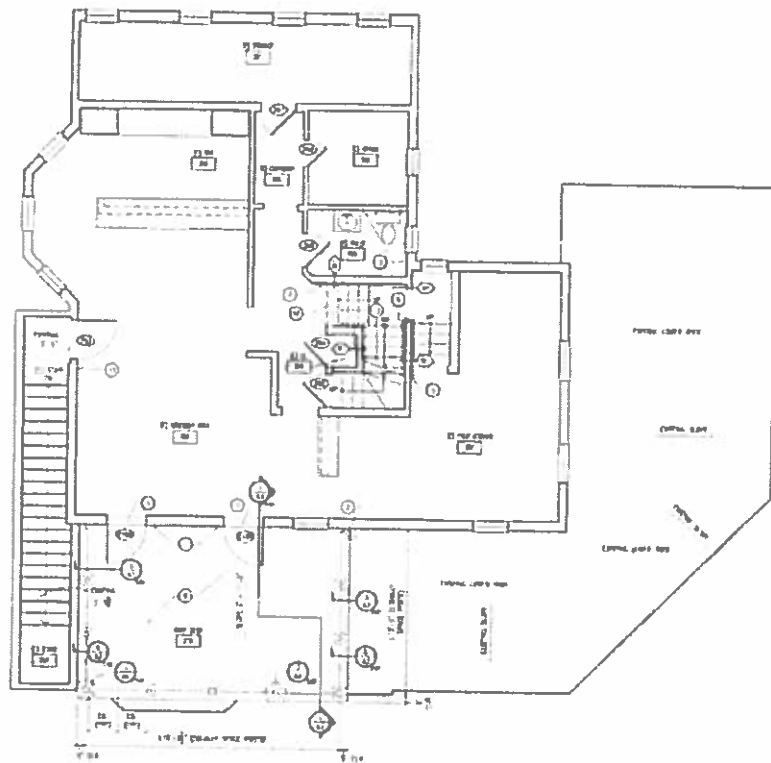
☒

Yes

☐ No

If yes, please describe:

There are 9 large screen televisions

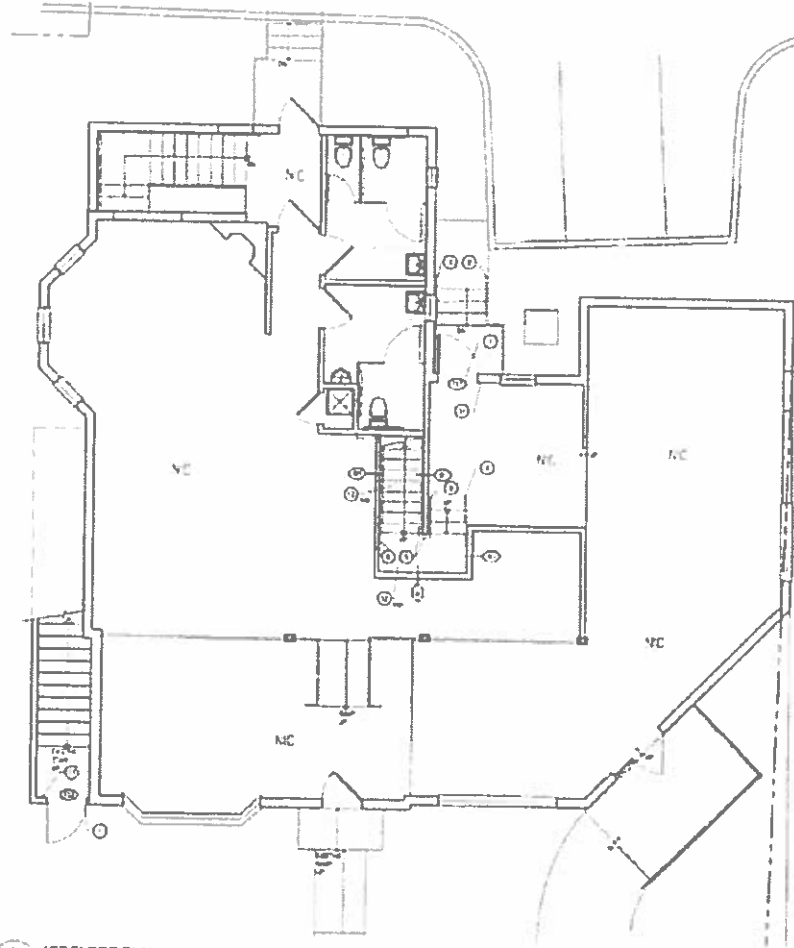


2ND FLOOR PLAN
A2

DOOR SCHEDULE			
NO.	SIZE	LOCATION	REMARKS
100	3' 0" x 7' 0"	100	DOOR TO STAIRS FROM HALL - 100
101	3' 0" x 7' 0"	101	DOOR TO STAIRS FROM HALL - 101
102	3' 0" x 7' 0"	102	DOOR TO STAIRS FROM HALL - 102
103	3' 0" x 7' 0"	103	DOOR TO STAIRS FROM HALL - 103
104	3' 0" x 7' 0"	104	DOOR TO STAIRS FROM HALL - 104
105	3' 0" x 7' 0"	105	DOOR TO STAIRS FROM HALL - 105
106	3' 0" x 7' 0"	106	DOOR TO STAIRS FROM HALL - 106
107	3' 0" x 7' 0"	107	DOOR TO STAIRS FROM HALL - 107
108	3' 0" x 7' 0"	108	DOOR TO STAIRS FROM HALL - 108
109	3' 0" x 7' 0"	109	DOOR TO STAIRS FROM HALL - 109
110	3' 0" x 7' 0"	110	DOOR TO STAIRS FROM HALL - 110

REMARKS:

- DOOR TO STAIRS FROM HALL - 100
- DOOR TO STAIRS FROM HALL - 101
- DOOR TO STAIRS FROM HALL - 102
- DOOR TO STAIRS FROM HALL - 103
- DOOR TO STAIRS FROM HALL - 104
- DOOR TO STAIRS FROM HALL - 105
- DOOR TO STAIRS FROM HALL - 106
- DOOR TO STAIRS FROM HALL - 107
- DOOR TO STAIRS FROM HALL - 108
- DOOR TO STAIRS FROM HALL - 109
- DOOR TO STAIRS FROM HALL - 110



1ST FLOOR PLAN
A2

GENERAL FLOOR PLAN NOTES

- ALL FLOOR FINISHES TO BE AS SHOWN ON PLAN.
- ALL WALL FINISHES TO BE AS SHOWN ON PLAN.
- ALL CEILING FINISHES TO BE AS SHOWN ON PLAN.
- ALL DOOR FINISHES TO BE AS SHOWN ON PLAN.
- ALL WINDOW FINISHES TO BE AS SHOWN ON PLAN.
- ALL STAIR FINISHES TO BE AS SHOWN ON PLAN.
- ALL ELEVATOR FINISHES TO BE AS SHOWN ON PLAN.
- ALL BATH FINISHES TO BE AS SHOWN ON PLAN.
- ALL KITCHEN FINISHES TO BE AS SHOWN ON PLAN.
- ALL LIVING FINISHES TO BE AS SHOWN ON PLAN.
- ALL BEDROOM FINISHES TO BE AS SHOWN ON PLAN.
- ALL OFFICE FINISHES TO BE AS SHOWN ON PLAN.
- ALL STORAGE FINISHES TO BE AS SHOWN ON PLAN.
- ALL ENTRY FINISHES TO BE AS SHOWN ON PLAN.
- ALL CORRIDOR FINISHES TO BE AS SHOWN ON PLAN.

FLOOR PLAN KEYNOTES

- DOOR TO STAIRS FROM HALL - 100
- DOOR TO STAIRS FROM HALL - 101
- DOOR TO STAIRS FROM HALL - 102
- DOOR TO STAIRS FROM HALL - 103
- DOOR TO STAIRS FROM HALL - 104
- DOOR TO STAIRS FROM HALL - 105
- DOOR TO STAIRS FROM HALL - 106
- DOOR TO STAIRS FROM HALL - 107
- DOOR TO STAIRS FROM HALL - 108
- DOOR TO STAIRS FROM HALL - 109
- DOOR TO STAIRS FROM HALL - 110

HITTER ARCHITECTS
1000 STREET 2ND FLOOR
ALBANY, NEW YORK 12204
TEL: 518 486 1000
FAX: 518 486 1000

STRUCTURAL ENGINEER
1000 STREET 2ND FLOOR

2215 MT VERNON AVE
ALBANY, NEW YORK 12204

FLOOR PLANS
DOOR SCHED

A2

August 11, 2015

To whom it may concern;

We own and operate a paid parking lot located at 2401 Mt Vernon Ave, Alexandria, VA 22301 on weekdays after 5pm and all day on Saturday and Sunday. Del Ray Pizzeria purchases books of parking vouchers from us and they can use these vouchers for at least 10 spaces at any time during the hours we offer the paid parking. The Del Ray Pizzeria customer must presents the voucher to our parking attendant.

Mount Vernon Properties of Delaware LLC

A. Mitchell

Property Owner

8/12/15

(703)628-9015



Lunch
1st Floor

Littles

Big Wings 7/10

Mild, teriyaki, bbq, old bay,
lemon pepper, spicy, Cajun,
red rooster, jerk, diesel

Deviled Eggs 6

Capers, dill, remoulade

Calamari 7

Lemon aioli, cherry pepper jelly

Red Pepper Hummus 8

Roasted garlic, xvo,
pita points

Nachos 6

Refried beans, jalapenos, sour cream,
cheddar, mozzarella, salsa
(add chicken or steak - 2)

Pizza Roll 2

Check with your server for today's selection

Chicken Skewers 9

Chicken breast, grilled pineapple, teriyaki sauce

Soup 6

Housemade fresh

Greens

Our House 6

Mixed greens, carrots, tomatoes, croutons,
housemade herb ranch

Del Ray Cobb 12

Romaine, chicken, bacon, cheddar, tomatoes,
carrots, egg, avocado, 1000

Blue Times Two 7

Arugula, blueberries, blue cheese crumbles,
walnuts, sherry vinaigrette

Asparagus 8

Roasted red peppers, arugula, asparagus,
goat cheese, balsamic reduction

Steak 10

Mixed greens, blue cheese crumbles,
balsamic onions, horseradish ranch

Caesar 7

Romaine, croutons, dressing, parmesan

Casuals

Your choice of tater tots, fries, salad, potato salad, fruit

Grilled Gyro 8/10

Grilled chicken or lamb kofta, lettuce, tomato,
pickled onion, feta, tzatziki, pita

Meatloaf Sandwich 9

Chipotle glazed meatloaf, avocado, pepperjack

Pimento Cheese Tuna Melt 8

White bread, pimento, cheddar,
pickled green tomato

Buffalo Chicken 8

Buffalo sauce, blue cheese, celery

***Pizza Burger 9**

Marinara, mozzarella, pepperoni, sausage

***I've Had That 8**

Two patties, 1000, lettuce, American, pickles,
crispy shallots

Veggie & Cheese 8

Mushrooms, peppers, onions, provolone, sub roll

Blackened Chicken Club 10

Tasso ham, arugula, oven roasted tomatoes,
chipotle mayo

Chicken Salad 8

Lettuce, tomato, onion, croissant

Steak & Cheese 9

Rib-eye, provolone, peppers, onions, sub roll

*May contain raw or undercooked ingredients. Consuming raw or undercooked meats, poultry, seafood, shellfish,
or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.



Dinner
1st floor

Littles

Big Wings 7/10
Mild, teriyaki, bbq, old bay,
lemon pepper, spicy, Cajun,
red rooster, jerk, diesel

Deviled Eggs 6
Capers, dill, remoulade

Calamari 7
Lemon aioli, cherry pepper jelly

Red Pepper Hummus 8
Roasted garlic, xvo,
pita points

Nachos 6
Refried beans, jalapenos, sour cream,
cheddar, mozzarella, salsa
(add chicken or steak - 2)

Pizza Roll 2
Check with your server for today's selection

Chicken Skewers 9
Chicken breast, grilled pineapple, teriyaki sauce

Soup 6
Housemade fresh

Greens

Our House 6
Mixed greens, carrots, tomatoes, croutons,
housemade herb ranch

Del Ray Cobb 12
Romaine, chicken, bacon, cheddar, tomatoes,
carrots, egg, avocado, 1000

Blue Times Two 7
Arugula, blueberries, blue cheese crumbles,
walnuts, sherry vinaigrette

Asparagus 8
Roasted red peppers, arugula, asparagus,
goat cheese, balsamic reduction

***Steak 10**
Mixed greens, blue cheese crumbles, balsamic onion,
horseradish ranch

Caesar 7
Romaine, croutons, dressing, parmesan

Bigs

Chipotle Glazed Meatloaf 16
Jalapeno-cheddar-bacon spinach, sour cream mash

***Faroe Islands Roasted Salmon 21**
Fettucini, roasted cherry tomatoes, olives, oregano, white balsamic

***Steak Frites 19**
Marinated hanger, fries, salad, horseradish aioli

***Grilled Rib Eye 25**
10 oz. steak, chimichurri, grilled asparagus, baked potato

Chicken Parmesan 14
Spaghetti, marinara

Jambalaya Pasta 16
Penne, crawfish, tasso, chicken, shrimp, holy trinity

Casuals

Your choice of tots, fries, salad, potato salad, fruit

Grilled Gyro 8/10
Grilled chicken or lamb kofta, lettuce, tomato,
pickled onion, feta, tzatziki, pita

Pimento Cheese Tuna Melt 8
White bread, pimento, cheddar,
pickled green tomato

Buffalo Chicken 8
Buffalo sauce, blue cheese, celery

***Pizza Burger 8**
Marinara, mozzarella, pepperoni, sausage

***I've Had That 8**
Two patties, 1000, lettuce, American, pickles,
crispy shallots

Blackened Chicken Club 10
Tasso ham, arugula, oven roasted tomatoes,
chipotle mayo

Veggie & Cheese 8
Mushrooms, peppers, onions, provolone, sub roll

Steak & Cheese 9
Rib-eye, provolone, peppers, onions, sub roll

*May contain raw or undercooked ingredients. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

★ MENU ★

sample menu, subject to change... and change is often (as of 5.14.2015)

snackville

nacho tuna * 12

wasabi, roasted red pepper aioli, wonton

metairie shrimp 13

crostini, crystal cream

sauteed sea scallops* 16

honey habanero, slab bacon

crab cake 12

pepper relish, remoulade

slow and low, let your egg roll 9

pork, corn, chipotle ranch

deviled steak tartare* 9

egg, dijon, capers, red onions

maryland soft shell benedict* 16

buttermilk biscuit, poached egg, tasso hollandaise

brussels sprouts 8

peanuts, feta, balsamic

so fresh and so green, green

upperline 7

mesclune, goat cheese, spiced pecans, cane vinaigrette

titanic 8

baby iceberg, hickory bacon, grape tomatoes, roquefort, dijon vinaigrette

main st.

hot chicken 18

collards, corn bread waffle, pickle

grilled culotte* 31

white cheddar macaroni, eight hour criminis, liquid "gold"

shrimp and grits 24

2nd Floor menu
changes daily



Docket Item #5

Special Use Permit #2014-0033

2216-2218 Mount Vernon Avenue – Del Ray Pizzeria

Application	General Data	
Consideration of a request for Special Use Permit amendments to add a second-level balcony and off-premises alcohol sales at an existing restaurant.	Planning Commission Hearing:	October 7, 2014
	City Council Hearing:	October 18, 2014
Address: 2216-2218 Mount Vernon Avenue	Zone:	CL / Commercial Low and Mount Vernon Avenue Urban Overlay
Applicant: Del Ray Pizzeria, LLC	Small Area Plan:	Potomac West

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov

CITY COUNCIL ACTION, OCTOBER 18, 2014: City Council approved the Planning Commission recommendation.

PLANNING COMMISSION ACTION, OCTOBER 7, 2014: On a motion by Commissioner Macek, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of the request with an amendment to Condition #17 and subject to compliance with all applicable codes, ordinances, and other staff recommendations. The motion carried on a vote of 6 to 1, with Commissioner Wasowski voting against the request.

Reason: The majority of the Planning Commission agreed with the staff analysis. The Commission was satisfied with the applicant's representations that it: 1) would not construct an enclosure around or roof above the proposed new second-level balcony and 2) would meet with its neighbors at the Potomac Town Square property to discuss trash pick-up in the shared dumpster and shared maintenance matters. The Commission amended to Condition #17 to memorialize the representation regarding the balcony and asked staff for increased monitoring of trash pick-up at the site. The minority of the Planning Commission believed that concerns expressed by the next-door neighbor, particularly regarding trash pick-up, should be resolved before new SUP requests are approved.

Speakers:

Duncan Blair, attorney for the applicant, spoke in support of the request. He explained developments in the case since June and answered questions from the Planning Commission. He also represented to the Commission that the balcony would not be enclosed and that he would meet with the Potomac Town Square Association regarding the issues it raised regarding shared litter pick-up and shared parking lot maintenance.

Roy Shannon, attorney representing the Potomac Town Square Association, discussed his client's concerns with the use as noted in its October 7th letter, including inadequate trash pick-up that results in trash overflowing a shared dumpster, poor maintenance of shared parking areas, and improper washing of kitchen equipment outside. He also requested that his client's June 3rd letter, expressing several concerns about the use including potential SUP violations, be withdrawn from the record.

Kristine Hesse, representing Del Ray Civic Association, expressed support for the proposal as noted in the Association's revised letter dated October 3rd. She explained that although the Association had previously recommended deferral, it had recently viewed renderings of the new balcony and was comfortable with its proposed design. She also voiced concern about the potential for the applicant to enclose or construct a roof over the balcony in the future.

PLANNING COMMISSION ACTION, JUNE 3, 2014: The Planning Commission noted the deferral of the request.

Reason: The applicant requested the deferral.



SUP #2014-0033
2216-2218 Mount Vernon Avenue



I. DISCUSSION

The applicant, Del Ray Pizzeria LLC by Duncan Blair, attorney, requests Special Use Permit amendments to add a second-level balcony and to allow off-premises alcohol sales at an existing restaurant at 2216-2218 Mount Vernon Avenue.

SITE DESCRIPTION

The subject site is a 3,300 square-foot, two-story commercial building on one lot of record with 62 feet of frontage on Mount Vernon Avenue, 103 feet of frontage on East Del Ray Avenue, and a total lot area of approximately 6,400 square feet. A surface parking lot, accessed from East Del Ray Avenue, is located on the property immediately behind the building.

The surrounding area features commercial uses, including restaurants, retail shops, a pharmacy and personal service uses. Beyond the commercial uses on Mount Vernon Avenue are one and two-family residential uses in the Del Ray neighborhood.



BACKGROUND

The restaurant was first approved by Administrative SUP in January 2010 (SUP#2009-0060) and opened for business in fall 2010. The building and site were part of SIT#87-0032, approved in 1989 for the construction of the Potomac Town Square office complex to the south and for site improvements on the subject property.

Staff found several violations of SUP conditions in December 2011, including unapproved indoor seats. The applicant subsequently addressed the violations by either directly correcting them or applying for SUP approval. In June 2012, City Council approved SUP#2011-0087 to increase seating on the first floor and outdoor dining areas from a combined 44 seats to 92 seats. SUP approval also included a parking reduction and an additional 30 seats on the second-level for parties and special events on a reservation basis only.

In April 2014, staff inspected the site for compliance with all conditions of SUP#2011-0087. It found that the SUP certificate was not posted at the site, that the required bike rack and trash can were not installed, and that the applicant was only apparently offering four off-street parking spaces for special events on the second level of the restaurant instead of the required 10. The applicant subsequently corrected these violations.

PROPOSAL

The applicant proposes two amendments to its existing Special Use Permit approval at its existing neighborhood pizza restaurant.

First, it requests the addition of a 272 square-foot, second-level balcony on the front side of the restaurant above an existing one-story extension of the building. The new balcony would only be available to customers under the existing limitations of the second-level seating, namely that it would be available on a reservation basis for parties and special events only. No additional seats are requested as part of the proposal and the applicant plans to simply move existing second-level seating outside as necessary. Second, the applicant proposes to offer off-premises alcohol sales in the form of growlers that would be filled from the restaurant's existing draught beer taps. Details of the applicant's existing and proposed operation are as follows:

Hours of Operation: 6 a.m. – 11 p.m. Sunday-Thursday
6 a.m. – 12 midnight Friday & Saturday

Number of Seats: 72 indoor seats
30 second-level, special event indoor seats
20 outdoor seats
122 total seats

Type of Service: Table and carry-out service

Existing Alcohol Sales: On-premises alcohol service only

Proposed Alcohol Sales: On-premises and off-premises (growler fills only) service

Delivery: No delivery service of food to customers

Live Entertainment: No live entertainment is requested, though limited live entertainment is permitted in current SUP. Several large-screen televisions are also located inside the restaurant.

PARKING

According to Section 8-200(A)(8) of the Zoning Ordinance, one off-street parking space is required for every four restaurant seats. Section 6-604(B) exempts the first 20 outdoor dining seats from the ordinary restaurant parking requirement. The restaurant, with a total of 102 indoor seats (including the 30 second-level seats) and 20 outdoor seats, ordinarily would be required to provide 26 off-street parking spaces. The applicant partially satisfies this requirement with the provision of nine off-street parking spaces to the rear of the restaurant. To meet the balance of the parking requirement, prior SUP approval included a 17-space parking reduction on the condition that the applicant to provide 10 off-street parking spaces when the 30 second-level seats are in use. No changes to the parking arrangement are needed in connection with the current proposal.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CL / Commercial Low zone and is located within the Mount Vernon Urban Overlay Zone. Section 4-103(M) of the Zoning Ordinance allows restaurants in the CL zone with a Special Use Permit, unless eligible for administrative approval.

The proposal has been brought forward as a full hearing case because the additions of the second-level balcony and off-premises alcohol sales are not eligible for administrative approval. The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff supports the applicant's request for modest changes to this neighborhood pizzeria in Del Ray. The addition of a small second-level balcony and the ability to fill "growlers" with draught beer are essentially operational refinements that will enhance the success of this locally-owned business.

The second-level balcony request is unlikely to create negative impacts given that its scope is quite limited. The 30 seats already approved for the second floor would simply be allowed either inside or on the balcony if approved. Furthermore, all of the existing restrictions on this second-level seating, including the reservation-only system and the prohibition on the second-floor seating from being used as restaurant overflow seating, would remain in effect (and relocated to amended Condition #2.) As a result, it is unlikely that the balcony would be used on a continuous basis. It is also unlikely that the proposal would have a negative impact on neighborhood parking given that the seat count will remain the same. The existing requirement that the applicant provide 10 additional off-street parking spaces in connection with the second-level seating would also continue in amended Condition #2.

Staff also believes the potential for nuisance noises from the new balcony would be low. The proposed location, at the front of the restaurant and facing east toward Mount Vernon Avenue, is on the opposite side of the restaurant from its nearest residential neighbors on East Del Ray Avenue. The second floor of the restaurant building therefore serves as a buffer to mitigate potential noises. Given the importance of this circumstance, staff has added language to existing Condition #17 to specify that the balcony location shall be consistent with the illustrations submitted as part of this request. As a further measure to prevent negative noise impacts, staff has specifically prohibited live entertainment from occurring on the balcony in Condition #9.

The applicant's request to offer off-premises alcohol sales in the form of filling growlers is a reasonable feature at a restaurant already offering several craft beers. The most common size for growlers, 64 fluid ounces, also exceeds the minimum container size (more than 40 ounces) that would be allowed under the standard "single-sales" off-premises alcohol condition. Staff has amended Condition #10 to allow off-premises alcohol in the form of growler fills only.

Staff recommends approval of the Special Use Permit request.

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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2009-0060)
2. The maximum number of indoor seats on the first floor of the restaurant shall be 72. The maximum number of seats on the second floor of the restaurant shall be 30, and may be located either inside or on the balcony. The second-level seats shall be available on a reservation-only basis, must be accompanied by 10 off-street parking vouchers or spaces, and shall not be used as overflow seating associated with the normal operation of the restaurant. (P&Z)
3. The hours during which the business is open to the public shall be restricted to between 6:00am and 11:00pm Sunday-Thursday and from 6:00am until 12:00 midnight Fridays and Saturdays. Meals ordered before 11 p.m. Sunday-Thursday or 12 midnight Friday and Saturday may be served, but no new patrons may be admitted after 11 p.m. Sunday-Thursday or 12 midnight Friday and Saturday and no new alcohol may be served, and all patrons must leave by 12 midnight Sunday-Thursday and 1 a.m. Friday and Saturday. The closing hour for indoor seating may be otherwise extended to midnight Sunday-Thursday four times per year for special events. (P&Z)
4. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2009-0060)
5. Condition deleted.
6. The maximum number of ground-level outdoor seats at the restaurant shall not exceed 20 and are permitted in addition to the indoor seats. Outdoor seating areas shall not include advertising signage, including on umbrellas. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z)(PC)
7. 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#2009-0060)
8. No delivery service shall operate from the restaurant. (P&Z)
9. Limited live entertainment may be permitted inside the restaurant, but no live entertainment shall be allowed in the ground-level outdoor dining area or on the second-level balcony. 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) (SUP#2009-0060)

10. On-premises alcohol service may be permitted, consistent with a valid Virginia ABC license. The sale of off-premises alcohol, only through the use of growlers or other containers measuring at least 64 fluid ounces, may be permitted. (P&Z)
11. The facility shall obtain all required state, federal, and local licenses and certificates prior to opening its place of business. (P&Z) (SUP#2009-0060)
12. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP#2009-0060)
13. Condition deleted by staff (See Condition #3).
14. The Special Use Permit shall be displayed in a conspicuous and publicly accessible place. A certificate provided by the city shall inform the public of its right to examine the list of conditions associated with the permit. A copy of the list of conditions with the permit shall be kept on the premises and made available for examination by the public upon request. (P&Z) (SUP#2009-0060)
15. No food, beverages, or other material may be stored outside. (P&Z) (SUP#2009-0060)
16. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP#2009-0060)
17. The applicant shall maintain the building façade consistent with the Design Guidelines of the Mt. Vernon Avenue Business Area Plan to the satisfaction of the Director of Planning & Zoning. The size and location of the second-level balcony shall be consistent with plans and renderings submitted as part of this application to the satisfaction of the Director. (P&Z) (PC)
18. 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#2009-0060)
19. Condition satisfied and deleted by staff.
20. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2009-0060)
21. 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#2009-0060)

22. All loudspeakers shall be prohibited from the exterior of the building, including the new second story porch, and no amplified sounds shall be audible at the property line. (T&ES)
23. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. Vehicles delivering supplies to the restaurant shall only park, load, unload, or stand in an on-street loading zone approved by the Traffic and Parking Board. (T&ES)(P&Z)(PC)
24. The applicant shall require its employees who drive to use off-street parking and provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall post DASH and Metrobus schedules on-site for employees. The applicant shall also provide information about alternative forms of transportation to access the location of the restaurant, including but not limited to print and electronic promotional materials, posting on the restaurant website, and other similar methods. (P&Z) (T&ES) (SUP#2009-0060)
25. The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (P&Z) (SUP#2009-0060)
26. The applicant shall participate in a shared parking program at such time that a shared parking program is adopted by City Council. (T&ES) (SUP#2009-0060)
27. Condition deleted.
28. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for the business and robbery readiness training for all employees. (Police) (SUP#2009-0060)
29. The Director of Planning and Zoning shall review the Special Use Permit six months after approval, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as 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)
30. Condition deleted by staff (See Condition #2).

STAFF: Alex Dambach, Division Chief, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

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.

Previous Staff Report

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services

R-1 Existing conditions to carry forward:

18. 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#2009-0060)
19. Additional landscaping, a new City Standard trash can, and a bicycle rack shall be installed at the applicant's cost in consultation with the neighborhood and staff and to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services. (P&Z)(T&ES)(PC) (SUP2011-00087)
20. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2009-0060)
21. 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#2009-0060)
22. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building, including the new second story porch, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2009-0060)
23. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. Vehicles delivering supplies to the restaurant shall only park, load, unload, or stand in an on-street loading zone approved by the Traffic and Parking Board. (T&ES)(P&Z)(PC) (SUP2011-00087)
24. The applicant shall require its employees who drive to use off-street parking and provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall post DASH and Metrobus schedules on-site for employees. The applicant shall also provide information about alternative forms of transportation to access the location of the restaurant, including but not limited to print and electronic promotional materials, posting on the restaurant website, and other similar methods. (P&Z) (T&ES) (SUP#2009-0060)
25. The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (P&Z) (SUP#2009-0060)

26. The applicant shall participate in a shared parking program at such time that a shared parking program is adopted by City Council. (T&ES) (SUP#2009-0060)

- 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). (T&ES)

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) 519-3486, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form.

- 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. (T&ES)

Code Enforcement

- F-1 The following comments are for SUP review. Once the applicant has filed for a building permit and additional information has been provided, code requirements will be based upon that information and the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plan Review Division Chief at ken.granata@alexandriava.gov or 703-746-4193.

- C-1 Building, trade permits and inspections are required for proposed addition. Six sets of construction documents sealed by a Registered Design Professional that fully detail the construction as well as layout and schematics of the mechanical, electrical, and plumbing systems shall accompany the permit application(s) The building official shall be notified in writing by the owner if the registered design professional in the responsible charge is changed or is unable to continue to perform the duties.

Health

Food Facilities

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 or location to another.

2. Plans shall be submitted to the Health Department 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.

3. Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling 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.

4. Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.
5. A Certified Food Manager shall be on-duty during all operating hours.
6. The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
7. Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

Parks and Recreation

F-1 No comments received

Fire Department

F-1 No comments

Police Department

F-1 No comments received

Previous Staff Report

DEL RAY CITIZENS ASSOCIATION

www.delraycitizens.org

P.O. Box 2233, Alexandria, VA 22301

August 24, 2015

Karl W. Moritz, Director, Department of Planning & Zoning
City Hall, Room 2100
Alexandria, VA 22314

RE: Request to Amend SUP #2011-087 (Del Ray Pizzeria)

On August 11, 2015, the Del Ray Citizens Association (DRCA) Land Use Committee (LUC) reviewed Del Ray Pizzeria's request to amend existing SUP #2011-087 to allow use of a second floor room without reservations. When the space is in use, vouchers for ten additional off-site parking are required and have been obtained.

Under the existing SUP, this space, which contains 30 seats, can only be used by reservation. The wording of the SUP is somewhat ambiguous as to whether "by reservation" must be one entity making a single reservation for the entire space for a single event, or whether reservations by multiple parties are allowed. City staff's account of the history of the request lends support for staff and City Council's belief that the intended meaning was the former.

In the original review for Del Ray Pizzeria's second-story deck (yet to be built), we heard overwhelming requests from neighbors and patrons that the prospective deck space be opened for regular dining and not for special events only. Use of the existing upstairs space to offer a different menu to patrons with or without reservations would be responsive to the neighborhood's appetite for regular use of the space and for another culinary option.

The LUC therefore voted to support the applicant's request to use the space in the regular course of business as a restaurant, providing that the ten parking spaces remain available to patrons of the upstairs space. The LUC presented this recommendation to the DRCA Executive Board, which voted to approve this recommendation on August 12. Due to the timing of this request, a vote by the full DRCA membership was not possible prior to the scheduled Planning Commission meeting.

Sincerely,



Danielle Fidler
Kristine Hesse
DRCA LUC Co-Chairs

Cc:

Alex Dambach, Staff Reviewer
Eric Dorn, Owner

SUP2015-0056

2216 Mount Vernon Ave

Additional Materials 8/27/15

City of Alexandria, Virginia

MEMORANDUM

DATE: AUGUST 31, 2015

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: KARL MORITZ, ACTING DIRECTOR,
DEPARTMENT OF PLANNING & ZONING

SUBJECT: REVISIONS TO:
Docket Item #5: SUP#2015-0073, 6003 Kelley Court
Docket Item #10: SUP#2015-0055, 612-C South Pickett Street
Docket Item #11: SUP#2015-0056, 2216 Mount Vernon Avenue
Docket Item #12: SUP#2015-0063, 1314 King Street

This memo contains updates and/or revisions to staff reports for Docket Items 5, 10, 11, and 12. These updates and revisions are to add information and/or conditions provided by other City departments, correct an error regarding the address of a property in the text of one report, and to update the proposed operating hours of an applicant's business.

Docket Item #5

Special Use Permit #2015-0073, 6003 Kelley Court

Conditions 7, 8 and 9 on page 5 are revised to reflect recommended language from the Department of Transportation and Environmental Services:

7. **CONDITION AMENDED BY STAFF:** The applicant or an assistant ~~who resides at the home shall ensure that the drop-off and pick-up of children occurs in the driveway of the residence. (City Council)~~ must be available to escort children to and from the parent's cars in the event that parking is not available in the driveway or on Kelley Court. (T&ES)
8. **CONDITION AMENDED BY STAFF:** The applicant shall ~~require~~ ensure that no vehicles double park ~~on street~~ on Kelley Court for pick up ~~and or~~ drop off children. (T&ES)
9. **CONDITION AMENDED BY STAFF:** The applicant ~~or an assistant~~ must be available to escort children to and from the parent's cars in the event that parking is not available ~~on the street or in the driveway~~ or on Kelley Court. (T&ES)

The Transportation and Environmental Services City Department Comments on page 6 are also revised as follows:

- R-1 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-2 The applicant shall ensure that no vehicles double park on Kelley Court for pick-up or drop-off. (T&ES)
- R-3 The applicant or an assistant must be available to escort children to and from the parent's cars in the event that parking is not available in the driveway or on Kelley Court. (T&ES)
- 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. (T&ES)

Docket Item #10

Special Use Permit #2015-0055 612-C South Pickett Street

The applicant has revised his proposed hours of operation for his proposed general automobile repair business. He now proposes to be closed on Sunday. Condition 2 is revised as follows:

- 2. **CONDITION AMENDED BY APPLICANT:** The hours of operation of the general automobile repair business shall be limited to between 8:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 4:00 p.m., Saturday ~~and Sunday~~. (P&Z)

Docket Item #11

Special Use Permit #2015-0056, 2216 Mount Vernon Avenue

The Parking section narrative on page 5 of the staff report is revised to state: "The applicant has made arrangements to provide parking vouchers to 2nd floor patrons for their use of the parking lot at ~~2400~~ 2401 Mount Vernon Avenue, and the manager of that parking lot has provided assurance that there would be at least 10 spaces available to patrons during the 2nd floor's operating hours, and the applicant purchases vouchers for patrons in "books" of 300 vouchers at a time and provides them to diners."

Docket Item 12

Special Use Permit #2015-0063, 1314 King Street

Condition 12 is revised to reflect recommended language from the Department of Transportation and Environmental Services:

- 12. **CONDITION AMENDED BY STAFF:** The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies by the Old Town Area Parking Study (OTAPS) Work Group. (T&ES)

Conditions 14 and 15 shall be added to the staff report as follows:

14. **CONDITION ADDED BY STAFF:** The applicant shall promote public transit options to the site on their website and encourage patrons to use public transit or carpool. (T&ES)
15. **CONDITION ADDED BY STAFF:** 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 once 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)

The Transportation and Environmental Services City Department Comments on page 7 are revised to include the following recommendations:

- R-7 The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies by the Old Town Area Parking Study (OTAPS) Work Group. (T&ES)
- R-8 The applicant shall promote public transit options to the site on their website and encourage patrons to use public transit or carpool. (T&ES)
- R-9 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 once 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)