

***Special Use Permit #2016-0097***  
***2216-2218 Mount Vernon Avenue – Del Ray Pizzeria***

---

<b>Application</b>	<b>General Data</b>	
Public hearing and consideration of a request for an amendment to existing Special Use Permit #2014-0033 to amend the use of the second floor dining area and to amend parking arrangements for the second floor use.	<b>Planning Commission Hearing:</b>	March 7, 2017
	<b>City Council Hearing:</b>	March 18, 2017
<b>Address:</b> 2216-2218 Mount Vernon Avenue	<b>Zone:</b>	CL/Commercial Low and Mount Vernon Avenue Urban Overlay
<b>Applicant:</b> Del Ray Pizzeria, LLC	<b>Small Area Plan:</b>	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:** Ann Horowitz, [ann.horowitz@alexandriava.gov](mailto:ann.horowitz@alexandriava.gov)

**PLANNING COMMISSION ACTION, MARCH 7, 2017:** On a motion made by Vice Chairman Macek and seconded by Commissioner McMahon, the Planning Commission voted to recommend approval of Special Use Permit #2016-0097 with amendments to Conditions #2, #3, #38 and #39; the deletion of Condition #32; and subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 7-0.

**Reason:** The Planning Commission partially agreed with staff analysis.

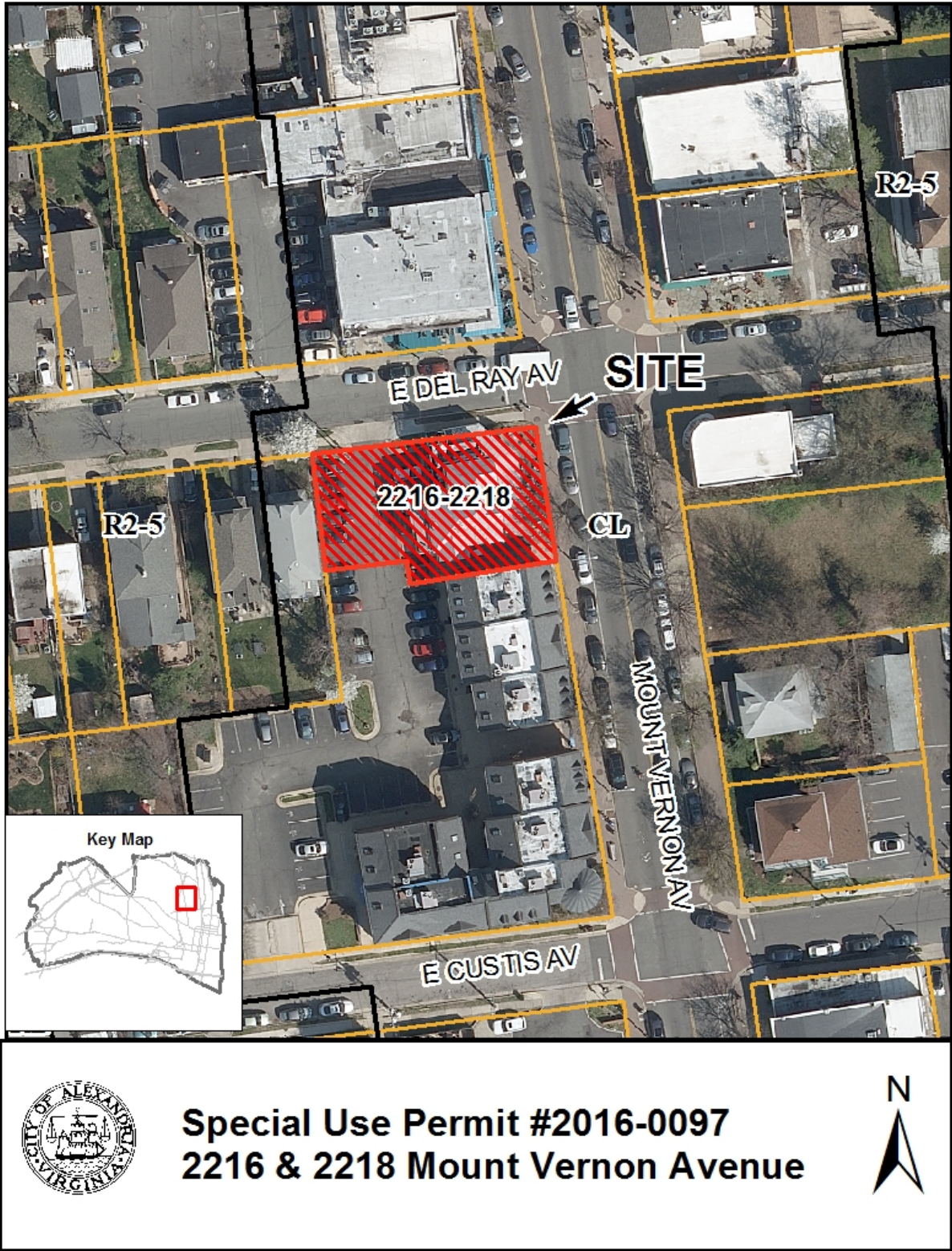
Commissioner Wasowski believed that the approval of the use should be simplified and that the applicant should have productive use of its 30-seat second floor. Meeting parking requirements could be a challenge, however, in this section of Mount Vernon Avenue. She recommended that the applicant provide eight parking spaces for the 30 seats as this complies with the Zoning Ordinance requirement for restaurants. Chairwoman Lyman, Vice Chairman Macek, and Commissioner McMahon concurred with Commissioner Wasowski.

Commissioner Brown asked staff if the application was revised to reflect the applicant's request and staff replied that the applicant had provided a supplemental revision to the narrative which was suitable. He followed with a question to the City Attorney regarding adherence to the legal requirements and proper community noticing if the Commission recommended an amendment to Condition 2 from ten to eight parking spaces. The City Attorney replied that the noticing language was broad enough to address this type of recommendation. Vice Chairman Macek,

Commissioner Wasowski, and Commissioner Brown agreed that the public would have an opportunity for feedback on the recommended parking space amendment prior to the City Council meeting.

Commissioner Macek proposed amendments to Conditions #2, #3, #38 and #39 and the deletion of Condition #32 to remove references to a reservation-only requirement for the second floor, establish an eight-space parking requirement, and provide consistent operating conditions for the first and second floors.

Erik Dorn, applicant, stated that he would prefer to remove the reservation-only requirement of the SUP as the reservation-only reference has been difficult to interpret. He also spoke in support of the amendment to pre-lease 10 parking spaces in place of providing parking vouchers.





## I. DISCUSSION

The applicant, Del Ray Pizzeria LLC, requests an amendment to existing Special Use Permit #2014-0033 to change the use of the second floor dining area and to amend parking arrangement for the second floor use 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 establishments on Mount Vernon Avenue are townhouses and one and two-family dwellings in the Del Ray neighborhood.



### BACKGROUND

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. A title company and a consignment shop originally occupied the subject site. The site plan required nine off-street parking spaces behind the building for the tenants of 2216-2218 Mount Vernon Avenue.

Staff administratively approved SUP #2009-0060 for a restaurant with 32 indoor seats on the first floor and 12 outdoor seats (44 total seats) in January 2010. The restaurant opened in Fall 2010. In December 2011, staff found several violations of SUP conditions, including an increase in indoor seats. The applicant corrected the violations and requested SUP approval for an increase in seats, a restaurant expansion, and a parking reduction through SUP#2011-0087. City Council approved SUP #2011-0087 for 72 seats on the first floor, 30 reservation-only seats limited to special event rentals by individual groups on the entirety of the second floor, and 20 outdoor dining seats (122 total seats). The City Council also specified in its approval that the second floor was not to be used for individual diners or overflow seating and required the applicant to provide ten off-street parking spaces to be paid for with vouchers at 2401 Mount Vernon Avenue for patrons renting the second floor event space. Special Use Permit #2011-0087 approval also granted a 17-space parking reduction.

In April 2014, staff inspected the site for compliance with all conditions of SUP#2011-0087. It found the SUP certificate was not posted at the site, the required bike rack and trash can were not

installed, and the applicant was offering only four off-street parking spaces of the 10 required spaces for special events on the second level. The applicant subsequently corrected these violations.

City Council approved SUP #2014-0033 in October 2014 to permit the addition of a 272 square-foot, second-level balcony facing Mount Vernon Avenue and to allow off-premises alcohol sales through growlers. The balcony was not constructed. Staff was notified in 2015 that second floor was being used for a “pop-up” general restaurant called Reserve 2216 instead of a special event rental space. After City enforcement, the applicant submitted an SUP application (SUP #2015–0056), requesting use of the second floor seating for general restaurant use, but it withdrew the application during the Planning Commission review process and closed the restaurant. The applicant continued to offer the entire second floor seating area for a special event rental at the request of individual groups on a reservation-only basis. The Del Ray Pizzeria webpage describes the second floor as a space called “The Reserve,” which acknowledges the prior use as a pop-up restaurant and lists the space as being available for special or private events.

A recent SUP inspection revealed that the applicant did not comply with Conditions 2 (the provision to provide 10 off-street parking vouchers or spaces) and 24 (communicating alternative forms of transportation to the restaurant). The applicant immediately resolved the violations with the establishment of a revised off-street parking arrangement with pre-reserved spaces at the 2401 Mount Vernon Avenue parking lot. It also added bus and BikeShare references to its webpage providing patron directions on its website.

### PROPOSAL

The applicant, Del Ray Pizzeria LLC, requests an amendment to Condition 2 of Special Use Permit #2014-0033 to amend the use of the second floor dining area and to amend parking arrangements for the second floor seating. The applicant seeks permission to use the second level space, known as The Reserve, and its 30 seats for special restaurant-sponsored dining events that individuals could attend through the purchase of ticketed reservations. These would be open to the public various times a month. The restaurant proposes to organize events between 5 p.m. and 11 p.m., Monday-Friday and between 10 a.m. and 11 p.m., Saturday –Sunday. It would sell reserved tickets to no more than 30 individual patrons for the restaurant-sponsored events. This request expands the definition of the reservation-only use of the second floor as the applicant is currently permitted to only rent the space in its entirety for special events and parties to private groups. The second floor would not be used for diners seeking an individual tables outside these special events and would not be used for overflow seating of the first floor pizza restaurant, as was required in the existing SUP#2014-0033.

The applicant also asks to amend the parking arrangement required in Condition 2. Instead of using vouchers, the applicant proposes that the restaurant general manager or assistant general manager would pre-purchase 10 parking spaces for the sole use of special event customers at 2401 Mount Vernon Avenue each time an event is scheduled. The parking lot management would reserve 10 spaces during restaurant events. At the time when event patrons would make reservations with the general manager or assistant general manager, the patrons would be notified about the reserved parking spaces and would be instructed to tell the parking attendant

that they are attending a Del Ray Pizzeria event. The parking attendant would direct the patron to the reserved parking spaces. This proposed parking arrangement for the second floor would replace the voucher system approved in SUP #2011-0087.

Details of the applicant's existing operation and proposal for the second floor seating are as follows:

Hours of Operation:

Existing

**First Floor (Del Ray Pizzeria):**

6 a.m. – 11 p.m. Sunday-Thursday

6 a.m. – 12 midnight Friday & Saturday

**Second Floor (The Reserve, reservation-only use by one group)**

5 p.m. – 11 p.m., Monday-Friday

10 a.m. – 11 p.m., Saturday – Sunday.

Proposed

**Second Floor (Restaurant-sponsored/ticketed or private group rental events):**

5 p.m. – 11 p.m., Monday-Friday

10 a.m. – 11 p.m., Saturday – Sunday

Number of Seats:

Existing

72 indoor first floor seats

30 indoor second floor seats

20 outdoor seats

**122 total seats**

Type of Service:

Existing

Table and carry-out service

Alcohol Sales:

Existing

On-premises and off-premises (growlers only) service

Delivery:

Existing

No delivery service of food to customers

Live Entertainment:

Existing

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 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 17-space parking reduction was granted on the condition that the applicant provides 10 off-street parking spaces when the 30 reservation-only, second-level seats are in use. The applicant satisfies the balance of the parking requirement with the nine off-street parking spaces at the rear of the restaurant.

#### ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CL / Commercial Low zone and within the Mount Vernon Urban Overlay Zone. Sections 4-103(M) and 6-603(D)(1) of the Zoning Ordinance allows restaurants in this area with a Special Use Permit, unless eligible for administrative approval.

Special Use Permit amendments may be administratively approved if an applicant's requests comply with Section 11-511 of the Zoning Ordinance. Section 11-511(B)(a), however, states that new conditions or amendments to existing conditions may be added if they have been approved by City Council. As the applicant seeks permission to revise elements of Condition 2 that have not been previously approved by the City Council, Special Use Permit approval is required.

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan and the Mount Vernon Avenue Urban Overlay which designate the property for commercial use.

## **II. STAFF ANALYSIS**

Staff supports the applicant's request to amend SUP #2014-0033 and expand the types of event offerings on the second floor restaurant space at 2216-2218 Mount Vernon Avenue. Theme-oriented special events by a ticketed reservation would allow the applicant to benefit from full use of the second floor space, as private party rentals have only been reserved on an occasional basis. Additionally, applicant-sponsored and organized special events would provide a unique and entertaining dining option in Del Ray while complementing the existing restaurant offerings along Mount Vernon Avenue. Staff does not anticipate neighborhood impacts as the request represents a modest expansion of the second-floor use, and seating is comparatively limited. The potential for on-street parking impacts would be controlled with the reservation of 10 parking spaces for second-floor patrons' exclusive use at 2401 Mount Vernon Avenue. Staff has amended Condition 2 to permit the applicant to add restaurant-sponsored and organized events to its requirement for the use of the second floor and to allow the change in parking arrangements from a voucher program to an agreement for 10, pre-reserved parking spaces when second floor events are scheduled. Staff recommends that the applicant maintains a parking agreement for the reservation of 10 spaces at 2401 Mount Vernon Avenue when second-floor special events are scheduled, as stated in Condition 39. Hours for The Reserve are limited to 5 p.m. – 11 p.m., Monday through Friday and 10 a.m. – 11 p.m., Saturday and Sunday, when reserved parking is available at 2401 Mount Vernon Avenue, as stated in Condition 32.

Conditions have been carried forward from SUP #2014-0033. Several have been amended to reflect present-day condition language. In addition, the location of the nine on-site parking spaces has been clarified in amendments to Conditions 25 and 38. The applicant is required to

install and maintain signs or pavement markings at spaces 20-28, which are designated for the applicant's use. The "Directions" page of the applicant's website shall post the location of the on-site parking spaces, as stated in Condition 38. References to the unconstructed second floor balcony have been deleted from Conditions 2, 9, and 17. Further, staff has added conditions to address environmental considerations (Conditions 33 through 35) and to require contact with GoAlex for the creation of an employee transportation benefits programs (Condition 36) and to learn of all mass transit options to the restaurant for posting on marketing materials (Condition 37).

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 PLANNING COMMISSION:** 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 and only used for restaurant sponsored events or for private group rental of the entire second floor space.~~ Any use of the second floor indoor seats beyond 72 patrons shall ~~must~~ be accompanied by ~~10 8~~ off-street pre-reserved parking ~~vouchers or spaces. for second floor patrons exclusive use and shall not be used as overflow seating associated with the normal operation of the restaurant.~~ (P&Z) (CC) (T&ES) (PC) (SUP#2014-0033)
3. **CONDITION AMENDED BY PLANNING COMMISSION:** The hours during which the ~~first floor restaurant~~ 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~~ the closing hour may be served, but no new patrons may be admitted ~~after 11 p.m. Sunday-Thursday or 12 midnight Friday and Saturday~~ and ~~a~~ All patrons must leave by 12 midnight Sunday-Thursday and 1 a.m. Friday and Saturday one hour after the closing hour. The closing hour for all indoor seating may be otherwise extended to midnight Sunday-Thursday four times per year for special events. (P&Z) (PC) (SUP#2014-0033)
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)(SUP#2014-0033)
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) (SUP#2014-0033)
  9. **CONDITION AMENDED BY STAFF:** 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) (SUP#2014-0033)
  11. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~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. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, ~~or invasion by animals, or leaking~~. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor ~~trash receptacles~~ containers shall be maintained ~~screened~~ to the satisfaction of the

Directors of Planning & Zoning P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z)(T&ES) (SUP#2009-0060)

17. **CONDITION AMENDED BY STAFF:** 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) (SUP#2014-0033)~~
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. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2009-0060)
21. **CONDITION AMENDED BY STAFF:** 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) (P&Z) (SUP#2009-0060)
22. **CONDITION AMENDED BY STAFF:** The use must comply with the city's noise ordinance. 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)(SUP#2011-0087)
24. **CONDITION AMENDED BY STAFF AND PARTIALLY REPLACED WITH CONDITION 36:** 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. **CONDITION AMENDED BY STAFF:** The applicant shall install and maintain signs or pavement markings ~~inside the building indicating the location of~~ at each off-street parking in the area ~~rear parking lot, 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. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~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. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit ~~six months~~ one year 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) (SUP#2014-0033)
30. Condition deleted by staff. (SUP#2014-0033)
31. **CONDITION ADDED BY STAFF:** 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)
32. **CONDITION DELETED BY PLANNING COMMISSION:** ~~The hours during which the second floor may be used on a reservation-only basis shall be restricted to between 5 p.m. — 11 p.m., Monday-Friday and between 10 a.m. — 11 p.m., Saturday-Sunday. (P&Z) (PC)~~
33. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
34. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)

35. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
36. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
37. **CONDITION ADDED BY STAFF:** 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](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
38. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall encourage ~~first floor~~ restaurant patrons who drive to park off-street. Information about the location of the nine off-street parking spaces in the rear on-site parking lot and any leased off-site parking spaces shall be placed in a visible location on the applicant's website. (T&ES) (P&Z) (PC)
39. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall maintain an up-to-date parking agreement for ~~10~~ 8 off-street parking spaces ~~at 2401 Mount Vernon Avenue~~ within 500 feet of the restaurant for ~~second floor, reservation-only~~ guests. Evidence of the parking agreement shall be provided during regular SUP inspections. Should the agreement or lease be terminated, the applicant shall not be permitted to ~~use the second floor seating~~ seat beyond 72 indoor guests until a lease agreement for ~~10~~ 8 off-street parking spaces are made at an alternative location, subject to approval of the Directors of Planning and Zoning and Transportation and Environmental Services. (T&ES) (P&Z) (PC)

STAFF: Alex Dambach, Division Chief, Department of Planning and Zoning  
Ann Horowitz, Urban Planner III

---

**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:

##### **Previous Conditions:**

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, for restaurant-sponsored events or a private group rental of the entire space; must be accompanied by 10 off-street reserved parking vouchers or spaces for second floor patrons exclusive use; and shall not be used as overflow seating associated with the normal operation of the restaurant. (P&Z) (CC) ~~(SUP#2014-0033)-(P&Z) (T&ES)~~
16. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, ~~or invasion by animals, or leaking.~~ No trash or debris shall be allowed to accumulate outside of those containers. Outdoor ~~trash receptacles~~ containers shall be maintained screened to the satisfaction of the Directors of ~~Planning & Zoning~~ P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z)(T&ES)
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. (SUP#2014-00033)
20. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
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:** The use must comply with the city's noise ordinance. 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) (SUP#2014-00033)
24. **CONDITION AMENDED BY STAFF:** 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)
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)
- R-1 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-2 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-3 If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
- R-4 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](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
- R-5 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](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
- R-6 **CONDITION ADDED BT STAFF:** The applicant shall encourage first floor restaurant patrons to park off-street. Information about the location of the nine off-street parking spaces in the rear on-site parking lot shall be placed in a visible location on the applicant's website (T&ES).
- R-7 **CONDITION ADDED BT STAFF:** The applicant shall maintain an up-to-date parking agreement for 10 off-street parking spaces at 2401 Mount Vernon Avenue for second-floor, reservation-only guests. Evidence of the parking agreement shall be provided during regular SUP inspections. Should the agreement or lease be terminated, the applicant shall not be permitted to use the second floor seating until a lease agreement for

10 off-street parking spaces are made at an alternative location, subject to approval of the Directors of Planning and Zoning and Transportation and Environmental Services. (T&ES)

- F-1 Per the City's zoning ordinance, the applicant is responsible for providing 26 parking spaces to accommodate 102 indoor seats. The applicant is not required to provide parking for the establishment's 20 outdoor seats. The applicant is providing 9 parking spaces adjacent to its premises, and 10 parking spaces within walking distance at 2401 Mount Vernon Avenue. The applicant had previously requested and been approved to receive a 17 space parking reduction. (T&ES)
- 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) (SUP#2014-00033)
- 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) (SUP#2014-00033)
- C-3 **CONDITION ADDED BY STAFF:** 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)

Code Enforcement:

- C-1 Additional seating shall not exceed maximum occupant load listed on certificate of occupancy for this space.

Fire:

No concerns or comments related to change in SUP conditions.

Health:

No comments received.

Parks and Recreation:

No comments received.

Police Department:

No comments received.



## APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2016-0097

PROPERTY LOCATION: 2216 Mt Vernon Ave, Alex VA

TAX MAP REFERENCE: 34.02 -11-11 ZONE: CL + mt. Vernon overlay zone

**APPLICANT:**

Name: Del Ray Pizzeria LLC

Address: 1200 Chadwick Ave. Alex VA 22308

PROPOSED USE: Amendment to SUP# 2011-0087 to allow 2<sup>nd</sup> floor dining use without reservations during the hours the applicant has use of the 10 parking spaces located at 2401 mt Vernon Ave

☒ **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

1200 Chadwick Ave  
Mailing/Street Address

Alex VA 22308  
City and State Zip Code

Erik Dorn 11/12/16  
Signature Date

571-969-9699  
Telephone # Fax #

delrayshops@gmail.com  
Email address

ACTION-PLANNING COMMISSION: \_\_\_\_\_ DATE: \_\_\_\_\_

ACTION-CITY COUNCIL: \_\_\_\_\_ DATE: \_\_\_\_\_

## 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.	Erik Dorn	1200 Chadwick Ave	50%
2.	James Mallon	2216 Mt Vernon Ave	50%
3.			

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 Ave (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.	Erik Dorn Dana Lawhorne	1200 Chadwick Ave 102 W. Alex. Ave	45% 15%
2.	Tim Gleeson	8607 Cross View, Fairfax	15%
3.	Michael Southard	102 Cahill Dr. Alex.	25%

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.	Erik Dorn Dana Lawhorne	None None	NA NA
2.	Tim Gleeson	None	NA
3.	Michael Southard	None	NA

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.

12/14/16  
Date

Erik Dorn  
Printed Name

  
Signature

**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 SUP use as  
 (use)

described in this application.

MVA Properties LLC  
 Name: Erik Dorn

Phone 571-969-9699

Please Print

Address: 1200 Chadwick Ave, Alex VA 22308

Email: delrayships@gmail.com

Signature: Erik Dorn

Date: 11/12/16

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 is a Virginia limited liability company.  
The members are Erik Dorn, James Mallon and Sean Snyder.  
40% 40% 20%



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.)

Del Ray Pizzeria is requesting the full use of the current 30 seats on the 2<sup>nd</sup> floor without the requirement of a reservation only. DRP is not requesting an increase in seats. DRP will have full use of current 10 parking spaces located at 2401 Mt Vernon Ave during the hours that the 2<sup>nd</sup> floor is in use.

**REVISED**

**Proposed Use for 2<sup>nd</sup> Floor at Del Ray Pizzeria:**

The 2<sup>nd</sup> floor will be used for special events and private parties not to exceed the current 30 seats. The events will include beer or wine dinners where we sell individual tickets for the event. We will also continue to rent out the 2<sup>nd</sup> floor for private parties. We would like to request the 2<sup>nd</sup> floor use of the 30 seats for any restaurant related use during the times that the 10 off street parking spaces are available for the sole use of Del Ray Pizzeria customers. This space is still not intended for overflow seating from the main restaurant. The hours available for the upstairs use would be Monday through Friday during the times of 5pm and 11pm and Saturday and Sunday from 10am to 11pm.

Whenever we schedule an event or reserve the 2<sup>nd</sup> floor for a party we will contact Harmon who manages the parking lot at 2401 Mt Vernon Ave and the time the event is scheduled. We will pre-purchase 10 parking spaces for the time we have an event scheduled. He will reserve 10 spaces for us during those events. We will inform our guest at the time they make the reservations about the use of the 10 parking spaces and instruct our guests to tell the parking attendant that they are going to DRP and the attendant will instruct the guest which spaces to use. We have 2 employees that handle the 2<sup>nd</sup> floor parties and special events (General Manager and Assistant General Manager). They are responsible for reservations of the party room as well as reserving the parking spaces for each event.

**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).  
we currently serve about 150 diners per day.
- B. How many employees, staff and other personnel do you expect?  
Specify time period (i.e., day, hour, or shift).  
we will add 1 staff member during the times the 2<sup>nd</sup> floor is in use.
6. Please describe the proposed hours and days of operation of the proposed use:
- |                            |                                  |
|----------------------------|----------------------------------|
| Day: <u>Sunday - Thurs</u> | Hours: <u>6:00 am - 11:00 pm</u> |
| <u>Friday - Saturday</u>   | <u>6:00 am - 12:00 AM</u>        |
| _____                      | _____                            |
| _____                      | _____                            |
7. Please describe any potential noise emanating from the proposed use.
- A. Describe the noise levels anticipated from all mechanical equipment and patrons.  
Do not anticipate an increased noise level.
- B. How will the noise be controlled?  
No noise anticipated.

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

No anticipated offensive odor from the 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)

mainly refuse from products used for the restaurant.

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

we generate 1/2 a dumpster per day.

- C. How often will trash be collected?

7 Days per week.

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

Trash will be picked up daily.

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 amounts of organic compounds and disposed  
of in accordance with 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 amounts of cleaning supplies and will be stored and disposed of in accordance with regulations.

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

Located in the central business district.  
Hours of operations should provide a safe environment.

### 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.

we currently offer on premise beer, wine and spirits. we also offer off-premise beer growler sales.



**PARKING AND ACCESS REQUIREMENTS**

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

9 Standard spaces w/ an additional 10 spaces during  
 \_\_\_\_\_ Compact spaces hours we use the 2nd floor.  
 \_\_\_\_\_ Handicapped accessible spaces.  
 \_\_\_\_\_ Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A \_\_\_\_\_

Does the application meet the requirement?

☐ Yes ☐ No

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

☒ on-site 9 spaces  
☐ off-site

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

10 off-site spaces located at 2401 Mt Vernon Ave  
weekdays evenings and all day Saturday and Sunday.

**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? 1 loading space located  
in front of restaurant on Mt Vernon  
Ave.

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 \_\_\_\_\_

Does the application meet the requirement?

☐ Yes ☐ No

B. Where are off-street loading facilities located? NA

C. During what hours of the day do you expect loading/unloading operations to occur?

7 am - 11 PM Pursuant to SUP 2011-0087

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

5-8 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?

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) + \_\_\_\_\_ sq. ft. (addition if any) = \_\_\_\_\_ 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

**REVISED**

February 13, 2017

To whom it may concern,

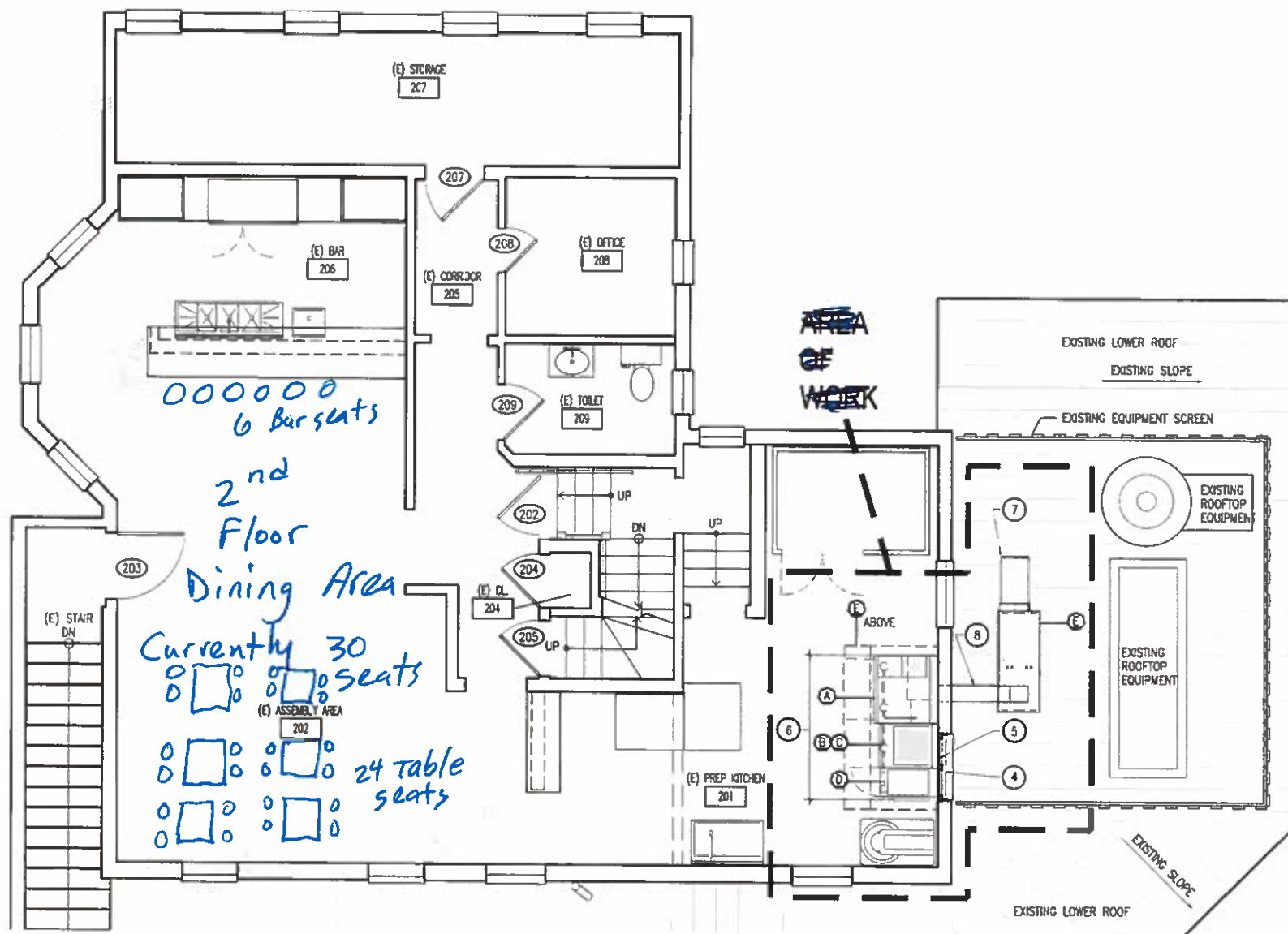
We own and operate a paid parking lot located at 2401 Mt Vernon Ave on weekdays after 5pm and all day Saturday and Sundays. We have agreed to let Del Ray Pizzeria pre-reserve 10 paid parking spaces during those hours for events they want to hold. They may contact our parking manager Harmon ahead of time and prepay for those spaces. We will reserve the 10 spaces for their patrons during the times of their events held at Del Ray Pizzeria. At no time can those spaces be used on weekdays until after 5pm.

Mount Vernon Properties of Delaware, LLC



Property owner

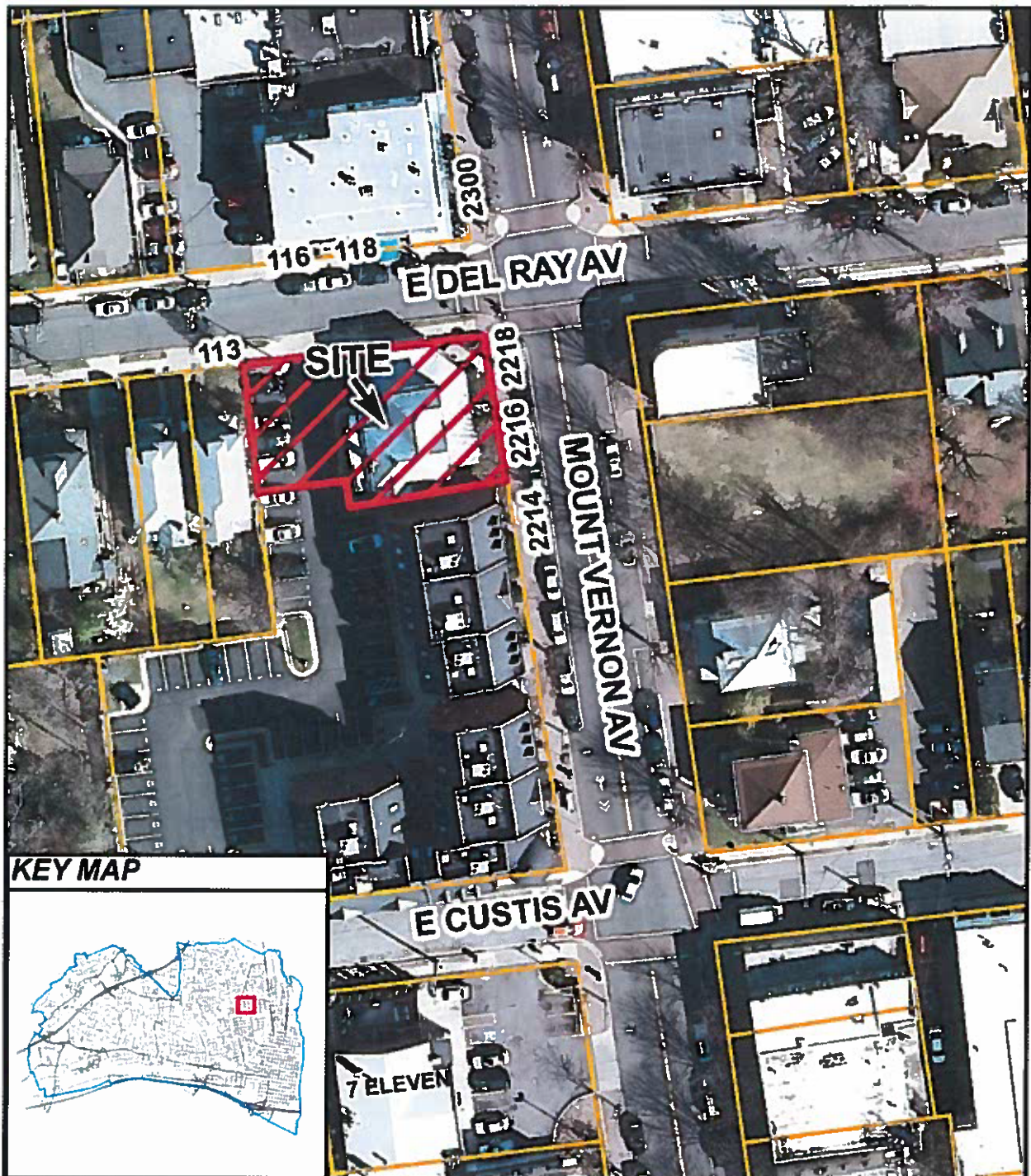
703-628-9015







2216-2218 Mount Vernon Avenue



**SUP**



# DEL RAY CITIZENS ASSOCIATION

[www.delraycitizens.org](http://www.delraycitizens.org)

P.O. Box 2233, Alexandria, VA 22301

Feb. 22, 2017  
Karl W. Moritz, Director, Department of Planning & Zoning  
City Hall, Room 2100  
Alexandria, VA 22314

RE: Del Ray Pizzeria, SUP #2016-0097, Amendment to SUP #2011-0087

On Jan 10, 2017, the Del Ray Citizens Association (DRCA) Land Use Committee (LUC) reviewed Del Ray Pizzeria's request to amend existing SUP #2011-0087 to allow use of a second floor room without reservations. 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. Staff's account of the context that the approval of this SUP was originally granted is that the former use was what council had in mind.

The applicant is now requesting approval to use the upstairs room for special events and private parties not to exceed the current 30 seats. The events will include beer or wine dinners that individual tickets are sold for attendance. The second floor will also be rented out for private parties. Per SUP #2014-0033, Condition 2, the second floor is not allowed to be used for overflow seating from the main restaurant.

According to the applicant, the space will only be used when the ten required off-street parking spaces are available at 2401 Mt. Vernon Ave for the sole use of Del Ray Pizzeria customers. The applicant will inform the guests at the time they make the reservations of the 10 parking spaces and instruct the guests to tell the parking attendant that they are going to DRP and the attendant will instruct the guest which spaces to use. The hours available for the upstairs use would be Monday through Friday during the times of 5pm and 11pm and Saturday and Sunday from 10am to 11pm.

The LUC is concerned that the original SUP application has not been revised to include an explanation from the applicant titled Proposed Use for 2nd Floor at Del Ray Pizzeria. There was much discussion concerning wording of the SUP at the meeting and this document was issued to help with the clarifying the arrangement. The LUC recommends the SUP be revised before it is reviewed by the Planning Commission so the record is clear.

We support the applicant's request to use the space in for the special events and private parties providing that the ten parking spaces are available to patrons of the upstairs space.

Sincerely,

Danielle Fidler  
Kristine Hesse  
DRCA LUC Co-Chairs

Rod Kuckro, DRCA President

Cc:Ann Horowitz, Staff Reviewer