

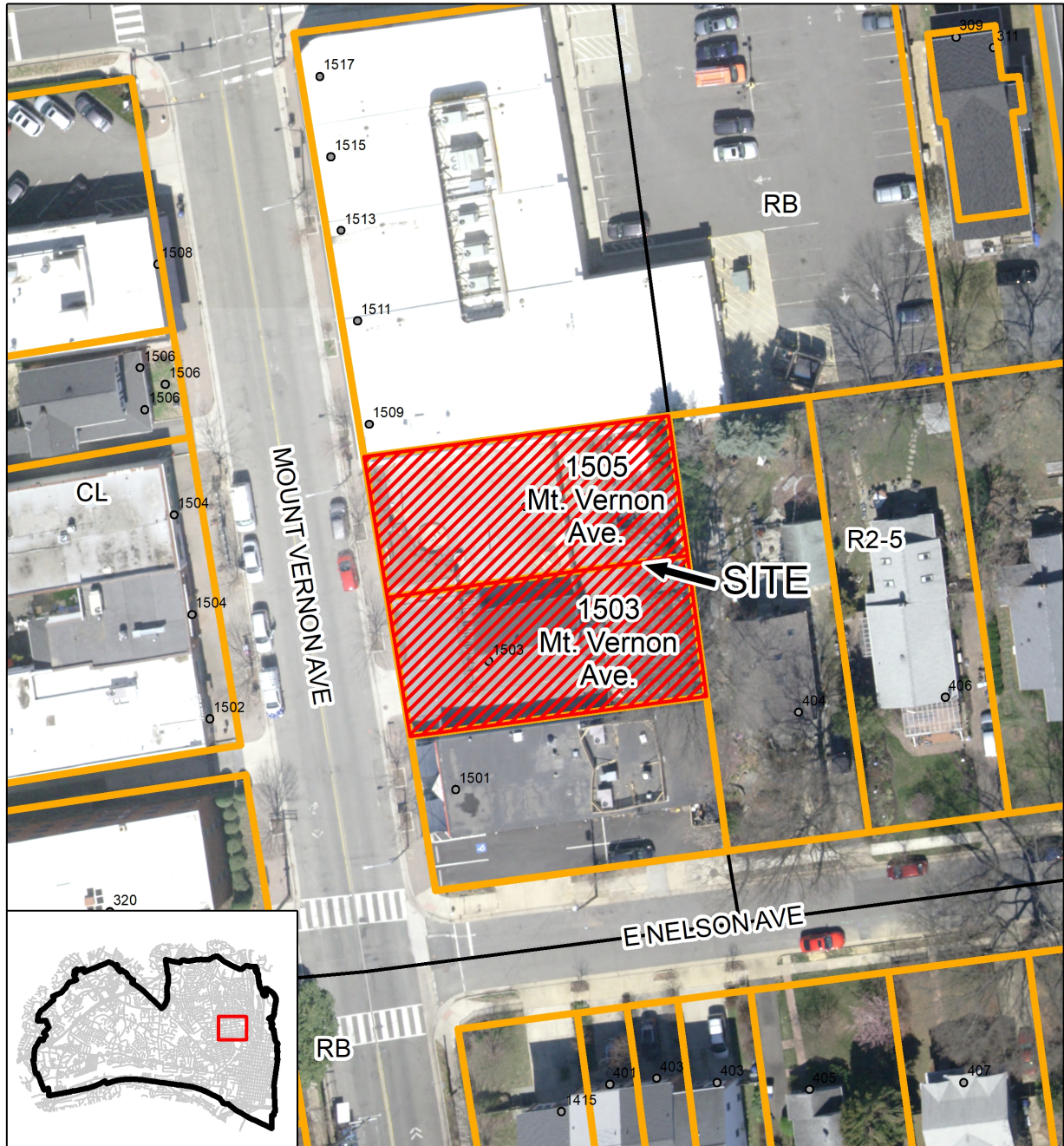
***DOCKET ITEM #11***  
***Special Use Permit #2021-00017***  
***1503 & 1505 Mount Vernon Avenue***  
***The Garden***

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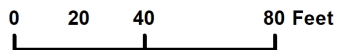
<b>Application</b>	<b>General Data</b>	
<b>Request:</b> Public hearing and consideration of a request for a special use permit for an increase in outdoor seats, an increase in outdoor hours of operation, a parking reduction and a zone transition setback modification (amending SUP #2019-00004).	<b>Planning Commission Hearing:</b>	May 4, 2021
	<b>City Council Hearing:</b>	May 15, 2021
<b>Address:</b> 1503 & 1505 Mount Vernon Avenue	<b>Zone:</b>	CL / Commercial Low
<b>Applicant:</b> Del Ray Gardens, LLC, represented by M. Catharine 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:** Sam Shelby, [sam.shelby@alexandriava.gov](mailto:sam.shelby@alexandriava.gov)  
 Ann Horowitz, [ann.horowitz@alexandriva.gov](mailto:ann.horowitz@alexandriva.gov)



**Special Use Permit #2021-00017  
1503 and 1505 Mount Vernon Avenue**



**PROJECT LOCATION MAP**

## I. DISCUSSION

The applicant, Del Ray Gardens, LLC, represented by attorney, M. Catherine Puskar, requests Special Use Permit (SUP) approval to increase outdoor seating and expand hours of operation at an existing restaurant located at 1503 and 1505 Mount Vernon Avenue. The applicant also requests SUP approval for a one-space parking reduction and for a modification from the zone transition setback.

### SITE DESCRIPTION

The subject property contains two contiguous lots of record at 1503 and 1505 Mount Vernon Avenue (Figure 1). Combined, both lots provide 100 feet of frontage along Mount Vernon Avenue and have a total size of 10,707 square feet. A one-and-a-half story building, gravel parking lot and an outdoor seating area occupy the subject property.

The subject property is located between the Walgreens pharmacy and Charlie's on the Avenue restaurant along the east side of Mount Vernon Avenue between East Monroe Avenue to the north and East Nelson Avenue to the south. A mix of commercial uses are located along the west side of this block of Mount Vernon Avenue. Residences directly abut the subject property to the east.



*Figure 1 – Subject Property*

### BACKGROUND

A variety of uses have occupied the subject property over time. Most recently, on April 13, 2019, City Council approved SUP #2019-00004 which authorized the use of the subject property as a restaurant with outdoor dining. This approval allowed for 100 outdoor dining seats and hours of

operation of 7 a.m. to 10 p.m., daily. SUP #2019-00004 included conditions which prohibited live entertainment in the outdoor dining area and stipulated that no amplified sound would be audible at the property line after 9 p.m. Outdoor cooking would be allowed through a Recreation, Parks and Cultural Activities (RPCA) special events permit. Additionally, a landscape plan was approved to screen the outdoor dining area from the residences located along East Nelson Avenue that abut the subject property.

On September 16, 2019, staff received a complaint regarding live entertainment in the outdoor dining area. Staff found the applicant in violation of Condition #23 which prohibited outdoor live entertainment. Staff issued a warning notice on September 18, 2019. No other complaints have been submitted to-date.

A new 100 square-foot walk-in cooler would also be located behind the existing one-and-a-half story building, which would be surrounded by an eight-foot privacy fence and is pending Administrative Minor Amendment approval for less than 33% additional square footage.

### PROPOSAL

The applicant requests approval to amend existing SUP #2019-00004. The requested amendments include an increase in outdoor seating from 100 to 146 and expansion in the hours of operation from 7 a.m. to 11 p.m., Sunday through Thursday, and 7 a.m. to 12 a.m. on Fridays and Saturdays. The expanded outdoor seating would be located behind the existing seating area adjacent to an existing storage shed, 20 feet from the rear lot line. The applicant states that the new seating area would be for adults only and would be enclosed by an eight-foot-tall privacy fence. The adults-only seating area would be closed to patrons by 10 p.m., daily. The applicant also proposes for the existing storage shed to be used as a beverage service station for patrons. The shed is located four feet from the rear lot line within the required 25-foot zone transition setback. As such, the applicant requests a modification from the zone transition setback requirement. Figure Two, below shows the proposed site plan.

The expansion of the restaurant and outdoor seating area would require three off-street parking spaces. The subject property only provides two parking spaces, so the applicant also requests SUP approval for a one-space parking reduction.

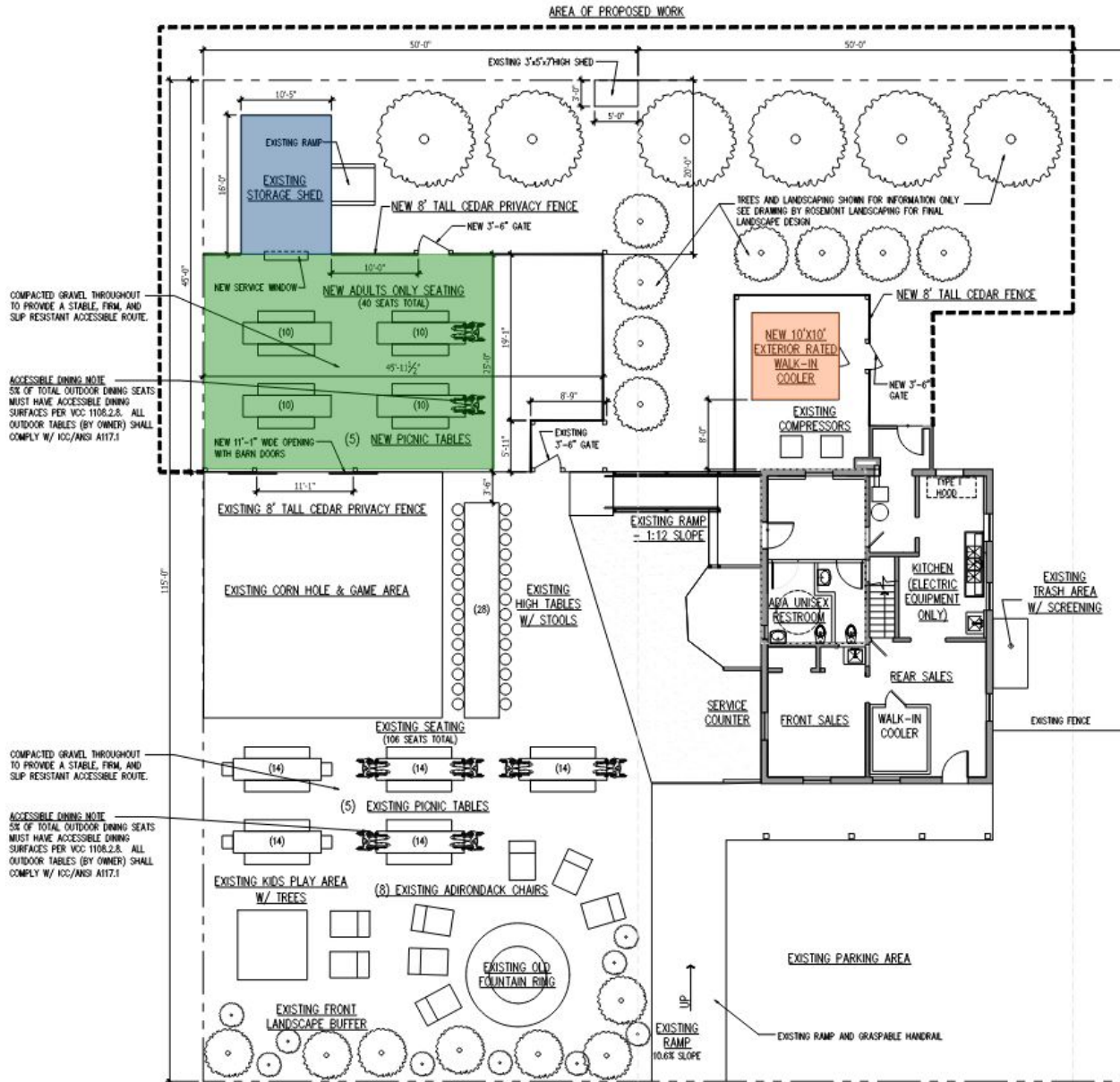


Figure 2 – Proposed Site Layout

Elements of the applicant’s include:

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

**Proposed:** 7 a.m. – 11 p.m. Sunday through Thursday  
 7 a.m. – 12 a.m. Friday and Saturday  
 7 a.m. – 10 p.m., daily (adult-only area)

<u>Number of Seats:</u>	Existing:	100 outdoor seats
	<b>Proposed:</b>	146 outdoor seats (46 seats in adult-only area)
<u>Alcohol Sales:</u>	Existing:	On-and-off premises
	<b>Proposed:</b>	No change
<u>Delivery:</u>	Existing:	No delivery service
	<b>Proposed:</b>	No change
<u>Live Entertainment:</u>	Existing:	None
	<b>Proposed:</b>	No change
<u>Odor and Noise:</u>		Odor and noise are anticipated to be typical of restaurants. Any outdoor cooking would require approval of a special events permit issued by RPCA.
<u>Litter and Trash:</u>		Garbage would be removed from the premises no less than two times per week and more frequently as needed to prevent unsightly accumulation.

#### PARKING

Pursuant to Zoning Ordinance section 8-200(A)(17)(a), 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. The existing building and shed would contain a total of 1,100 square feet. 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 126 outdoor seats would encompass another 1,890 square feet of space (15 square feet for each outdoor seat). The Zoning Ordinance would require three off-street parking spaces for the total 2,990 site square footage. The subject property contains a gravel parking lot with two off-street spaces. The applicant requests a one space parking reduction for the remaining parking space.

#### ZONING/ MASTER PLAN DESIGNATION

The subject property is zoned CL/Commercial Low. Sections 4-102.1(C) and (E) permit restaurants and outdoor dining, respectively, with administrative SUP approval subject to sections 11-513(L) and (M). Expansion of the outdoor dining use exceeds what can be approved administratively pursuant to sections 11-511 and 11-513(M) so a full hearing SUP is required and the proposal for additional hours of operation, which could be accomplished through an administrative SUP approval, are incorporated into this request. Zoning Ordinance section 7-900 would require a 25-foot setback of the shed from the subject property's rear lot line as it directly abuts a residential zone. The shed is located four feet from the rear lot line. Zoning Ordinance

section 11-416(C) authorizes a modification from the zone transition setback under the SUP request.

The subject property is within the Potomac West Small Area Plan which designates the site for commercial uses. It 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 recommends approval of the applicant's request. The proposal represents a modest expansion to the existing business with little impacts to surrounding residential property expected. Noise impacts to adjacent residences would be mitigated given the limited hours of the expanded outdoor seating area. Further, expansion of the business would align with the Mount Vernon Avenue Business Area Plan goals as it would further activate a lively pedestrian streetscape. The applicant has worked closely with Del Ray Citizens' Association and the immediate neighbors to refine the proposal to reduce potential impacts. After conversations with the neighbor immediately behind the subject property, the applicant moved the proposed adults only seating area further away from the rear lot line and proposed that this area would be closed by 10 p.m. daily. The portions of the outdoor dining area open after 10 p.m. would be at least 48 feet from the rear lot line. This would help mitigate potential noise impacts to the immediately adjacent neighbors behind the subject property. Staff has included Condition #29 which would the adults-only section of the outdoor dining area to be closed at 10 p.m., daily.

Staff also notes that since original SUP approval in April 2019, there has only been one recorded violation of the existing SUP related to outdoor live entertainment. No other violations have been noted related to parking, noise or odors.

Staff also recommends approval of the applicant's requested modification from the required zone transition setback to allow the existing shed to remain four feet from the rear lot line. Staff found that this modification would be desirable to good site design, as it would allow for the shed to remain in an unobtrusive location. Further, the trees along the shared lot line provide a visual, landscaped buffer between the subject property and abutting residential property. Because the shed is of modest size and height, it is easily screened from view of adjacent neighbors. The modification would not be detrimental to neighboring property.

Staff recommends approval of the applicant's one-space parking reduction as well. Providing additional on-site parking spaces would require enlargement of the gravel parking lot located at the front of the subject property. Having a larger surface parking lot dominate the front of the subject property would not be desirable and would not follow the Mount Vernon Avenue Urban Design and Streetscape Guidelines. The applicant was also unsuccessful in obtaining off-street

parking agreements with nearby businesses. The subject property is well served by numerous bus routes. A bike share station is located directly across the street and the Braddock Road Metro Station is about three-quarters of a mile away from the subject property. Given the subject property's proximity to alternative transportation options and the fact that it's located within a walkable neighborhood, staff finds that there would be no adverse impact with the one space parking reduction.

Staff has updated conditions to reflect the applicant's request for additional seating and hours of operation. Staff has carried forward previous conditions of approval to reduce noise, odor, and parking impacts on the nearby residential neighborhoods. Mount Vernon Avenue is known for its walkability and its pedestrian scale, which harmonizes the characteristics of the commercial corridor with the residential area that surrounds it. The Mount Vernon Avenue Urban Design and Streetscape Guidelines have been applied consistently along the corridor, creating neighborhood standards that ensure commercial along Mount Vernon Avenue remain compatible with surrounding residential neighborhoods.

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 STAFF:** Outdoor dining is limited to no more than 146 ~~100~~ seated or standing patrons. Forty-six spaces shall be placed in the rear area as noted in Figure 2. ~~The applicant may increase the number of seated or standing patrons to 120 through an administrative approval.~~ (P&Z) (CC)
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. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited from 7 a.m. to 11 ~~10~~ p.m. Sunday through Thursday daily, and 7 a.m. to midnight Friday and Saturday in the area open to all patrons. The hours for the adult-only section shall be limited from 7 a.m. to 10 p.m., daily. ~~All patrons must leave the outdoor dining premises by the closing hour. 10 p.m.~~ (P&Z)
5. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
6. **CONDITION AMENDED BY STAFF:** Alcoholic beverages may be sold for on-and-off



premises consumption in compliance with Virginia ABC requirements. (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. 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. (PC)
27. **CONDITION AMENDED BY STAFF:** The outdoor dining and landscape plan shall be substantially consistent with the plan submitted with the SUP application on **April 8, 2021** ~~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  
Sam Shelby, 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 hours of operation shall be limited from 7 a.m. to 11 p.m. Sunday to Thursday and from 7 a.m. to midnight Fridays and Saturdays in the area open to all patrons. All patrons must leave the outdoor dining premises by closing times. (T&ES)
- F-1 Staff supports the requested one space parking reduction given the community support and the multimodal and public parking options in the community. (Transportation Planning)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

##### Code Enforcement:

No comments.

##### Fire:

No comments.

##### 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:

No comments.

Police Department:

No comments received.



# APPLICATION

# SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** \_\_\_\_\_

**PROPERTY LOCATION:** \_\_\_\_\_

**TAX MAP REFERENCE:** \_\_\_\_\_ **ZONE:** \_\_\_\_\_

**APPLICANT:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**PROPOSED USE:** \_\_\_\_\_

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.

\_\_\_\_\_  
Print Name of Applicant or Agent

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mailing/Street Address

\_\_\_\_\_  
Telephone #

\_\_\_\_\_  
Fax #

\_\_\_\_\_  
City and State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Email address

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of \_\_\_\_\_, 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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

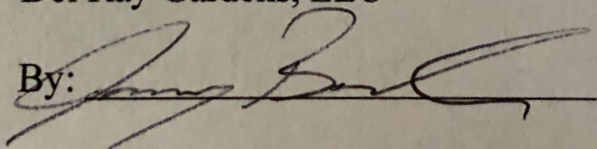
Re: Authorization to File Application for a Special Use Permit Amendment, an Administrative Minor Amendment, and a Parking Reduction  
1503-1505 Mount Vernon Avenue (Tax Map IDs 043.02-10-23 and -24; the "Property")

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 Amendment, Administrative Minor Amendment, and a Parking Reduction application on the Property and any related requests.

Very truly yours,

Del Ray Gardens, LLC

By: 

Its: Member

Date: 2-23-2021



Twenty Third Street Corridor LLC  
509 S 24<sup>th</sup> Street, Suite 100  
Arlington, VA 22202

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

Re: Consent to File an Application for a Special Use Permit Amendment, an  
Administrative Minor Amendment, and a Parking Reduction  
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 Amendment, Administrative Minor Amendment, a  
Parking Reduction application, and any related applications and requests on the above-referenced  
Property by Del Ray Gardens, LLC (the “Applicant”).

Very truly yours,

Twenty Third Street Corridor LLC



By: \_\_\_\_\_

Its: manager

Date: February 22, 2021

# OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

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

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

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 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 require to disclose **any** business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity and "None" in the corresponding fields).**

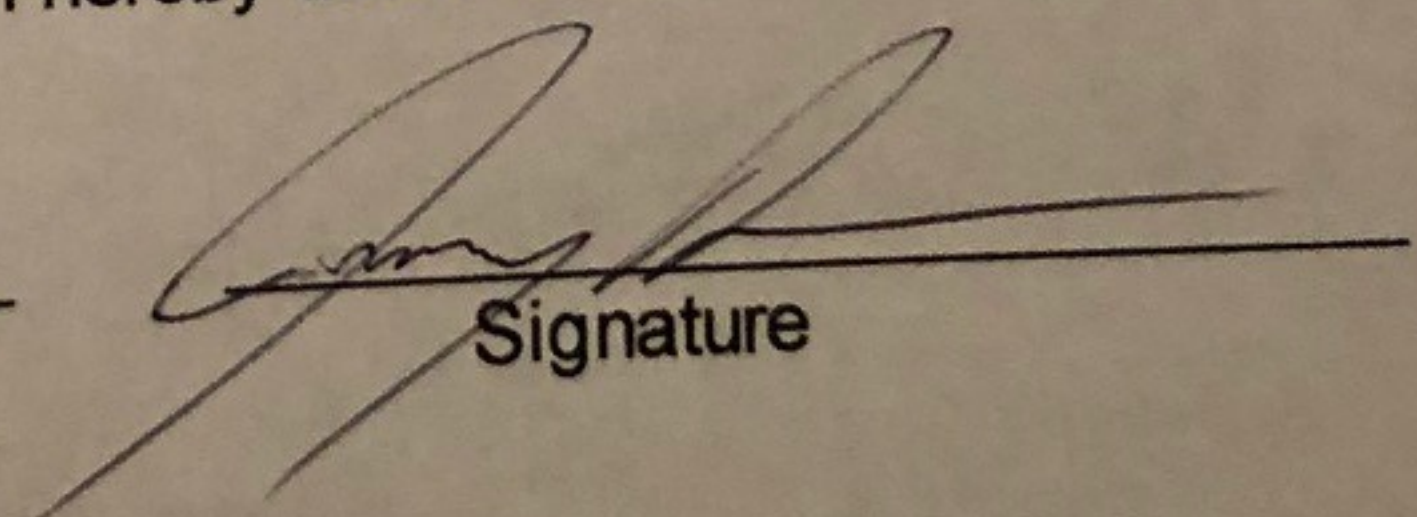
For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
Ownership entity, see attached.		
1. See attached.		
2.		
3.		

**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.

2-23-2021 Jeremy Barber  
 Date Printed Name

  
 Signature

Del Ray Gardens, LLC  
Ownership and Disclosure

Michael Dameron - 25%  
2401 Mt. Vernon Ave, Unit B, Alexandria, VA

Jeremy Barber - 23.75%  
7000 Elkton Dr. Springfield, VA

Justus Frank - 23.75%  
8464 Blue Oak Ct. Springfield, VA

Sean Kennedy - 17.5%  
7000 Elkton Dr. Springfield, VA

Jennifer Walker - 10%  
7000 Elkton Dr. Springfield, VA

All individuals listed above have no business or financial relationships with members of the Planning Commission and City Council as defined by Section 11-350 of the Zoning Ordinance.

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 black ink, appearing to read 'Stratis A. Voutsas', with a large, sweeping 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.)

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1503-1505 Mount Vernon Ave

REVISED  
April 20, 2021

The Applicant, Del Ray Gardens, LLC, requests approval of a Special Use Permit (“SUP”) Amendment to expand the existing restaurant, a modification of the zone transition setback requirement (Section 7-902 (A)) and a parking reduction 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. On April 13, 2019, City Council approved SUP #2019-0004, which established a separate restaurant at 1503-1505 Mount Vernon Avenue known as The Garden.

In order to expand the restaurant and better serve the needs of customers, the Applicant requests the following amendments to SUP #2019-0004:

Condition	Existing	Proposed
#2	Outdoor dining is limited to no more than 100 seated or standing patrons. The applicant may increase the number of seated or standing patrons to 120 through an administrative approval. (CC)	Outdoor dining is limited to no more than 146 seated or standing patrons.
#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)	The hours of operation on Sundays through Thursdays shall be limited from 7 a.m. to 11 p.m., and all patrons must leave the outdoor dining premises by 11 p.m. The hours of operation on Fridays and Saturdays shall be limited from 7 a.m. to midnight, and all patrons must leave the outdoor dining premises by midnight.

The Applicant has worked with the neighbor directly to the east of the Property to ensure minimal noise impact to his property. As discussed with the neighbor, the new adults-only seating area in the rear of the Property will close at 10 p.m. daily.

The Applicant intends to serve beverages from an existing one-story shed in the northeastern corner of the Property. Pursuant to Section 7-902 (A), a minimum 25 foot setback is required for commercial buildings adjacent to residential properties. This shed is located within the required zone transition setback, and, as such, the Application requests a modification of the zone transition setback for the existing shed.

In addition, with the request to expand the outdoor seating area, as shown in the associated plans, the Applicant requests a parking reduction. Pursuant to Section 8-200(A)(17), restaurants in the Enhanced Transit Zone must provide at least one (1) space per 1,000 sf 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. At 15 sf per seat, the remaining 126 seats will occupy approximately 1,890 sf. According to the staff report for SUP #2019-0004, the restaurant contains approximately 971 sf and, with a separate administrative SUP, the Applicant proposes to add a 100 sf walk-in cooler (permitted under Section 11-511 (A)(2)(b)(i)(d) and (e)). Therefore, a total of 2,961 sf (971 sf building, 100 sf cooler, and 1,890 sf outdoor dining) requires three (3) parking spaces. The Property contains a small, unstriped, gravel parking lot, which can accommodate approximately two (2) vehicles. The Applicant requests a parking reduction of one (1) space.

**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).  
\_\_\_\_\_  
\_\_\_\_\_

- B. How many employees, staff and other personnel do you expect?  
Specify time period (i.e., day, hour, or shift).  
\_\_\_\_\_  
\_\_\_\_\_

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

Day:	Hours:
_____	_____
_____	_____
_____	_____
_____	_____

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

- B. How will the noise be controlled?  
\_\_\_\_\_  
\_\_\_\_\_



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

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

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

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

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

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C. How often will trash be collected?

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

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

Yes.                       No.

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

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

Yes.       No.

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

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

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**ALCOHOL SALES**

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

Yes       No

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

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**PARKING AND ACCESS REQUIREMENTS**

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

- \_\_\_\_\_ Standard spaces
- \_\_\_\_\_ Compact spaces
- \_\_\_\_\_ Handicapped accessible spaces.
- \_\_\_\_\_ Other.

Two 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?
<input type="checkbox"/> Yes <input type="checkbox"/> No

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

- on-site
- off-site

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

\_\_\_\_\_

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

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

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

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

A. How many loading spaces are available for the use? \_\_\_\_\_ 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?
<input type="checkbox"/> Yes <input type="checkbox"/> No

B. Where are off-street loading facilities located? \_\_\_\_\_  
\_\_\_\_\_

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

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

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?  
\_\_\_\_\_  
\_\_\_\_\_

**SITE CHARACTERISTICS**

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

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

How large will the addition be? \_\_\_\_\_ square feet. Note: The Applicant is requesting the 100 sf addition as part of an administrative minor amendment.

18. What will the total area occupied by the proposed use be?  
\_\_\_\_\_ sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = \_\_\_\_\_ sq. ft. (total)

19. The proposed use is located in: (check one)  
**indoor**  a stand alone building  
**outdoor**  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**



## 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: \_\_\_\_\_  
 Outdoors: maximum of 146 seated/standing patrons
  
2. Will the restaurant offer any of the following? **No change from SUP 2019-0004**  
 Alcoholic beverages
 

On-premises	Yes	No
Off-premises	Yes	No
  
3. The restaurant will offer the following service (check items that apply): **No change from SUP 2019-0004**  

table service	bar	carry-out	delivery
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4. If delivery service is proposed, how many vehicles do you anticipate? \_\_\_\_\_  

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

\_\_\_\_\_



# APPLICATION - SUPPLEMENTAL

## PARKING REDUCTION

*Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).*

1. Describe the requested parking reduction. (e.g. number of spaces, stacked parking, size, off-site location)

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2. Provide a statement of justification for the proposed parking reduction.

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3. Why is it not feasible to provide the required parking?

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4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces?

\_\_\_\_\_ Yes.        X   No.

5. If the requested reduction is for more than five parking spaces, the applicant must submit a *Parking Management Plan* which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction.

6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood.

# DRAWING INDEX

A-1 COVER SHEET / PROPOSED SITE PLAN

## PROJECT DATA

JURISDICTION: CITY OF ALEXANDRIA, VA  
 APPLICABLE CODES :  
 2015 VIRGINIA UNIFORM STATEWIDE BUILDING CODE  
 2015 ICC INTERNATIONAL BUILDING CODE  
 2015 NFPA NATIONAL ELECTRICAL CODE  
 2015 ICC INTERNATIONAL FUEL AND GAS CODE  
 2015 ICC INTERNATIONAL MECHANICAL CODE  
 2015 ICC INTERNATIONAL PLUMBING CODE  
 2015 ICC INTERNATIONAL ENERGY CONSERVATION CODE  
 FIRE ALARM CODE - NFPA-72/07  
 ACCESSIBILITY: ICC INTERNATIONAL BUILDING CODE/2015  
 ICC/ANSI A117.1/2003

## SITE ADDRESS:

1503 MOUNT VERNON AVE  
 ALEXANDRIA, VA 22301

## SCOPE OF WORK:

EXTERIOR WORK ONLY. SCOPE INCLUDES MECHANICAL, ELECTRICAL, AND PLUMBING WORK.

## GRAPHIC SYMBOLS

- WALL TO REMAIN
- DEMOLISHED CONSTRUCTION
- NEW FULL-HEIGHT PARTITIONS, 3 1/2" METAL STUDS W/ 1/2" GYP. BD BOTH SIDES
- NEW PARTIAL HEIGHT PARTITIONS, 3/2" METAL STUDS W/ 1/2" GYP. BD BOTH SIDES; WOOD TOP
- DOOR TYPE
- HARDWARE REQUIREMENT
- ALIGN WITH ESTABLISHED WALL SURFACE
- SECTION
- BREAK LINE
- REVISION
- CENTERLINES

## OCCUPANT LOAD CALCULATIONS:

TOTAL # OF OUTDOOR SEATS PER SUP 2019-0004 = 120 SEATS  
 TOTAL ALLOWABLE OCCUPANCY INCLUDING EMPLOYEES = 150 OCCUPANTS  
 (PER MIN REQUIRED PLUMBING FIXTURES SHOWN BELOW)

A2 (OUTDOOR ASSEMBLY SPACE) = 146 OCCUPANTS (FIXED SEATING)  
 KITCHENS, COMMERCIAL: 750 S.F. / 200 GROSS = 4 OCCUPANTS (EMPLOYEES)  
 TOTAL PROPOSED OCCUPANCY INCLUDING EMPLOYEES = 150 OCCUPANTS

MIN NUMBER OF REQUIRED PLUMBING FIXTURES (VCC 2902.1)  
 (FOR A2/RESTAURANT )

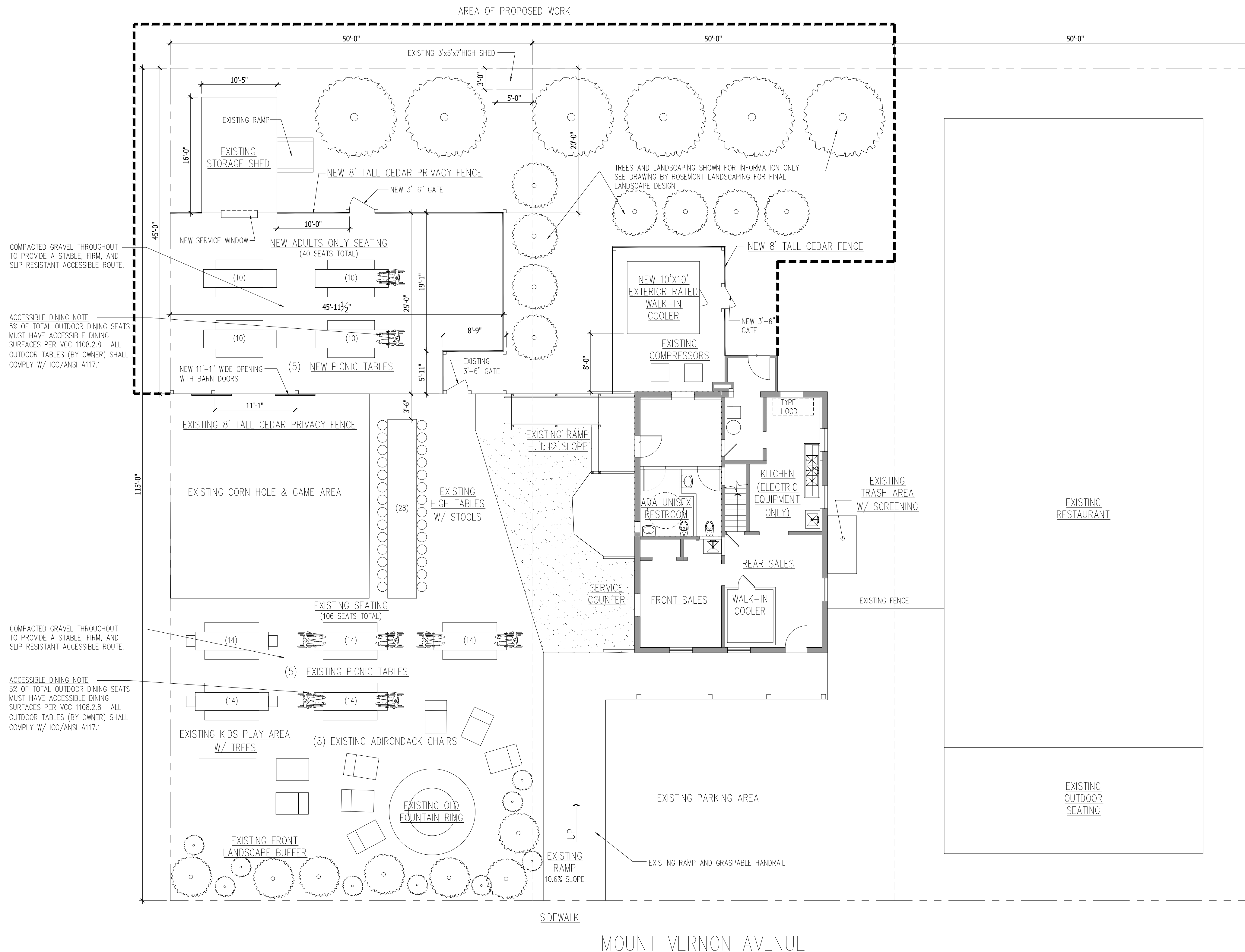
TOTAL OCCUPANTS = 150  
 (4 EMPLOYEES + 146 OUTDOOR ASSEMBLY OCCUPANTS)

WATER CLOSETS  
 RESTAURANT: 150 / 75 = 2  
 TOTAL REQUIRED: 2  
 TOTAL PROVIDED: 2

LAVATORIES:  
 RESTAURANT: 150 / 200 = 1  
 TOTAL REQUIRED = 1  
 TOTAL PROVIDED = 2

DRINKING FOUNTAIN:  
 RESTAURANT WILL PROVIDE WATER TO MEET THIS REQUIREMENT.

SERVICE SINK:  
 TOTAL REQUIRED = 1  
 TOTAL PROVIDED = 1



COMPACTED GRAVEL THROUGHOUT TO PROVIDE A STABLE, FIRM, AND SLIP RESISTANT ACCESSIBLE ROUTE.

ACCESSIBLE DINING NOTE  
 5% OF TOTAL OUTDOOR DINING SEATS MUST HAVE ACCESSIBLE DINING SURFACES PER VCC 1108.2.8. ALL OUTDOOR TABLES (BY OWNER) SHALL COMPLY W/ ICC/ANSI A117.1

COMPACTED GRAVEL THROUGHOUT TO PROVIDE A STABLE, FIRM, AND SLIP RESISTANT ACCESSIBLE ROUTE.

ACCESSIBLE DINING NOTE  
 5% OF TOTAL OUTDOOR DINING SEATS MUST HAVE ACCESSIBLE DINING SURFACES PER VCC 1108.2.8. ALL OUTDOOR TABLES (BY OWNER) SHALL COMPLY W/ ICC/ANSI A117.1

PROJECT NORTH  
 1  
 A1  
 PROPOSED SITE PLAN  
 1/8" = 1'-0"

1503 MOUNT VERNON AVE.  
 ALEXANDRIA, VA 22301

Issue: SUP 2021-0017 Date: 2021.04.06

COVER SHEET

A-1