

DOCKET ITEM #3
Special Use Permit #2019-0004
1503 & 1505 Mount Vernon Avenue
Restaurant
Del Ray Gardens

Application		General Data	
Request: Public hearing and consideration of a request for a special use permit to operate a restaurant use with outdoor dining.		Planning Commission Hearing:	April 2, 2019
		City Council Hearing:	April 13, 2019
Address: 1503 & 1505 Mt. Vernon Avenue		Zone:	CL / Commercial Low Zone
Applicant: Del Ray Gardens, LLC, represented by M. Catherine Puskar, attorney		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 Reviewer: Max Ewart, max.ewart@alexandriava.gov



PROJECT LOCATION MAP

I. REPORT SUMMARY

The applicant, Del Ray Gardens, LLC, represented by attorney, M. Catherine Puskar, requests Special Use Permit approval to operate a restaurant with outdoor dining at 1503 and 1505 Mount Vernon Avenue. The properties are located in the Commercial Low zone, which provides for pedestrian-oriented commercial uses. Staff recommends approval of the Special Use Permit request with conditions as described in the report.

SITE DESCRIPTION

The subject site is comprised of two contiguous and rectangular lots of record at 1503 and 1505 Mount Vernon Avenue (Figure 1). The lot at 1503 Mount Vernon Avenue has 50 feet of frontage along Mount Vernon Avenue, approximately 106 feet of depth and a lot area of 5,317.5 square feet. The lot is developed with a gravel, two-space, unstriped parking lot, and a one and a half-story building of 971 square feet. The lot at 1505 Mount Vernon Avenue has 50 feet of frontage along Mount Vernon Avenue, 108 feet of depth and a total lot area of 5,400 square feet. This gravel lot is undeveloped except for a shed.



Figure 1

Single family homes abut the two lots to the east. To the immediate south is Charlies on the Avenue restaurant and further south, across East Nelson Avenue, are townhomes and single- family homes. Across Mount Vernon Avenue to the east are the commercial uses, Al's Steak House, Eye2Eye, Sicilian Pizza and Hairy Situations. Walgreens abuts the lot at 1505 Mount Vernon Avenue to the north.

BACKGROUND

For 1503-1505 Mount Vernon Avenue, City Council approved SUP #2003-0125 in March 2003 for an outdoor garden center and a five-space parking reduction. In 2014, staff administratively approved a change of ownership and minor amendment for an extension of operating hours for GreenStreet Growers of Virginia, LLC, which operated under the name, GreenStreet Gardens of Del Ray until it closed in 2018.

Most recently, City Council approved SUP #2018-0067 in September 2018 for NOVA Hospitality, LLC to amend SUP #2018-0005 for the restaurant located at 1501 Mount Vernon Avenue. The Special Use Permit amendment allowed for Charlie's on the Avenue at 1501 Mount Vernon Avenue to expand its operation to include 1503 and 1505 Mount Vernon Avenue. At the two lots, 64 outdoor seats were to be featured with outdoor dining hours of 7 a.m. to 10 p.m. The use of outdoor speakers was acknowledged as long as amplified noise complied with the City's noise ordinance and that no noise would be audible at the property line after 9 p.m. Outdoor games were approved as an accessory use to the restaurant at 1501 Mount Vernon Avenue and outdoor cooking was allowed through a Recreation, Parks and Cultural Activities special events permit. Live entertainment was not permitted in the outdoor dining area. Additionally, a landscape plan was approved to screen outdoor dining and the game area from the nearest resident on East Nelson Avenue. The building at 1503 Mount Vernon Avenue was to be used for storage. Since the SUP #2018-0067 approval, NOVA Hospitality, LLC determined that it wanted to separate the restaurant use at 1501 Mount Vernon Avenue from the outdoor seating at 1503-1505 Mount Vernon Avenue, so a new owner could operate the outdoor seating at these two lots. This proposal for a restaurant with outdoor seating was subsequently submitted.

PROPOSAL

The applicant, Del Ray Gardens, LLC, requests to operate a 971 square-foot restaurant use with outdoor dining at 1503 and 1505 Mount Vernon Avenue. The SUP proposal represents similar characteristics of the SUP #2018-0067 approval for uses at 1503 and 1505 Mount Vernon Avenue. The primary difference is that the building at 1503 Mount Vernon Avenue would serve as a restaurant use. It would be renovated to include a kitchen, a food service station, a storage area and two bathrooms. Outdoor dining would be provided at 64 seats on the 1505 Mount Vernon Avenue lot. The proposed hours of operation would be 7 a.m. to 10 p.m. daily. The applicant has requested to sell on-and-off-premises alcohol. No customer delivery service or outdoor live entertainment is requested, however, the applicant is requesting approval of outdoor table and lawn games, as well as outdoor speakers and TVs. The applicant is proposing outdoor cooking for special events. The application includes an outdoor dining and landscape plan, which provides an evergreen landscape buffer between the operation and the neighbor's property to the rear of the subject lots; an eight-foot fence to be located 45-feet from the neighbor's property line; and the location of outdoor dining seats and games (Figure 2).

A summary of the proposed restaurant operation is:

Hours of Operation: 7 a.m. – 10 p.m. daily

Number of Outdoor Seats: 64 outdoor seats

<u>Type of Service:</u>	Table and bar service
<u>Alcohol Sales:</u>	On and off-premises
<u>Live Entertainment:</u>	Outdoor games
<u>Odor and Noise:</u>	No odors are anticipated beyond the property line
<u>Litter and Trash:</u>	Trash will be collected as necessary and no less than two times per week

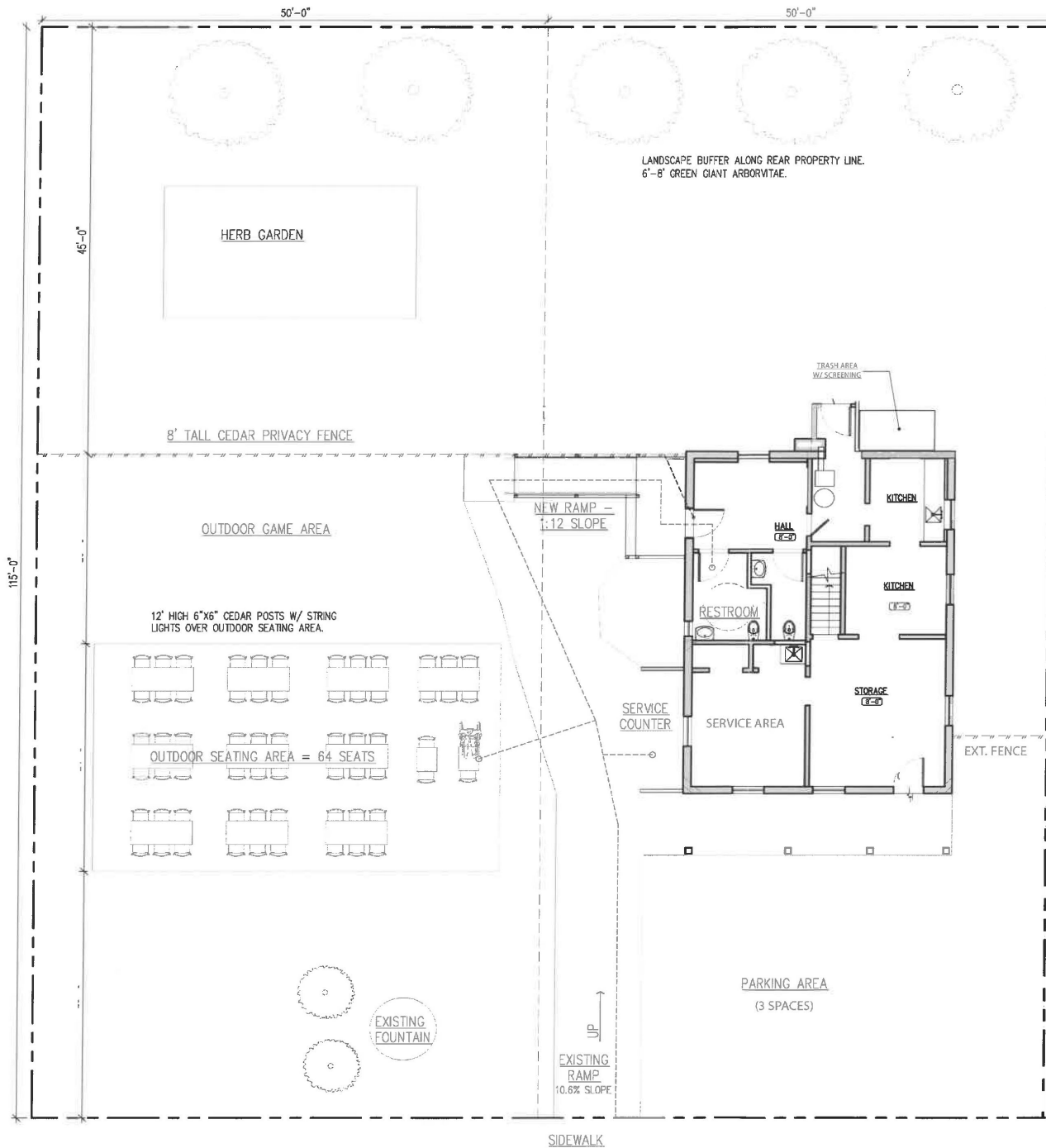


Figure 2

PARKING

Pursuant to Section 8-200(A)(17)(a) of the Zoning Ordinance, a restaurant in the enhanced transit area is required to provide a minimum of one parking space per 1,000 square feet of floor area. A 971 square-foot restaurant requires one parking space. Section 8-200(A)(17)(c) states

that for portions of the restaurant dedicated to outdoor dining, the first 20 seats are exempt from the parking requirement. The remaining 44 outdoor seats would require an additional 660 square feet of space (15 square feet for each outdoor seat), which calculates to one space for a total of two parking spaces for the overall use. Pursuant to Section 8-100(A)(9) of the Zoning Ordinance, nonresidential uses that have a parking requirement of two spaces or less shall be exempt from providing parking spaces. Although the applicant is not required to provide parking, two spaces exist on the 1503 Mount Vernon Avenue lot.

ZONING/ MASTER PLAN DESIGNATION

The two lots are zoned CL/Commercial Low. Sections 4-103(M) and 4-102.1(E) of the Zoning Ordinance permit restaurants and outdoor dining, respectively, with Special Use Permit approval if they exceed administrative SUP standards found in Section 11-513(L) and (M). As the restaurant would sell off-premises alcohol and exceed 20 outdoor seats, going beyond what can be approved administratively, this request requires a full hearing Special Use Permit and is subject to a docketed review.

The subject site is within the Potomac West Small Area Plan which designates the site for commercial uses. The subject site is also within the Mount Vernon Overlay Zone and Mount Vernon Avenue Business District, which stipulate requirements for various uses and development, including the designation of these sites for commercial uses. The lot at 1505 Mount Vernon Avenue is identified as an opportunity site in the Mount Vernon Avenue Business District which envisions a retail or office redevelopment in the future. The subject site is also in the Monroe Avenue Gateway District section of the Mount Vernon Avenue Business District Chapter of the Potomac West Small Area Plan.

II. STAFF ANALYSIS

Staff supports the applicant's request as it activates two unused lots in the Del Ray neighborhood. Staff not only recognizes the benefits of activating the two unused lots at 1503 and 1505 Mount Vernon Avenue, contributing to street vitality, but also understands it must balance an increase in commercial activity to reduce noise, odor, and parking impacts on the residential neighborhood. Mount Vernon Avenue is known for its pedestrian scale, which harmonizes the characteristics of the commercial corridor with the residential area that surrounds it. The Mount Vernon Guidelines have been applied consistently in the corridor, creating a neighborhood standard for restaurants along Mount Vernon Avenue that has guided staff in this recommendation of approval.

Recommended conditions reflect the conditions from SUP #2018-0067 that relate to the uses and activities approved at 1503 and 1505 Mount Vernon Avenue in September 2018 and are included in this request. Due to the proximity of residential uses, several For example, Condition #8 screens dumpsters from view; Condition #9, prevents on-site lighting fixtures from shining light into neighboring yards; and Condition #25 requires the applicant to apply for a Special Events Permit through Recreation, Parks, and Cultural Activities (RPCA) Department to have outdoor cooking events.

Further, Condition #27 ensures that the outdoor dining and other associated outdoor activities, would be set back 45 feet from the rear property line, and that the applicant would install landscaping to provide a visual buffer from the residential property to the rear. The recommended 45-foot buffer is close to double the required 25-foot zone transition setback as stipulated in Section 7-900 of the Zoning Ordinance for commercial buildings adjacent to residential zones. The location of the active uses — outdoor dining, games, and occasional outdoor cooking allowed through a special event permit — closer to the street would foster a pedestrian friendly streetscape. Staff does not object to the herb garden in the rear of the lot of 1505 Mount Vernon Avenue as it is a passive, low intensity operation that would be unlikely to generate impacts and would be attended to by employees only for cooking purposes.

Standard conditions related to minimizing noise impacts include Condition #4, controlling hours of operation and Condition #22, requiring the applicant to operate within the confines of the City's noise ordinance. To control for litter, staff has included Condition #14, requiring litter to be picked up at least three times a day. Lastly, to ensure minimal impacts on parking in the surrounding area, Condition #11 requires employees to use off-street parking and Conditions #12 and #13 require the applicant to provide information about public transit options to employees and patrons.

Subject to the conditions stated in Section III of this report, staff recommends approval of the applicant's 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 controlling interest. (P&Z)
2. Outdoor dining is limited to no more than 64 seated or standing patrons.
3. Outdoor dining including all its components such as planters and barriers, shall not encroach upon the right-of-way, unless an encroachment permit is granted. The applicant shall ensure that access is provided in accordance with building and fire requirements and that the seating area is cleaned at the close of each day of operation. (P&Z)
4. The hours of operation shall be limited from 7 a.m. to 10 p.m. daily, and all patrons must leave the outdoor dining premises by 10 p.m. (P&Z)
5. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
6. Alcoholic beverages may be sold for on-and-off premises consumption. (P&Z)
7. No food, beverages, or other material, except wood used to fuel the oven or any other material specified in a condition, shall be stored outside. (P&Z)

8. Any dumpster used on-site shall be screened to the satisfaction of the Department of Planning and Zoning. (P&Z)
9. Alterations or repairs to existing exterior lighting fixtures or new exterior lighting fixtures shall be shielded so as not to cause glare or spillover onto adjacent residential properties. (P&Z)
10. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and to provide instruction preventing underage sales of alcohol. (P&Z)
11. The applicant shall require its employees who drive to use off-street parking. (T&ES)
12. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
13. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
14. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
15. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
16. Chemicals, detergents, cleaners and used cooking oils shall be stored inside the building. (T&ES)
17. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)

18. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
19. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
20. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
21. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
22. The use must comply with the City's noise ordinance. No amplified sound shall be audible at the property line after 9 p.m. (T&ES)
23. No live entertainment shall be allowed in the outdoor dining area. (T&ES)
24. The use of outdoor games shall be ancillary to the principle use as a restaurant. (P&Z)
25. Outdoor cooking is not permitted except through approval of a Special Event Permit issued by the Recreation, Parks, and Cultural Activities Department of the City of Alexandria. Outdoor cooking shall occur at least 45 feet from the rear property lines. (P&Z)
26. 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 street frontage. (P&Z)
27. The outdoor dining and landscape plan shall be substantially consistent with the plan submitted with the SUP application on January 22, 2019.
28. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review, as the

result of a complaint that rises to the level of a violation of the permit conditions or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Tony LaColla, AICP, Division Chief, Land Use Services
Ann Horowitz, Principal Planner
Max Ewart, 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.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-2 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-3 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
- R-4 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)
- R-5 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-6 Chemicals, detergents, cleaners and used cooking oils shall be stored inside the building. (T&ES)
- R-7 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-8 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-9 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-10 All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)

- R-11 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-12 The use must comply with the City's noise ordinance. No amplified sound shall be audible at the property line after 9 p.m. (T&ES)
- R-13 No live entertainment shall be allowed in the outdoor dining area. (T&ES)

Code Enforcement:

- C-1 A building permit, plan review and inspections are required prior to the start of construction.

Fire:

- C-1 A fire prevention permit is required due to occupancy condition – assembly.

Health:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria- fee must be paid separate from any other departmental fees.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C-4 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

- C-8 Bar sections located within an open-air dining area will be limited in preparation activities. The bar section shall be placed in a location that reduces the potential adulteration of beverages served at the establishment. To the maximum extent possible, the location shall be free from dust, dirt, vermin, animals, birds, overhead leakage, or other contamination. Overhead protection shall be provided that fully extends over all beverages, condiments, utensil holding facilities and equipment associated with the bar section. All food, other than beverages, shall be prepared inside an approved, fully enclosed food establishment.
- C-9 No food preparation shall take place in the outdoor dining area. If the facility intends to have food preparation outdoors then the submission of construction plans and a plan review process are required.

Recreation, Parks & Cultural Activities:

- F-1 RPCA is not reviewing per MOU with P&Z.

Police Department:

No comments received



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # _____

PROPERTY LOCATION: 1503-1505 Mount Vernon Avenue

TAX MAP REFERENCE: 043.02-10-23, and -24 **ZONE:** CL

APPLICANT:

Name: Del Ray Gardens, LLC

Address: 7000 Elkton Drive, Springfield VA 22152

PROPOSED USE: Restaurant with outdoor dining

☒ **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.

M. Catharine Puskar, attorney
Print Name of Applicant or Agent
2200 Clarendon Blvd, Suite 1300
Mailing/Street Address
Arlington, VA 22201
City and State Zip Code

MCPuskar 1/22/19
Signature Date
703-528-4700 703-525-3197
Telephone # Fax #
cpuskar@thelandlawyers
Email address

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

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

SUP # _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of Please see attached., I hereby
(Property Address)
grant the applicant authorization to apply for the _____ use as
(use)
described in this application.

Name: _____ Phone: _____
Please Print
Address: _____ Email: _____
Signature: _____ Date: _____

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

☒ Required floor plan and plot/site plan attached.

☐ Requesting a waiver. See attached written request.

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

☐ Owner

☐ Contract Purchaser

☒ Lessee or

☐ Other: _____ of the subject property.

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

See attached

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 Jeremy Barber	7000 Elkton Dr. Springfield, VA	40%
² Justus Frank	8464 Blue Oak Ct. Springfield, VA	40%
³ Michael Dameron	2401 Mt. Vernon Ave, Unit B, Alexandria, VA	20%

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1503-1505 Mount 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 See attached.		
²		
³		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are 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.)
Ownership entity, see attached.		
¹ Jeremy Barber	None	None
² Justus Frank	None	None
³ Michael Dameron	Yes	Campaign contribution in excess of \$100 to Justin Wilson

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.

1-22-2019 Jeremy Barber
Date Printed Name

[Signature]
Signature

(Letterhead)

Del Ray Gardens, LLC
7000 Elkton Drive
Springfield, VA 22152

Karl Moritz
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

Re: Authorization to File Application for a Special Use Permit
1503-1505 Mount Vernon Avenue (Tax Map IDs 043.02-10-23 and -24; the
"Property")

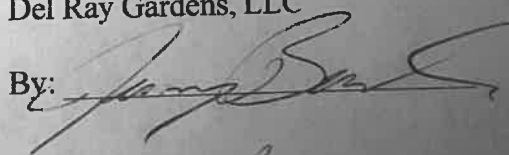
Dear Mr. Moritz:

Del Ray Gardens, LLC hereby authorizes Walsh, Colucci, Lubeley & Walsh, P.C. to act as agent on its behalf for the filing and representation of an application for a Special Use Permit on the Property and any related requests.

Very truly yours,

Del Ray Gardens, LLC

By:



Its:



Date: 1-18-2019

Twenty-Third Street Corridor, LLC

DBA Pappas Realty

509 24th Street South, Suite 100
Arlington, Virginia 22202

Tel: 703-685-0000

Fax: 703-979-0000

Karl Moritz
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

Re: Consent to File an Application for a Special Use Permit
Applicant: Del Ray Gardens, LLC
1503-1505 Mount Vernon Avenue (Tax Map IDs 043.02-10-23 and -24; the
"Property")

Dear Mr. Moritz:

As owner of the above-referenced property, Twenty Third Street Corridor LLC, hereby consents to the filing of a Special Use Permit application and any related applications and requests the above-referenced Property by Del Ray Gardens, LLC (the "Applicant").

Very truly yours,

Twenty Third Street Corridor LLC



By: Stratis A. Voutsas

Its: Managing Member

Date: January 18, 2019

Twenty-Third Street Corridor, LLC
Owner of 1503 and 1505 Mount Vernon Avenue, Alexandria Virginia

To Whom it may concern:

The 100% controlling member of Twenty Third Street Corridor, LLC is Stratis A Voutsas, CPA under the Restated Louis A Pappas Living Trust dated 1/5/1973

The 99% ownership member is the Restated Louis A Pappas Living Trust dated 1/5/1973 and the remaining 1% ownership member is Stratis A. Voutsas, CPA

The Trustee of the Trust is Mark P Friedlander Jr.

No members have any business or financial relationships with members of the Planning Commission or City Council.

A handwritten signature in dark ink, appearing to read 'Stratis A. Voutsas', with a stylized flourish at the end.

Stratis A. Voutsas, Managing Member
Third Street Corridor, LLC

SUP # _____

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.

N/A

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.)

Please see attached.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Narrative Description
1503-1505 Mount Vernon Ave
TM #043.02-10-23 and -24 (the "Property")
Del Ray Gardens, LLC (the "Applicant")

The Applicant, Del Ray Gardens, LLC, requests approval of a Special Use Permit ("SUP") to operate a new restaurant with outdoor dining at 1503-1505 Mount Vernon Avenue (the "Property").

In the way of background, on September 16, 2018, City Council approved SUP #2018-0067 for a restaurant with outdoor dining at 1501-1505 Mt Vernon Ave. The approval included outdoor dining at 1503-1505 Mt Vernon Avenue to operate as an accessory use to Charlie's restaurant located at 1501 Mount Vernon Avenue. The Applicant now wishes to establish a new restaurant on 1503-1505 Mt Vernon Avenue so that the restaurant and outdoor dining on the Property can operate independent of the adjacent restaurant.

In order to establish the new restaurant, the Applicant proposes to renovate the interior of the existing building to include two bathrooms, a kitchen, storage, and service. While patrons will have access to the bathrooms, no seating or other public areas are proposed inside the building. In addition, the Applicant intends to construct a trash and recycling enclosure on the side of the building, which will be screened by a wooden fence.

The Applicant's proposal for the outdoor dining is the same as that approved in SUP #2018-0067, and the Applicant agrees to all conditions of SUP #2018-0067 as may be applicable for the outdoor dining and new restaurant on the Property. The adjacent restaurant at 1501 Mt Vernon Avenue will continue to operate in compliance with the existing conditions applicable to the restaurant and outdoor dining permitted on that site.

Consistent with the prior outdoor dining approval, the Applicant proposes 64 outdoor dining seats with an outdoor gaming area located at least 45' feet from the rear property line. Per the landscape plan and Condition #39 of SUP #2018-0067, the Applicant has already planted a row of trees in the rear of the Property to screen the restaurant from the home at 404 East Nelson Avenue, and a fence has been constructed at least 45' from the rear property line as an additional buffer to the rear. Please see the attached exhibits for more details.

As discussed in the staff report for SUP #2018-0067, the outdoor dining space on the Property is approved for 64 seated and standing patrons (Condition #3) and hours of operation from 7AM to 10PM daily (Condition #10). All noise from indoor and outdoor operations will be in compliance with the noise ordinance, per Condition #17. Additionally, the Applicant is not proposing any outdoor live entertainment (Condition #35), but intends to provide yard and table games consistent with Condition #36. As approved in SUP #2018-0067, the Applicant is proposing both on- and off-premise alcohol sales.

Pursuant to Section 8-200(A)(17), restaurants in the Enhanced Transit Zone must provide at least one (1) space per 1,000 square feet of floor area. For portions of a restaurant devoted to outdoor dining, the area occupied by the first 20 outdoor seats is exempt from the parking

requirement. According to the Real Estate Records, the restaurant contains approximately 971 sf and the existing outdoor dining space includes 64 seats, 20 of which are exempt and 44 of which occupy approximately 660 sf. As such, a total of 1,631 sf (971 sf building and 660 sf outdoor dining) requires fewer than two (2) parking spaces. Per Section 8-100(A)(9), nonresidential uses that have a parking requirement of two (2) spaces or less are exempt from providing spaces. Pursuant to Section 8-200(B)(5), no loading spaces are required. However, the Property contains a small, unstriped, gravel parking lot, which can accommodate approximately three (3) vehicles. Deliveries and trash pickup will occur during off-peak hours.

Encouraging outdoor dining is a stated goal of the Mount Vernon Avenue Business Area Plan, as noted on page 99 of the plan. This active use complements and encourages a lively streetscape and supports a thriving commercial district. As evidenced by the wait for outdoor dining up and down the Avenue during nice weather, this proposal would not only provide additional capacity for outdoor dining, it would also enhance the active atmosphere along Mount Vernon Avenue, add jobs, and increase the commercial tax base.

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).

Approximately 60-70 patrons at any given time.

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

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

A maximum of approximately 5-10 employees/shift

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

Day:

Daily

Hours:

7AM-10PM

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

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

Noise levels will be in compliance with the Noise Ordinance.

B. How will the noise be controlled?

Noise will be typical of a restaurant of this size. Staff will monitor the area for excess noise and will be in compliance with the City of Alexandria's Noise Ordinance.

SUP # _____

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

On odors are anticipated beyond the property line. All outdoor cooking operations will be in compliance with the health code.

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

- A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

Trash will be typical of a restaurant of this size - paper, plates, cups, napkins.

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

Trash will be typical of a restaurant of this size and will be approximately 6-8 bags per day.

- C. How often will trash be collected?

Trash will be collected as necessary, but no less than two times per week.

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

Staff will monitor the premises for litter and will dispose of it appropriately.

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:

- 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:

Typical cleaning products associated with a restaurant will be used and will be disposed of appropriately.

- 12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons?
The Applicant will conduct ongoing staff training sessions to ensure staff preparedness relative to security and robbery awareness.

ALCOHOL SALES

13.

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

☒ Yes ☐ No

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

The Applicant is requesting both on- and off-premise alcohol sales (beer, wine, and mixed beverage) and will comply with ABC licensing requirements.

PARKING AND ACCESS REQUIREMENTS

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

0 _____ Standard spaces
 0 _____ Compact spaces
 0 _____ Handicapped accessible spaces.
 _____ Other.

Per Section 8-100(A)(9), no parking is required. However, parking spaces are available on 1503 Mount Vernon Avenue lot in an unstriped, gravel parking lot.

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

N/A

☐ 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? 0 _____ Per Section 8-200(B)(5), no loading spaces are required.

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? Per Section 8-200(B)(5), no loading spaces are required.
- C. During what hours of the day do you expect loading/unloading operations to occur?
Loading will occur between 8AM and 6PM on E. Nelson Avenue.
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
As often as necessary.
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?
Yes, 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? N/A square feet.

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

971 sq. ft. (existing) + 960 sq. ft. (addition if any) = 1,931 sq. ft. (total)

indoor

outdoor

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 # _____

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: 0 Outdoors: 64 Total number proposed: 64

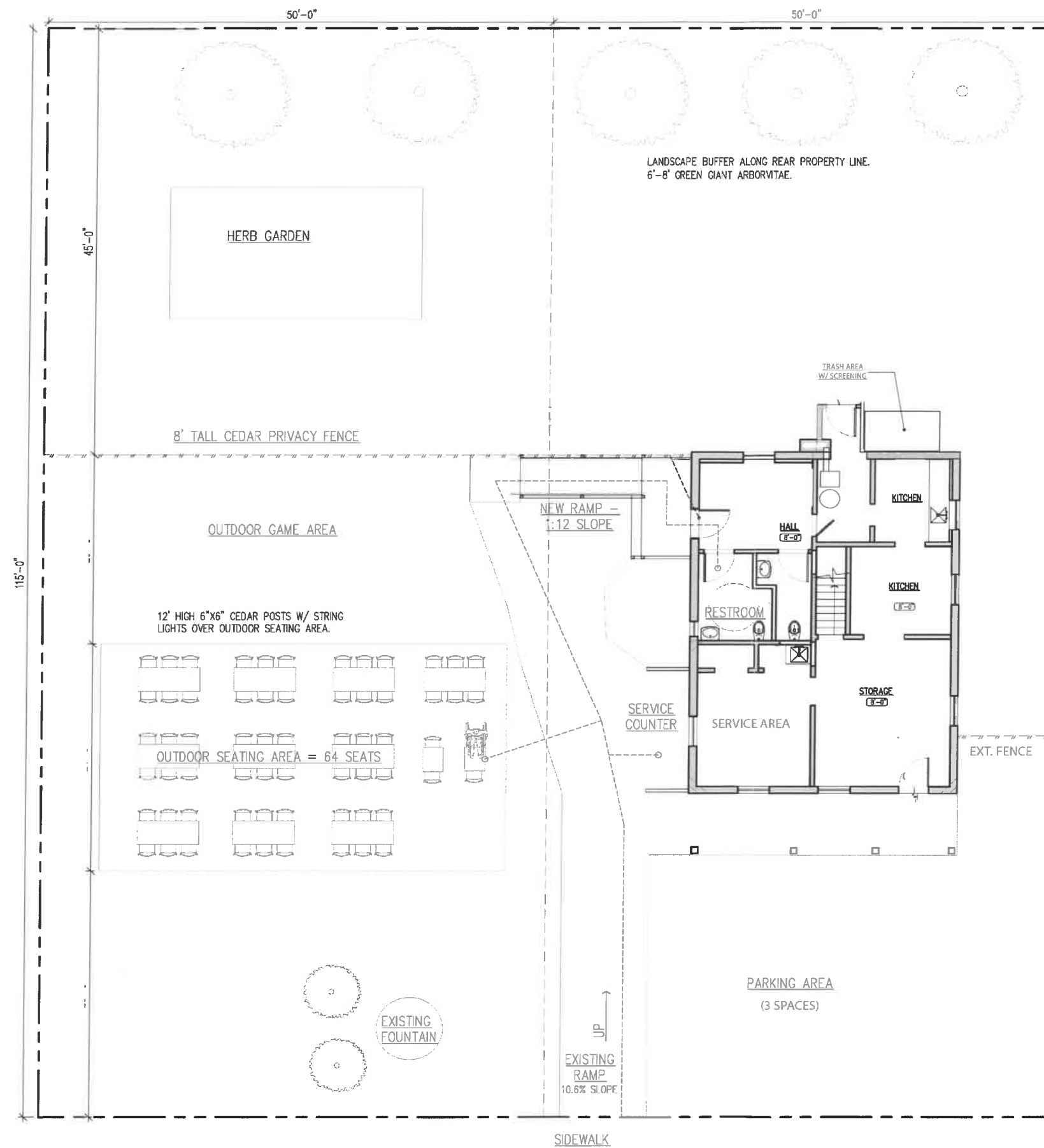
2. Will the restaurant offer any of the following?
Alcoholic beverages (**SUP only**) ☒ Yes ☐ No
Beer and wine — on-premises ☒ Yes ☐ No
Beer and wine — off-premises ☒ Yes ☐ No

3. Please describe the type of food that will be served:
Typical Mexican food with other grilled and small-plate options (tacos, chili dogs, charcuterie, etc.)

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? N/A
Will delivery drivers use their own vehicles? ☐ Yes ☐ No
Where will delivery vehicles be parked when not in use?
N/A

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?
☒ Yes ☐ No
If yes, please describe:
Outdoor table and lawn games, as permitted by Condition #36, and outdoor speakers and TVs.



1503-1505 MOUNT VERNON AVENUE

DEL RAY
GARDENS, LLC

1503 MOUNT VERNON AVE.
ALEXANDRIA, VA 22301

Issue: SUP Date: 01.22.2019

COVER SHEET

A-1