

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

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

**PLANNING COMMISSION ACTION, APRIL 2, 2019:** On a motion made by Commissioner Lyle and seconded by Vice Chariman Wasowski, the Planning Commission voted to recommend approval of Special Use Permit #2019-0004, of an amendment to Condition #26 in the staff memorandum dated April 2, 2019 and an amendment to Condition #2, subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 6-0.

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

Chairman Macek asked how the outdoor seating number was determined when it was reviewed in September 2018. Staff explained that it considered the number of outdoor dining seats at other restaurants with outdoor seating proximate to residences along Mount Vernon Avenue and found that the maximum was 50 at Evening Star and the Front Porch. It believed a slight increase of 14 seats would not significantly impact noise levels and the neighbors and Del Ray Citizens Association (DRCA) also supported that number. Chairman Macek inquired as to whether the applicant would accommodate a third parking space in the driveway area and asked why they only requested 64. Cathy Puskar, representing the applicant, responded that a third parking space could be accommodated on-site and that the applicant applied for 64 seats because the number had been previously approved in September 2018 and the applicant wanted to open the business as soon as possible.

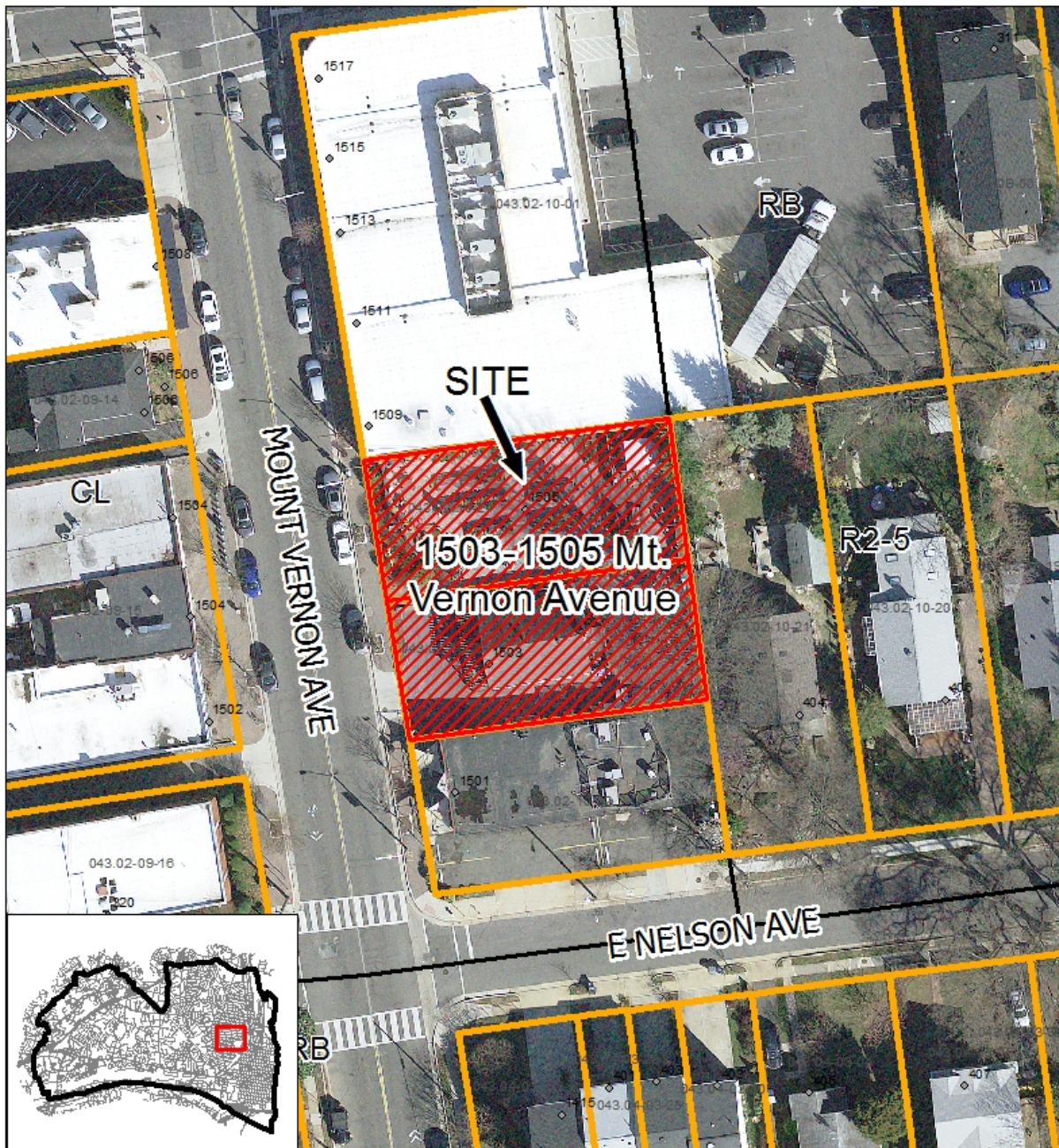
Commissioner Lyle asked how much seating could be accommodated with three on-site parking spaces, with one located in the driveway area. Staff indicated that three parking spaces could accommodate 91 additional seats in the outdoor seating area. Commissioner Lyle recommended an amendment to Condition #2 to allow for 155 total seats to allow the business flexibility to expand.

Vice Chairman Wasowski supported allowing for more seats and stressed that it does not mean that the applicant must use them but that it allows for flexibility for the business to grow.

Commissioner Brown and Commissioner McMahon agreed with Commissioner Wasowski.

Speaker:

Cathy Puskar, representing the applicant, spoke in support of the application. Cathy informed the Planning Commissioners that the applicant would welcome any recommendation for increased seating and that it was unlikely that the applicant would use all of the available seating in the near future.



**Special Use Permit #2019-0004**  
**1503-1505 Mount Vernon Avenue**

0 20 40 80 Feet





## 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). This plan indicates the parking area can accommodate three parking spaces.

A summary of the proposed restaurant operation is:

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

<u>Number of Outdoor Seats:</u>	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

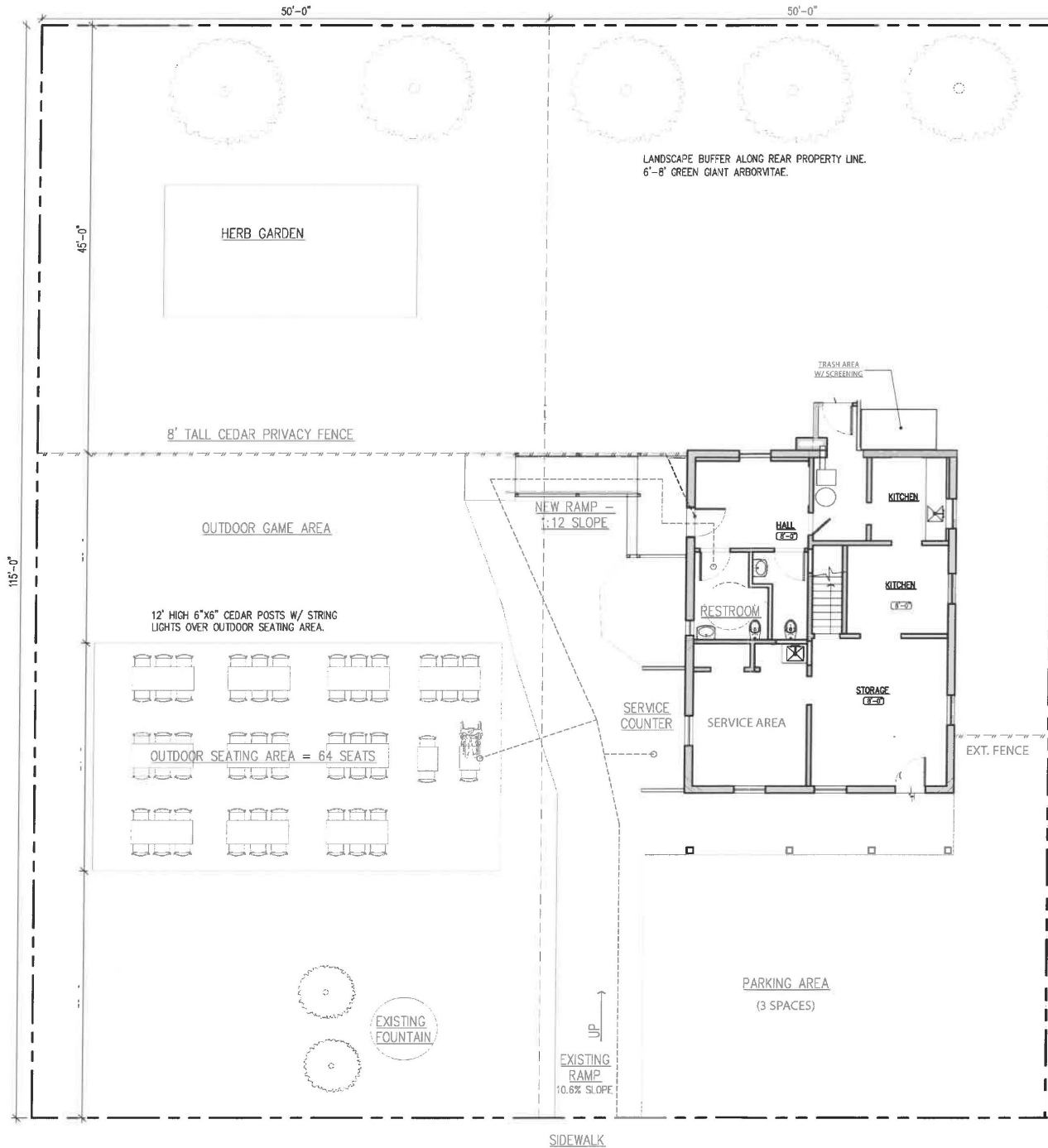


Figure 2

## 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, room for two spaces exist on the 1503 Mount Vernon Avenue lot. A third space could be available if the applicant would dedicate the driveway to the south of the building as a parking space.

#### 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 conditions mitigate noise and visual impacts. 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. **CONDITION AMENDED BY PLANNING COMMISSION:** Outdoor dining is limited to no more than ~~64~~ 155 seated or standing patrons. (~~P&Z~~) (PC)
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](mailto: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](mailto: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. **CONDITION AMENDED BY PLANNING COMMISSION:** ~~All~~ The windows near the north corner of the building facade shall remain transparent. The placement or construction of items that block the visibility through the 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)~~ (PC)
27. The outdoor dining and landscape plan shall be substantially consistent with the plan submitted with the SUP application on January 22, 2019. (P&Z)
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

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

#### IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- 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](mailto: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](mailto: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

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**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
<sup>1</sup> Jeremy Barber	7000 Elkton Dr. Springfield, VA	40%
<sup>2</sup> Justus Frank	8464 Blue Oak Ct. Springfield, VA	40%
<sup>3</sup> 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
<sup>1</sup> See attached.		
<sup>2</sup>		
<sup>3</sup>		

**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.		
<sup>1</sup> Jeremy Barber	None	None
<sup>2</sup> Justus Frank	None	None
<sup>3</sup> 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")

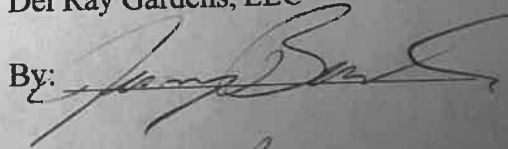
Dear Mr. Moritz:

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 24<sup>th</sup> Street South, Suite 100  
Arlington, Virginia 22202

Tel: 703-685-0000

Fax: 703-979-0000

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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.



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.

SUP # \_\_\_\_\_

## 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

☐ off-site

N/A

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 # \_\_\_\_\_

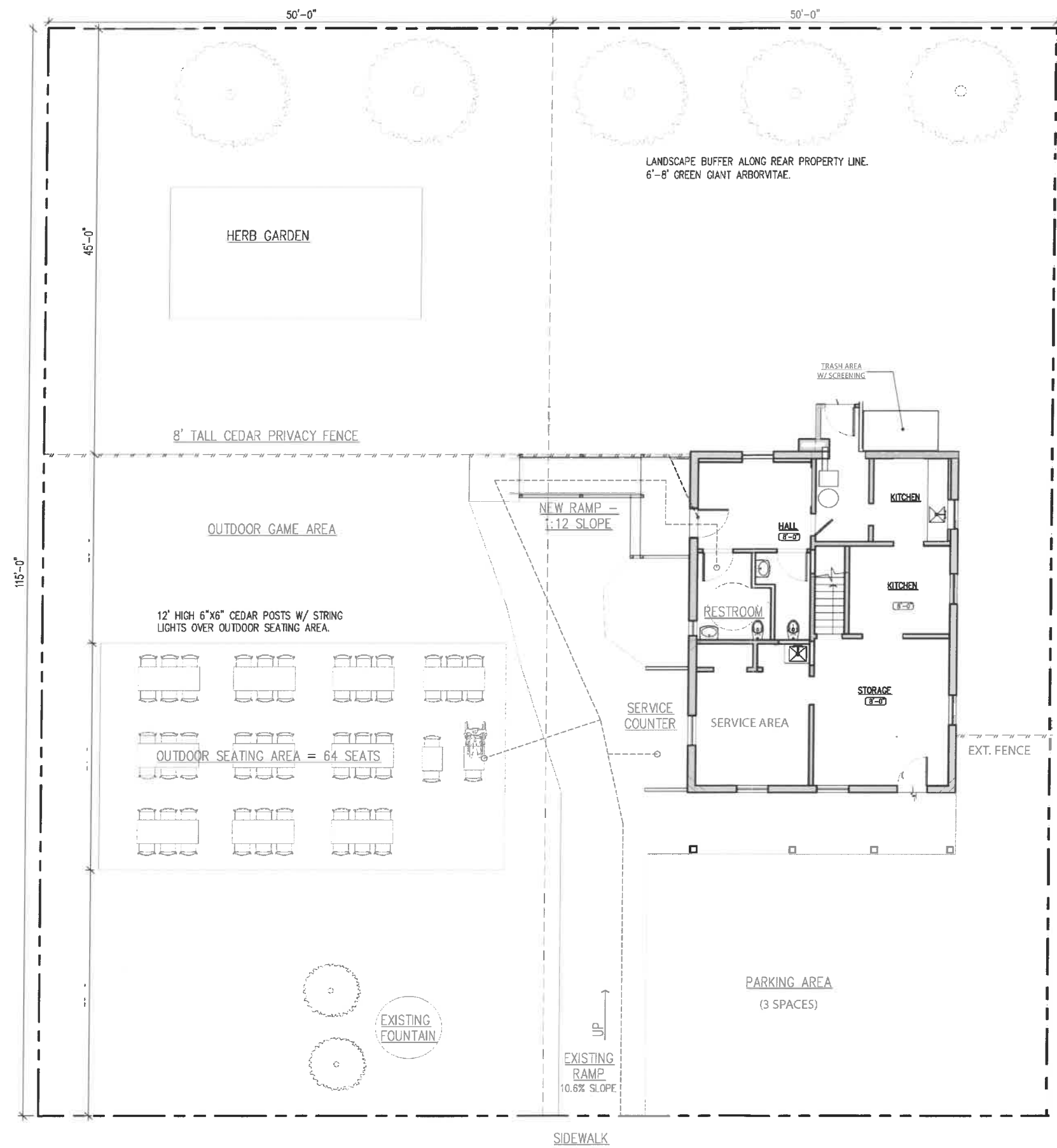


## SUPPLEMENTAL APPLICATION

### 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

# The Garden

Madison Weitekamp <madison.weitekamp@gmail.com>

Wed 3/27/2019 6:56 PM

To: PlanComm <PlanComm@alexandriava.gov>;

Hello,

I recently read the article in the patch about the garden opening next to Charlie's on the ave. I wanted to reach out and say that I think this would be a great idea. I am of the younger generation in del Ray and this would be an awesome addition to the avenue. It has my full support!

Thanks,

Madison Weitekamp  
C:(703)-599-5717

# Happy to have The (Beer) Garden opening soon!

Monika Schiavo <mvschiavo@gmail.com>

Wed 3/27/2019 7:56 PM

To: PlanComm <PlanComm@alexandriava.gov>;

To the members of the Alexandria Planning Committee:

I wanted to let your committee know that my family is looking forward to the opening of The Garden on Mount Vernon next to Charlie's.

We support the approval of this particular business for several reasons. First of all, they will be dog-friendly! Which will be great for all of us thirsty dog owners who love to socialize with our four-legged friends.

We have driven several times to Port City Brewery to enjoy their beer garden. The well-behaved guests ranged in age from young parents with kids to (ahem) older-but-still-cool adults. This is the type of desirable customer I expect to see at the new venue.

That being said, The Garden will definitely help raise the attractiveness of that small section of Del Ray. With Charlie's and Junction offering dinner and lunch, that area becomes even more attractive to visitors.

I know that parking is a perennial concern in DR but I think The Garden will draw more of a walking crowd of adults, kids, and again, dogs.

We love the walkability of Del Ray, we love our neighbors and our dogs and we love beer!

Thanks for approving The Garden!

All the best from your supporters, John and Monika

# The Garden

Stirling Walker <stirlingwalker@hotmail.com>

Wed 3/27/2019 8:50 PM

To: PlanComm <PlanComm@alexandriava.gov>;

I am reaching out to say that we are looking to The Garden opening in Del Ray. I think it will be a great new space. It a the vibe that's missing. I can see this space welcoming young adults through older folks. Please vote to provide them a special permit. We are really excited for them to open this spring. Thank you for your consideration.

Lisa Stirling Walker  
411 E Bellefonte Ave  
Alexandria, VA 22301  
703-599-5011

Sent from Stir's iPhone

# I support the Garden on Mt Vernon Ave!

jpatrick1977@gmail.com

Wed 3/27/2019 11:25 PM

To: PlanComm <PlanComm@alexandriava.gov>;

Hello, I'm a resident of Del Ray on Duncan Ave and I would like to show my full support to the opening of the Garden on Mt. Vernon Ave. I think it is a much needed addition to the community, for it will add another great place for the community to gather and enjoy the outdoors while supporting another great Del Ray business.

John Patrick

Sent from my iPhone



# The Garden

Brian Butts <streamlinecrd@gmail.com>

Thu 3/28/2019 9:39 AM

To: PlanComm <PlanComm@alexandriava.gov>;

Hello all,

My name is Brian Butts and I am a local resident on E. Raymond Ave. where I live with my wife and two kids.

We have lived in Del Ray for 6 years and love its unique neighborhood style.

One of the things we love most is sitting outside on the Ave. in the spring, summer, and fall. Sometimes even the winter!

I am writing on behalf of The Garden, and would love to see another option along the Ave to sit out and enjoy food drink and friends.

Thanks for your time. Looking forward to spring!

Brian

Sent from my iPhone

# The Garden in Del Ray

Steve Beggs <steve@tartanproperties.com>

Thu 3/28/2019 10:16 AM

To: PlanComm <PlanComm@alexandriava.gov>;

Cc: mike@tartanproperties.com <mike@tartanproperties.com>;

Dear Planning Commission Members,

As a resident of Del Ray, I am in favor of a separate restaurant called The Garden in Del Ray at 1503-1505 Mount Vernon Avenue.

I support the proposed outdoor seating, hours of operation and outdoor alcohol sales as requested by the ownership group of the restaurant.

The Garden in Del Ray, having a yard area and table games, TVs and outdoor speakers playing music will add to our local amenities.

Thank you for your consideration and I hope to see you on the Avenue soon,

**Steve Beggs**

Tartan Properties Commercial

1020 Wythe Street

Alexandria, VA 22314

(703) 836-6546 work

(571) 334-8098 cell

[www.tartanproperties.com](http://www.tartanproperties.com)



## Support for "The Garden" in Del Ray

Ben Flood <benaflood@gmail.com>

Thu 3/28/2019 11:07 AM

To: PlanComm <PlanComm@alexandriava.gov>;

Council Members,

I am writing to express my support for The Garden proposed at 1503 Mount Vernon Ave which I understand is docketed for City Council Approval in April. As a Del Ray resident, my family looks forward to the opportunity for additional outdoor dinning options. On nice days, outdoor dinning capacity is limited. This application shall help meet a need while enriching the already diverse and active environment on the Avenue.

Thanks,

Ben Flood

119 E Raymond Ave

# The Garden in Del Ray

Nicole Coleman <ncole008@gmail.com>

Thu 3/28/2019 8:08 PM

To: PlanComm <PlanComm@alexandriava.gov>;

To whom it may concern,

I am looking forward for outdoor restaurant The Garden in Del Ray, to open. It will be an unique addition to the community that we have not seen before. Local businesses give a community its flavor!

I was excited to hear that the owners of Live Oak and Charlie's on the Ave would be opening a third restaurant. Having the owners nearby also means that owner personally knows their customers. They know the products you buy on a regular basis and make you feel like you are apart of the family. I feel better knowing my dollar is being spent locally rather than at a chain;  
which will benefit me and my neighbors, both businesses and families alike.

Respectfully,  
Nicole Coleman

# Support of Del Ray Garden

Gabby Wolosik <gabbywolosik@gmail.com>

Fri 3/29/2019 10:38 PM

To: PlanComm <PlanComm@alexandriava.gov>;

To Whom it May Concern:

I am a Del Ray resident of 4 1/2 years, and I'm writing to express my support of the beirgarten in Del Ray Garden. I live on Commonwealth Avenue, and it would be great to have a fun, outdoor setting in walking distance to meet up with friends for some great food and drinks. The Del Ray community is all about different cultures, and this beirgarten would certainly add to that! It was so exciting to hear about the possibility of Del Ray Garden in the community, especially since it is a sister restaurant of Live Oak and Charlie's, two other fun and family friendly locations. The beirgarten would not only encourage Del Ray residents like myself to spend more time in our own neighborhood, but it will also attract visitors from other neighboring areas to come here as well.

Thank you for your time and consideration,

Gabby Wolosik  
Del Ray Resident

# DEL RAY CITIZENS ASSOCIATION

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

P.O. Box 2233, Alexandria, VA 22301

April 1, 2019

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

RE: SUP #2019-004  
1503 & 1505 Mt. Vernon Ave  
Del Ray Gardens Restaurant

The Del Ray Citizens Association (DRCA) Land Use Committee (LUC) has reviewed the above referenced SUP application for a change in ownership and addition of a kitchen inside the building. The committee supports the applicant's request with the following additional conditions to be added, as they are not addressed in the staff report:

1. Provision of bike racks to the property. Bikes are a popular means of transport in Del Ray and given the limited amount of parking, should be required.
2. While the outdoor grilling is only allowed with a special events permit, the LUC recommends the permit be limited in frequency to minimize the impact on the adjacent neighbor.
3. While there is a trash area indicated on the submitted plan and conditions 8 & 17 refer to the screening and containment of trash, there is not a condition on the pick-up of trash. Should commercial trash services be employed, trash pick-up shall not occur before 7 am on weekdays and 9 am on weekends.

The LUC would like to point out that a subsequent plan submitted by the applicant did not comply with Condition 26 (blocking of windows), and that the LUC had notified the applicant of the mechanical code requirements related to the proper venting of their proposed kitchen equipment. This could have required additional mechanical equipment and screening, which was a major issue with the neighbors during the discussion of SUP#2018-0005 /1501 Mt. Vernon Ave (Charlie's). Delays in receiving the requested information resulted in the LUC having to review this via email and not at our regularly scheduled meeting, so

there was not an opportunity for the neighbors to comment on the proposed changes. The LUC requested the applicant's representative notify the neighbors, but it is not known if they were informed.

Thank you for your consideration of this letter and the opinions of the Land Use Committee.

Sincerely,

Kristine Hesse, Co-Chair  
Del Ray Citizens Association  
Land Use Committee

Cc: Max Ewart, Staff Reviewer  
Cathy Puskar, Applicant Representative

# Opening of "the Garden" in the old Green Street Garden space

Aaron Smith <Aaron\_Smith@Edwards.com>

Mon 4/1/2019 2:48 PM

To: PlanComm <PlanComm@alexandriava.gov>;

To City Council or whomever it may concern-

I wanted to share my support of the proposed "Garden" space to be built out in the open space next to Charlies on the Avenue. As a resident of Del Ray and a frequent customer to Charlies (and the area) I feel that this is something that will bring the community together and provide additional (and much needed) outdoor gathering spaces. Our community is a tight knit community, family friendly and one that supports our local business owners and this proposed used of space certainly checks the boxes for one of these criteria. The southern end of Mt. Vernon Ave has the opportunity to extend its charm from neighborhood spots like the Front Porch and Stomping Ground and this would be a huge step in the right direction.

Please feel free to contact me if you have any questions regarding my support for this proposal, or any other future proposals to come.

Proud Del Ray Neighbor-

**Aaron Smith**

---

This message contains information which may be confidential and privileged. Unless you are the intended addressee (or authorized to receive for the intended addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply and delete the message. To the extent contractual confidentiality obligations exist, this message and all information transmitted with it are designated "Confidential".



# City of Alexandria, Virginia

## MEMORANDUM

DATE: APRIL 2, 2019

TO: CHAIRMAN MACEK AND MEMBERS OF THE PLANNING COMMISSION

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

SUBJECT: DOCKET ITEM #3 - SUP #2019-0004 –  
1503 AND 1505 MOUNT VERNON AVENUE

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This memorandum offers background information in response to the April 1 Del Ray Citizens Association (DRCA) memorandum that outlined recommendations for conditions and mentioned concerns related to the building exterior for SUP #2019-0004.

### **A. DRCA-proposed conditions**

#### *1) Bicycle rack requirement*

Special Use Permits have occasionally required bicycle racks in instances when the request included a parking reduction.

#### *2) Limit frequency of outdoor grilling through a special events permit*

Condition 25 states: 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.

The Recreation, Parks and Cultural Activities (RPCA) department issues special events permits for events that are occasional in nature, such as a Fourth of July or a business anniversary gathering, and are not intended for frequent and regular events.

#### *3) Condition to limit morning hours of commercial trash pick-up*

The DRCA requests that an added condition requires the applicant to restrict trash pick-up to 7 a.m. on weekdays and 9 a.m. on weekends. Section 5-1-42(c) of the City Code requires private trash collection, that occurs within 500 feet from a residential area, to take place outside the hours of 11 p.m. and 7 a.m. and no earlier than 6 a.m. from May 1 through September 30.

### **B. Concerns**

#### *1) Blocking of a front window with a refrigeration unit*

One of the two front building windows is proposed to be blocked by refrigeration equipment. The DRCA recognizes that this would run counter to Condition 26, requiring the windows to remain transparent. As the building façade is located a distance from the pedestrian right-of-way,

staff does not oppose the blocking of one window and requiring the second window near the building corner to allow visibility into the restaurant space. Staff recommends an amendment to Condition 26 as:

26. **CONDITION AMENDED BY PLANNING COMMISSION:** ~~All~~ The windows near the north corner of the building façade shall remain transparent. The placement or construction of items that block the visibility through the 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)~~ (PC)

*2) Exterior mechanical equipment and screening*

The last paragraph also references conversations between DRCA members and the applicant's contractor on the code requirements related to venting, mechanical equipment, and screening. These elements will be included in the building permit review by City departments for code and zoning compliance and occurs after an SUP is approved.

Staff continues to recommend approval of SUP #2019-0004, subject to the amendment of Condition 26.

# Letter in Support of Del Ray Garden

Brandon Flowers <bflowers.us@gmail.com>

Tue 4/2/2019 10:09 AM

To: PlanComm <PlanComm@alexandriava.gov>;

Hello,

I wanted to reach out to voice my support for the Del Ray Garden which is currently going through the approval process for a 2019 opening. As a resident who lives right down the street on Mount Vernon Avenue I am thrilled at the idea. I am excited about the outdoor space to enjoy the weather, hang out / play games with family and friends, and sample a wide variety of beers. I have had the opportunity to frequent the owners' other restaurants in the area (Live Oak, Charlies on the Avenue) - they have been great additions to the community and as family-owned establishments bring with them the character that makes Del Ray such a great place to live. I have no doubt that Del Ray Garden will continue that trend.

I hope that you will take this into consideration as you evaluate the Garden's proposal.

Thank you,  
Brandon

--

Brandon Flowers  
[bflowers.us@gmail.com](mailto:bflowers.us@gmail.com)  
703.505.2673

# Del Ray Garden

ebbeckett91@gmail.com

Tue 4/2/2019 9:11 PM

To: PlanComm <PlanComm@alexandriava.gov>;

Good evening,

I am writing this letter in support of the Del Ray Beer Garden next to Charlie's on the Avenue. This garden would be a fabulous addition to the Del Ray neighborhood. There is nothing like this in the area and it would bring in a lot of people and income to Del Ray.

I am happy to continue to advocate and support this addition to Del Ray. I know many others who would too.

Thank you,  
Erica