City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 22, 2012

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: BARBARA ROSS, DEPUTY DIRECTOR, PLANNING AND ZONING

SUBJECT: DEL RAY PIZZERIA UPDATE
SUP # 2011-0087

The SUP for an expansion of the Del Ray Pizzeria restaurant was heard by the Planning Commission on April 3, 2012. As outlined in the attached report from April, the applicant requested a total of 124 seats (112 indoors; 12 outdoors) at that time. Staff recommended a total of 82 indoor seats and 12 outdoor seats for a total of 94 seats. Staff's recommendation for less than the requested expansion was based on the fact that there was no additional parking for customers, and because staff had found numerous violations of the SUP on its one year review.

At the April hearing, the Planning Commission acted to defer the SUP request after hearing public testimony, including from the applicant, and after hearing that an additional violation of the SUP had occurred on the day prior to the April hearing. The Commission asked that the matter be brought back for consideration in June, and suggested that the staff discretion as to the number of seats for the restaurant in the interim be applied to allow approximately 56 seats.

Several issues have arisen since the staff report was published.

Additional Seats

The applicant requested, by letter of March 28, to increase the number of seats in the outdoor dining area from 12 to 20. This number is consistent with what is allowed under small business zoning, and permitted without parking requirements. It is also consistent with the recommendations of the Del Ray Citizen Association's letter of March 30, 2012.

Compliance with SUP conditions

In May, staff reported to the Commission that it had been inspecting the restaurant and had not found any SUP violations after the April 2 infraction. Staff has continued to inspect the restaurant in the last several weeks and, again, has found no violations.

Additional Parking

The applicant wrote on April 10, 2012, advising staff and the Commission that it has secured additional parking in the lot at 2401 Mount Vernon Avenue as follows: 10 spaces available daily for special events in the restaurant's second floor and two spaces available daily for regular customers. Staff is not inclined to change its recommendation as to additional seats based on the applicant's April 10 letter and the additional parking. First, staff is concerned about the difficulty of administering the "special events" only use of the second floor; if the second floor is allowed to be used, staff recommends that it be allowed on a continuous basis, that the 10 spaces be maintained in perpetuity, and that arrangements be made to assure that those spaces are used for the second floor customers. Second, the two additional spaces that will be continually available are helpful to support the existing staff recommendation; staff does not support the addition of 16 more seats that the two spaces would theoretically support. If the applicant wishes to add seats to the restaurant, staff recommends that it apply to do so after it accommodates the new seats recommended by staff and after a sufficient violation-free period of time.

Loading Zone

The Traffic and Parking Board approved a new loading zone on Mount Vernon Avenue across the street from Del Ray Pizzeria on May 21, 2012, based on the applicant's request and Condition # 23 of the SUP. Attached is an email with photo complaining about a delivery truck parked in the location of the new loading zone on May 22, 2012.

Revised Conditions

Consistent with Del Ray Citizens Association's recommendations in its letter of March 30, the applicant's request for a maximum of 20 seats outside, and the approved loading zone, staff recommends the following revised conditions:

Condition #6: The maximum number of outdoor seats at the restaurant shall ~~be 12~~ not exceed 20....

Condition #19: Additional landscaping, a new City Standard trash can, and a bicycle rack shall be installed at the applicant's cost in consultation with the neighborhood and staff and to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services. (P&Z, T&ES)

Condition #23: Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. Vehicles delivering supplies to the restaurant shall only park, load, unload, and stand in an on-street loading zone approved by the Traffic and Parking Board. (T&ES)(P&Z)~~(SUP#2009-0060)~~

Attachment: Topdog email and photo

Julie Fuerth

Subject: FW: DRP still at it
Attachments: parked truck.jpg

From: topdog [mailto:topdog@yourdogsbestfriends.com]
Sent: Tuesday, May 22, 2012 4:27 PM
To: Barbara Ross
Subject: DRP still at it

Okay, this is not as bad as parking in the northbound lane like the last time but this is the second time in a week that the delivery truck for DRP has parked illegally. This illegal parking makes the intersection very dangerous for cars entering from Del Ray Ave on the east side of Mt V Ave.

I'll go on record now against creating a delivery zone on Mt V. Ave. There is ample parking behind DRP. Since they are the ones taking the delivery they can impose the inconvenience on themselves rather than the rest of us.

I will also go on record as opposing any expansion. DRP took that location knowing that it would be tight and they should live with the bargain they made. It is not sound policy to let restaurants move in and then plead for increases. That approach creates an incentive for new applicants to misrepresent their intentions in the initial application.

Thanks

Paul Haire

x 3

POLICE

DOCKET ITEM #4
Special Use Permit #2011-0087
2216-2218 Mount Vernon Avenue – Del Ray Pizzeria

Application	General Data	
Consideration of a request for amendments to allow a physical expansion, increased seating, and a parking reduction at an existing restaurant.	**Planning Commission Hearing:**	June 5, 2012
	City Council Hearing:	June 16, 2012
Address: 2216-2218 Mount Vernon Avenue (Parcel Address: 2216 Mount Vernon Avenue)	**Zone:**	CL/Commercial Low Mount Vernon Avenue Overlay
Applicant: Del Ray Pizzeria, LLC by Duncan Blair, attorney	**Small Area Plan:**	Potomac West

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

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

PLANNING COMMISSION ACTION, APRIL 3, 2012: On a motion by Mr. Dunn, seconded by Mr. Robinson, the Planning Commission deferred the request until June. The motion passed on a vote of 5 to 2, with Mr. Wagner and Ms. Fossum voting against. The Commission suggested that a total of 56-60 seats would be an appropriate level of staff discretion until that time and requested that staff provide information in June regarding the applicant's compliance with SUP conditions.

Reason: The Planning Commission was concerned about the history of violations at the restaurant and voted to defer in order to have additional time and information to assess the applicant's ability to comply with its existing SUP. The majority of the Commission found that a two-month deferral was necessary while the minority believed that one month was sufficient. The 56-seat limit is consistent with the number of parking spaces available and the parking requirements.

Speakers:
Duncan Blair, attorney for the applicant, spoke in favor of the applicant's original request for 82 seats on the first floor and an additional 30 seats on the second floor of the restaurant for invitation-only special events. He represented that his client would be able to reserve 10 additional off-street parking spaces for special events and his client's agreement with the Del Ray Land Use Committee's requests for a trash can, bike rack and additional landscaping. He objected to the Planning Commission's deferral of the request to June.

Dan Bender, neighboring business owner and Del Ray resident, spoke in favor of the request and noted that the restaurant has become a popular neighborhood destination. He stated that he has not observed significant parking problems in the shared parking lot located to the rear of his business and Del Ray Pizzeria.

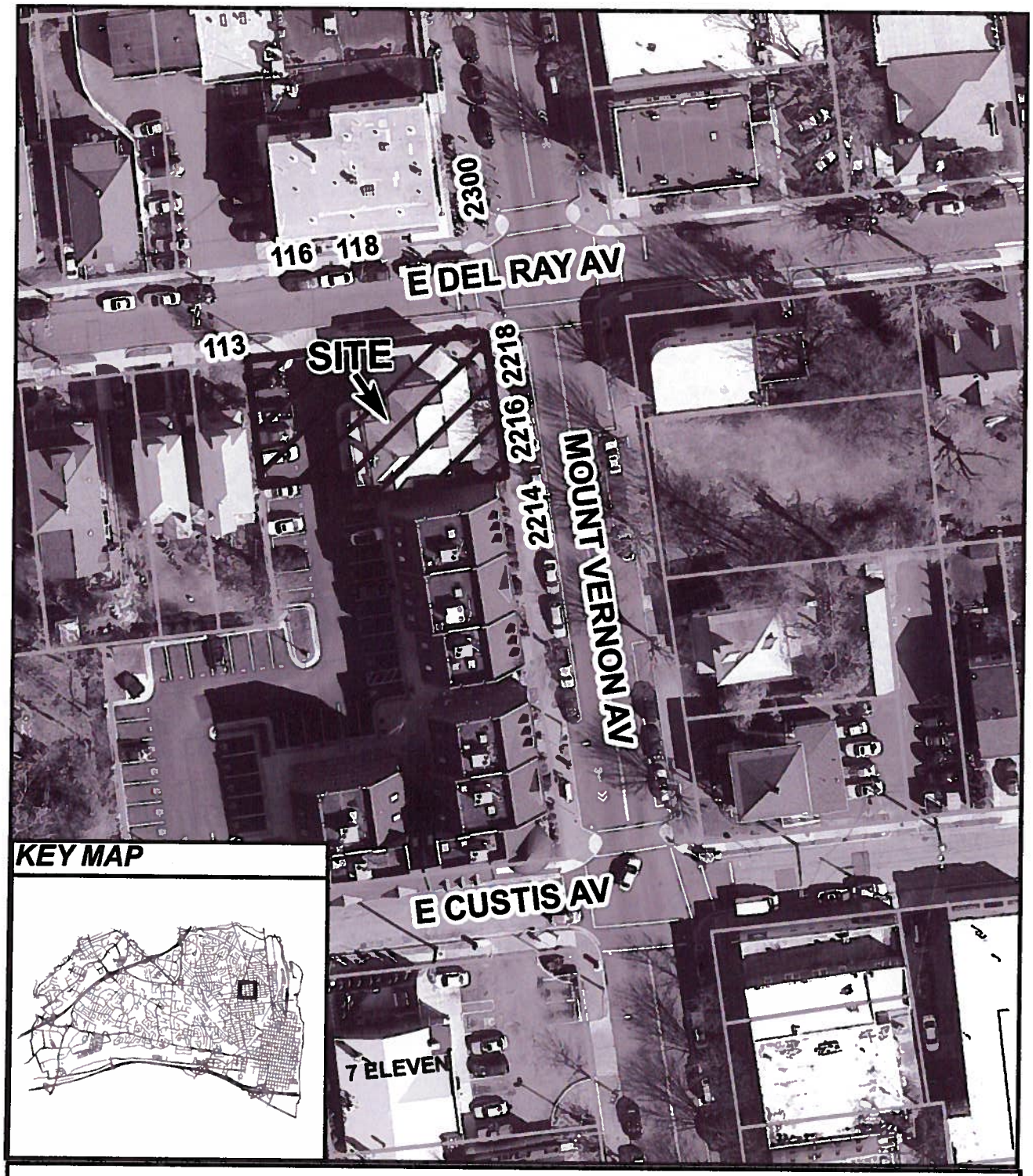
Maria Wasowski, Del Ray Business Association, spoke in favor of the request and of the need to continue exploring possible solutions to a slowly-developing parking problem in the neighborhood.

Kristen Gideon, Del Ray Land Use Committee, stated that she was pleased with and supports the staff recommendation. She expressed concerns about the Administrative SUP process and advocated for more vigorous City enforcement in Del Ray. She also asked for the establishment of a Joint Parking Task Force as a recommendation in the soon-to-be released Del Ray Parking Study.

Katie Cannady, 20 East Oak Street, spoke against the applicant's request, stating that the applicant should not be rewarded for violating the conditions of its existing SUP.

Poul Hertel, 1217 Michigan Court, spoke of the necessity of the SUP process and the need to maintain its integrity.

SUP #2011-0087
2216-2218 Mount Vernon Avenue



SUP #2011-0087 **6/5/2012** N

I. DISCUSSION

The applicant, Del Ray Pizzeria LLC by Duncan Blair, attorney, requests Special Use Permit amendments for a physical expansion, increased seating, and a parking reduction at an existing restaurant at 2216-2218 Mount Vernon Avenue.

SITE DESCRIPTION

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

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

BACKGROUND

This neighborhood pizza restaurant was approved administratively under the rules for small business zoning on January 20, 2010 (SUP#2009-0060). The application was limited to 32-seat restaurant on the first floor of the building. The restaurant opened for business in fall 2010. The building and site were part of SIT#87-0032, approved in 1989 for the construction of the Potomac Town Square office complex to the south and for site improvements on the subject property.

Enforcement Issues

Two events occurred in December 2011 which led to an inspection of the restaurant. First, staff received a complaint from a citizen regarding loud speakers outside the building. Second, the case was scheduled for a one year review and SUP inspection. A full inspection of the restaurant took place and staff found a series of violations, including the addition of unapproved seats. As a result, zoning citations were issued and the applicant filed this case seeking permission to have more seats than originally permitted. Staff has visited the site several times since then, including as a result of additional complaints from an adjacent commercial property owner, to monitor the restaurant's compliance. Additional citations from Planning and Zoning as well as Fire have been issued.

The following is a detailed account of the violation history, including how each issue has been or will be addressed by the applicant. All violations have been corrected at the site with the

exception of the additional indoor seating, which is a part of the current SUP request, and screening of trash receptacles, which the applicant has agreed to do.

- Loudspeakers on the outside of the building. The applicant immediately removed the speakers. The loudspeakers have not been present on subsequent inspections.

- Outdoor storage. The applicant has removed unsightly construction and other material from the outside of its building. Although the storage material was initially removed, additional storage, including construction material, has been found on subsequent inspections, but removed when called to the attention of the property owner.

- The SUP was not available to the public, no training of employees as to SUP conditions, no information provided to employees regarding bus routes and transit subsidies, no sign directing customers to parking. The applicant assures staff that its employees are now knowledgeable about the SUP conditions and have been informed about transit options. It has posted a sign in the restaurant and information on its web site about the location of its parking.

- Improper storage of waste cooking oil. The applicant has equipped its grease receptacle with a newly purchased leak containment system. It has agreed to install a fenced enclosure to screen the grease container.

- Overflowing trash and unscreened trash receptacles. The applicant and its neighboring commercial property owner share a refuge easement at a specific location behind the two buildings to accommodate trash from all businesses on the block. Both the office building next door and the restaurant store trash at that location. Over the last year, the unanticipated increase in intensity required additional facilities to manage trash appropriately, specifically more dumpster capacity or more frequent removal or both. The parties have come to an agreement recently whereby there will be one dumpster in the refuge easement within the brick enclosure. The applicant has also agreed, at its cost, to have all trash generated by both properties to be removed by an outside entity seven days a week. Finally, the applicant has agreed to pursue the required screening with the adjacent owner so that the trash is not visible.

- Delivery trucks parking illegally. This is a common problem in this area of Del Ray but it seriously interferes with customers' ability to access parking, shops and travel ways. The applicant has agreed to seek approval from the Traffic and Parking Board for an officially signed loading zone at an agreed on location for its deliveries. The loading zone will be shared by other businesses, and is anticipated to be limited to certain times of the day.

- 50 unapproved indoor seats. The applicant filed this application, seeking approval of additional seats immediately after receiving a zoning ticket for the violation. Staff has allowed the 50 seats to remain during the pendency of this application for several reasons. Requiring their removal would hurt the business, 82 seats is still a relatively small restaurant, and within the 100 seat size allowed by administrative approval. Most

importantly, the applicant has been very responsive regarding each of the other violations, including seeking communal solutions where appropriate.

PROPOSAL

The applicant proposes to expand its existing full-service pizza restaurant onto the second floor of the building and to increase seating from 44 to 124, with a 19-space parking reduction. Of the 124 total seats, 82 will be located on the first floor inside the restaurant, 30 will be on the second floor primarily for special events such as birthday parties, and 12 will continue to be located outdoors. Aside from the elimination of delivery service, no other changes to the restaurant operations are proposed. Further details of the applicant's current and proposed operations are as follows:

Hours of Operation:	11:00am – 11:00pm seven days/week
Current Number of Seats:	32 indoor, 12 outdoor - **44 total seats** (by admin SUP) 4 more seats permissible because there is one additional parking space (no delivery vehicle) 46 seats being used without approval **82** indoor seats
Proposed Number of Seats:	112 indoor seats, 12 outdoor seats – **124 total seats**
Type of Service:	Table and carry-out service
Alcohol:	On-premises alcohol service only
Live Entertainment:	No live entertainment is requested, though several large-screen televisions are located inside the restaurant.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CL / Commercial Low zone and is located within the Mount Vernon Urban Overlay Zone. Section 4-103(M) of the Zoning Ordinance allows restaurants in the CL zone with a Special Use Permit, unless eligible for administrative approval. The proposal has been brought forward as a full hearing case since it includes more than 100 seats and a parking reduction, and because of the numerous violations.

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial use.

PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance, one off-street parking space is required for every four restaurant seats. Section 6-604(B) exempts the first 20 outdoor dining seats from any parking requirement. A restaurant with 112 indoor seats and 12 outdoor seats is therefore required to provide 28 parking spaces. The applicant provides nine parking spaces for

the exclusive use of its customers and has applied for a 19-space parking reduction to satisfy the balance of the requirement.

II. STAFF ANALYSIS

The applicant is a popular, successful, locally-owned restaurant. It is a small restaurant in the heart of Del Ray. Its success has attracted notable customers, including President Obama. It was approved initially by administrative SUP, but has violated the terms of that approval in a number of ways. It has failed to comply with a number of SUP conditions, and has increased its permitted seats by a significant number. Staff is very concerned that the applicant has chosen to violate its SUP without first seeking approval through the SUP process. This application then requires staff to balance several difficult issues, including a history of multiple violations, a request for approval of additional seats that still results in a relatively small restaurant, and the realistic context of limited off-street parking in Del Ray for this and other successful businesses. On balance, Staff recommends a parking reduction of 9 spaces allowing an increase of 36 indoor seats, and arrived at this conclusion after analysis of the following issues.

Number of Seats

Under the small business zoning adopted in 2008 and 2010, small restaurants with 100 indoor seats or fewer that comply with the standards of section 11-513 of the zoning ordinance may be approved administratively. In 2011, when the applicant applied for approval, the neighborhood was informed and no objections were received. In fact, staff received several letters in support of the application. The applicant's administrative SUP permits only 32 indoor seats. The restaurant originally anticipated that its business would be primarily based on take out service and that 32 seats would be sufficient. In fact a delivery vehicle, and a parking space for it, was part of the original application. The result was that only eight parking spaces were available for customers and, under the applicable parking ratio, only 32 seats could be permitted. At the time of approval the applicant discussed the possibility of adding seats in the future and the need for additional parking if the increased seating was to be handled administratively.

The applicant explains the increase in seats without approval as a result of a change of both business model and management personnel at the restaurant. When management of the restaurant changed, and the idea of delivery service was not instituted, there was an obvious ignorance of the SUP limitations. Staff's one year review and the vigilance of neighbors have brought the complete list of violations and lack of diligence with regard to SUP conditions to staff's attention.

The applicant now requests 112 indoor seats, although it explains that 30 of those seats will be limited to special event function to take place on the second floor of the restaurant. Without the second floor seats, the request is for 82 indoor seats, which is the number of seats existing in the restaurant now.

Parking

Staff does not object as a general matter to some increase in seating and some parking reduction inasmuch as other restaurants on Mount Vernon Avenue have been successful with similar requests. It cannot support the 19-space parking reduction and the 80 additional indoor seats

requested, however, out of concern that it is too large for this congested area of Del Ray. Upon careful consideration, T&ES and P&Z staff recommends instead a nine-space parking reduction and a 36-seat increase, from 36 (including the extra parking space) to 72 indoor seats.

The recommended increase in seats represents a 50% parking reduction from what would be allowed. The applicant cites Section 6-606 of the Zoning Ordinance which allows a 50% parking reduction for certain new infill developments in Del Ray. A 50% reduction in this case would result in 72 seats (9 existing spaces X 8 seats [instead of four for each space] = 72 seats), and not the 112 indoor seats requested. Section 6-606 is specifically designed as an incentive for new buildings designed to respect the historical development pattern, and not to cases like this one without new construction. For example, it was applied to the three restaurants at 2312 Mount Vernon, including the new barbeque restaurant, and only 50% of the typical restaurant parking standard was required in that case. Of course, section 6-606 also recognizes the practical reality that there is limited parking and limited space for parking along the commercial corridor in Del Ray. Although this case is not an infill development case, there is precedent for the level of parking reduction requested. Other restaurants have been granted large reductions, including Fireflies (76%) and Thai Peppers (53% during the day).

Travel modes

At staff's request, the applicant conducted a survey of its customers to determine how they arrived at the restaurant. Its staff handed out at least one survey to every table, some 473 in total, and received 196 responses (41%). The results showed that 30% walked, biked, or took public transportation; the remaining 70% of customers traveled to the restaurant in private vehicles. Surveys were given to tables, not individual customers, so some responses represent larger groups. In addition, the survey was taken in late January and early February. Staff believes the percentage of pedestrians and those who arrive at the restaurant by non-motorized or public transportation will be significantly higher during warm weather. Especially after the planned trolley service begins its Del Ray operation, that percentage should be much higher on a year round basis.

Shared Parking

Staff also asked the applicant to work with the neighboring office building to determine its willingness to share its large lot to the applicant's customers or to the public on evenings and weekends. While the neighbor has not been open to a shared parking arrangement to date, the applicant will continue to negotiate with the Potomac Town Square office complex next-door with the hope of using its parking lot during off-peak hours.

More immediately, as suggested by interested citizens, the applicant is willing to offer its parking spaces behind the building to the public during early-morning hours when the restaurant is not open for business. There is a need for additional parking for coffee customers in the immediate vicinity and the applicant's policy to date has been not to tow outsiders parking in its lot.

The restaurant has been operating with 82 seats without any significant parking-related mishaps or complaints for approximately a year.

Recommendation

The background of this case is complicated by the applicant's lack of vigilance as to its SUP. It is critical to the City's SUP system that businesses be treated consistently by the City and that they play by the same rules. Recent enforcement efforts by the city appear to have made an impression on the applicant; the applicant has addressed each violation. In addition, the work with the adjacent property owner is a very good step for the future success of the restaurant. Without the unique history of violations here, this case would be another in a series of parking reduction cases for a restaurant in Del Ray.

This case points up the dilemma for successful businesses with limited parking in Del Ray. It also raises questions about the City's overall approach to parking requirements where the parking supply is restricted. On the one hand, it can be argued that the parking requirements protect the neighborhood, allowing staff and the community to assess parking issues on a case by case basis and to fashion solutions to limited parking resources. On the other hand, with so many parking reductions, the rule requiring independent onsite parking for each individual business on Mount Vernon Avenue is difficult to apply in a consistent manner. It is also burdensome on businesses. Yet, nearly every restaurant that opens in Del Ray does so with some form of parking reduction. The Del Ray Business Association has, for several years, argued that small businesses on Mount Vernon Avenue should be exempt from parking and treated similarly to businesses in Old Town. These and other Del Ray issues will be discussed in the context of the Del Ray Parking Study, soon to be finalized and presented to City Council.

In the meantime, as to this case, staff is recommending that the applicant be able to operate with 72 indoor seats, not the 112 requested, and not even the 82 requested downstairs. The outdoor seating will continue as approved. Given the history here, the limited onsite parking, and the location in the neighborhood, staff believes that a parking reduction can be justified. If the business continues to operate without incident in the future, and especially if there is a shared parking arrangement, then additional seats could be considered. Staff has also added a six month review to ensure that the business operates consistent with the SUP requirements, including the number of seats permitted, and staff intends to monitor the restaurant for compliance both before and after that formal review.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The Special Use Permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2009-0060)

2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats at the restaurant shall be ~~32~~ 72. (P&Z) ~~(SUP#2009-0060)~~

3. The hours during which the business is open to the public shall be restricted to between 6:00am and 11:00pm Sunday-Thursday and from 6:00am until 12:00 midnight Fridays and Saturdays. The closing hour for indoor seating may be otherwise extended to midnight four times per year for special events. (P&Z) (SUP#2009-0060)

4. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2009-0060)

5. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide full service to restaurant customers. The applicant shall offer printed menus, wait service provided at tables, and pre-set tables with non-disposable tableware. (P&Z) (SUP#2009-0060)~~

6. The maximum number of outdoor seats at the restaurant shall be 12 and are permitted in addition to the indoor seats. No live entertainment may be permitted in the outdoor seating area. Outdoor seating areas shall not include advertising signage, including on umbrellas. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (SUP#2009-0060)

7. Outdoor dining, including all its components such as planters, wait stations, and barriers shall not encroach onto the public right of way unless authorized by an encroachment ordinance. (SUP#2009-0060)

8. **CONDITION AMENDED BY STAFF:** ~~A maximum of one delivery vehicle may be permitted to operate from the restaurant. The applicant shall provide and maintain one off-street parking space for delivery vehicle use only at all times which shall be clearly marked with a sign. Delivery vehicles may not park on the street in proximity to the restaurant at anytime~~. No delivery service shall operate from the restaurant. (P&Z)~~(T&ES) (SUP#2009-0060)~~

9. Limited live entertainment may be permitted inside the restaurant. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z) (SUP#2009-0060)

10. **CONDITION DELETED BY STAFF:** On-premises alcohol service may be permitted, consistent with a valid Virginia ABC license~~, but shall be limited to table service~~. No off-premises alcohol sales shall be permitted. ~~No delivery of alcoholic beverages is permitted.~~ (P&Z) ~~(SUP#2009-0060)~~

11. The facility shall obtain all required state, federal, and local licenses and certificates prior to opening its place of business. (P&Z) (SUP#2009-0060)

12. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP#2009-0060)

13. For indoor patrons, meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2009-0060)

14. **CONDITION AMENDED BY STAFF:** The ~~administrative~~ Special Use Permit ~~approved by the director pursuant to Section 11-513 of the zoning ordinance~~ shall be displayed in a conspicuous and publicly accessible place. A certificate provided by the city shall inform the public of its right to examine the list of conditions ~~standards~~ associated with the permit. A copy of the list of conditions ~~standards~~ with the permit shall be kept on the premises and made available for examination by the public upon request. (P&Z) ~~(SUP#2009-0060)~~

15. No food, beverages, or other material may be stored outside. (P&Z) (SUP#2009-0060)

16. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP#2009-0060)

17. **CONDITION AMENDED BY STAFF:** ~~Prior to installation, the applicant shall provide illustrations for any proposed façade improvements, including signage, awnings, and outdoor dining areas, for review and approval by the Director of Planning & Zoning.~~ The applicant shall maintain ~~Such~~ the building façade ~~improvements shall be~~ consistent with the Design Guidelines of the Mt. Vernon Avenue Business Area Plan to the satisfaction of the Director of Planning & Zoning. (P&Z) ~~(SUP#2009-0060)~~

18. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP#2009-0060)

19. **CONDITION DELETED BY STAFF:** ~~The applicant shall contribute $500 to the SUP Streetscape Improvement Fund for street trees and trash cans. Monetary contribution shall be submitted to the Department of Transportation & Environmental Services, Room~~

~~4130, 301 King Street prior to the issuance of the Special Use Permit Certificate. The applicant is asked to reference the SUP number and condition number on all correspondence. (T&ES) (SUP#2009-0060)~~

20. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2009-0060)

21. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2009-0060)

22. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2009-0060)

23. **CONDITION AMENDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. The applicant shall apply to the Traffic and Parking Board for approval of a loading zone on Mount Vernon Avenue. If approved, vehicles delivering supplies to the restaurant shall only park, load, unload, stand in an on-street loading zone approved by the Traffic and Parking Board. (T&ES)(P&Z)~~(SUP#2009-0060)~~

24. The applicant shall require its employees who drive to use off-street parking and provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall post DASH and Metrobus schedules on-site for employees. The applicant shall also provide information about alternative forms of transportation to access the location of the restaurant, including but not limited to print and electronic promotional materials, posting on the restaurant website, and other similar methods. (P&Z) (T&ES) (SUP#2009-0060)

25. The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (P&Z) (SUP#2009-0060)

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

27. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide a menu or list of foods and equipment specification to be handled at this facility to the Health Department with construction plans. (Health) (SUP#2009-0060)~~

28. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for the business and robbery readiness training for all employees. (Police) (SUP#2009-0060)

29. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit ~~after it has been operational for one year~~ six months after approval, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) ~~(SUP#2009-0060)~~

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: In accordance with Section 11-506(c) of the Zoning Ordinance, operation shall be commenced 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:

F-1 Based on the survey results submitted by the applicant, Transportation staff cannot support the size of the currently proposed 68% parking reduction due to the potential on-street parking impacts to neighboring businesses and residents. Transportation staff believes a maximum 50% parking reduction strikes an appropriate balance that supports a small local business while limiting the potential on-street parking impacts of the business. (T&ES)

C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 519-3486, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (SUP2009-00060)

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) (SUP2009-00060)

Previous Conditions to carry forward:

7. Outdoor dining, including all its components such as planters, wait stations, and barriers shall not encroach onto the public right of way unless authorized by an encroachment ordinance. (P&Z)(**T&ES**) (SUP2009-00060)

8. A maximum of one delivery vehicle may be permitted to operate from the restaurant. The applicant shall provide and maintain one off-street parking space for delivery vehicle use only at all times which shall be clearly marked with a sign. Delivery vehicles may not park on the street in proximity to the restaurant at anytime. (P&Z)(T&ES) (SUP2009-00060)

18. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP2009-00060)

19. **CONDITION DELETED BY STAFF:** ~~The applicant shall contribute $500 to the SUP Streetscape Improvement Fund for street trees and trash cans. Monetary contribution shall be submitted to the Department of Transportation & Environmental Services, Room 4130, 301 King Street prior to the issuance of the Special Use Permit Certificate. The applicant is asked to reference the SUP number and condition number on all correspondence. (T&ES)~~

20. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP2009-00060)

21. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP2009-00060)

22. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP2009-00060)

23. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2009-00060)

24. The applicant shall require its employees who drive to use off-street parking and provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall post DASH and Metrobus schedules on-site for employees. The applicant shall also provide information about alternative forms of transportation to access the location of the restaurant, including but not limited to print and electronic promotional materials, posting on the day care restaurant website, and other similar methods. (P&Z) (T&ES) (Corrected by staff) (SUP2009-00060)

26. The applicant shall participate in a shared parking program at such time that a shared parking program is adopted by City Council. (T&ES) (SUP2009-00060)

Code Enforcement:

F-1 The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Ken Granata, Acting Plan Review Supervisor at ken.granata@alexandriava.gov or 703-746-4193.

C-1 A new Certificate of Occupancy shall be obtained prior to any occupancy of the building or portion thereof. The current occupancy load is lower than the new proposed occupancy load being requested.

C-2 Provide a building code analysis with the following building code data on the plan: a) use group; b) number of stories; c) type of construction; d) floor area per floor; e) occupancy load; f) means of egress; g) fire protection plan.

C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

C-4 An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.

C-5 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.

C-6 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.

C-7 This structure may contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 508.

C-8 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.

C-9 The following code requirements apply where food preparation results in the development of grease laden vapors:

(a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.

(b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders cannot discharge to the building drainage system through a grease interceptor.

C-10 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:

(a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.

(b) How food stuffs will be stored on site.

(c) Rodent baiting plan.

C- 11 The proposed space used for outdoor seating with tables must provide a minimum of 15 square feet per person.

C- 12 Any configuration of outdoor seating shall comply with the following conditions:

- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
- Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.

- Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
- The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.

C- 13 Any increase in occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code.

C-14 Any increase in occupancy will only be considered for the exterior of the structure and will not modify the approved interior approved occupant load. At no time shall any approved outdoor seating be incorporated inside due to foul weather or other situations.

C-15 Two means of egress are required from each level of the restaurant (USBC 1018.1).

C-16 A seating/table layout (indoor and outdoor) complete with dimensions showing all aisle and passageway clearances will be required for review and approval prior to occupancy (USBC 1004.2).

Health:

F-1 No Comments

Parks and Recreation:

F-1 No Comments Received

Police Department:

F-1 No Comments Received

APPLICATION
SPECIAL USE PERMIT

RECEIVED
DEC 27 2011
PLANNING & ZONING

SPECIAL USE PERMIT # 2011-0087

PROPERTY LOCATION: 2216 Mount Vernon Avenue, Alexandria, Virginia

TAX MAP REFERENCE: 034.02 11 11 **ZONE:** Commercial Low (CL) and Mount Vernon Avenue Urban Overlay Zone

APPLICANT:

Name: Del Rav Pizzeria, LLC

Address: 1200 Chadwick Avenue, Alexandria, Virginia 22308

PROPOSED USE: **Special Use Permit to amend Special Use Permit #2009-0060 to add additional seating and a Parking Reduction Special Use Permit.**

[X] **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 7-700 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[X] **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.

[X] **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.

[X] **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.

Duncan W. Blair, Esquire		12-27-2011
Print Name of Applicant or Agent	Signature	Date
524 King Street	703 836-1000	703 549-3335
Mailing/Street Address	Telephone #	Fax #
Alexandria, Virginia 22314	dblair@landclark.com	
City and State Zip Code	Email address	

ACTION-PLANNING COMMISSION: 1/22 **DATE:**

ACTION-CITY COUNCIL: **DATE:**

SUP # 2011-0087

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 2216 Mount Vernon Avenue, I hereby grant the applicant authorization to apply for an amendment to special use permit use as described in this application.

MVA Properties, LLC

Name: Erik Dorn, Manager Phone: 703 969-9696

Address: 1200 Chadwick Avenue, Alexandria, Virginia 22308 Email: delrayshops@gmail.com

Signature: Erik Dorn **Date:** December 27, 2011

Erik Dorn

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.

[X] 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
[X] Lessee or
[ ] Other: _____ of the subject property.

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

Del Ray Pizzeria is a Virginia limited liability company. The members of the limited liability company owning in excess of a ten (10%) percent interest in the limited liability company are Erik Dorn and James Mallon, c/o 1200 Chadwick Avenue, Alexandria, Virginia 22308.

SUP # 2011-0087

OWNERSHIP AND DISCLOSURE STATEMENT
Use additional sheets if necessary

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

Name	Address	Percent of Ownership
1. Del Ray Pizzeria, LLC	1200 Chadwick Avenue Alexandria, VA 22308	100%
2. Eric Dorn	1200 Chadwick Avenue Alexandria, VA 22308	50%
3. James Mallon	4130 Lawrence Avenue Alexandria, VA 22304	50%

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 2216 Mount Vernon Avenue, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

MVA Properties, LLC

Name	Address	Percent of Ownership
1. Erik Dorn	1200 Chadwick Avenue Alexandria, VA 22308	45%
2. Michael Southard	1200 Chadwick Avenue Alexandria, VA 22308	25%
3. Tim Gleason	1200 Chadwick Avenue Alexandria, VA 22308	15%
4. Dana Lawhorne	1200 Chadwick Avenue Alexandria, VA 22308	15%

3. Business or Financial Relationship. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is 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.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.Erik Dorn	None	Planning Comm. and City Council
2. James Mallon	None	Planning Comm. and City Council
3. Michael Southard	None	Planning Comm. and City Council
4. Tim Gleason	None	Planning Comm. and City Council
5. Dana Lawhorne	None	Planning Comm. and City Council

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

12-27-2011 — Date

Erik Dorn — Printed Name

Erik Dorn — Signature

REVISED SUP # 2011-0087

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?

[X] Yes. Provide proof of current City business license

[ ] **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

Del Ray Pizzeria, LLC, a Virginia limited liability company ("DRP"), doing business as Del Ray Pizzeria, the choice of President Obama for pizza, is requesting an amendment to add an additional fifty ~~one~~ (50~~1~~) indoor seats on the first floor, thirty ~~thirtyforty-two~~ (30~~42~~) indoor seats on the second floor of the existing ~~restaurant and forty (40) seasonal outdoor seats on the rooftop patio~~ to the existing thirty-two (32) indoor seats and twelve (12) outdoor seats. The expanded restaurant will have a total of one hundred and twelve ~~seventy-seven~~ (112~~77~~) indoor seats and twelve (12) outdoor seat. (~~One hundred twenty-five (125) indoor on two floors and Fifty-two (52) outdoor seats.~~

There are nine (9) onsite parking spaces serving the restaurant. Forty-two parking spaces are required (124~~77~~ – 12 outdoor seats = 112~~165~~ /4 = 28~~42~~ spaces) A nineteen (19) ~~thirty-two~~ parking space reduction is being requested.

SUP # 2011-0087

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,
[X] an expansion or change to an existing use with a special use permit,
[X] other. Please describe: Parking Reduction Special Use Permit.

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).

It is anticipated that the expanded seating will increase the number of patrons currently being served by the restaurant by one hundred (100) per day.

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

Twenty (20) full-time employees and eight (8) part-time employees.

6. Please describe the proposed hours and days of operation of the proposed use: Not Applicable.

Day:	Hours:
No change from SUP #2009-0060	

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

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

No change from SUP #2009-0060.

B. How will the noise be controlled?

No change from SUP #2009-0060.

SUP # 2011-0087

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

No change from SUP #2009-0060.

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)

No change from SUP #2009-0060.

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

No change from SUP #2009-0060.

C. How often will trash be collected?

No change from SUP #2009-0060.

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

No change from SUP #2009-0060.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property? **No change from SUP #2009-0060.**

[X] Yes. [ ] No.

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

SUP # 2011-0087

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property? **No change from SUP #2009-0060.**

[X] Yes. [ ] No.

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

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

No change from SUP #2009-0060.

ALCOHOL SALES

13.

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

[X] 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.

No change from SUP #2009-0060.

SUP # 2011-0087

PARKING AND ACCESS REQUIREMENTS

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

9 Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

Planning and Zoning Staff Only
Required number of spaces for use per Zoning Ordinance Section 8-200A_____
Does the application meet the requirement? [ ] Yes [ ] No

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

[X] 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.

[X] Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use: None.

A. How many loading spaces are available for the use? **None**

Planning and Zoning Staff Only
Required number of loading spaces for use per Zoning Ordinance Section 8-200_____
Does the application meet the requirement? [ ] Yes [ ] No

SUP # 2011-0087

B. Where are off-street loading facilities located?

No change from SUP #2009-0060.

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

No change from SUP #2009-0060.

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

No change from SUP #2009-0060.

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?

No change from SUP #2009-0060.

SITE CHARACTERISTICS

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

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

How large will the addition be? _____ square feet.

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)*

[**X**] 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: _____
[X] other. Please describe: **Parking reduction special use permit .**

REVISED

Special Use Permit # 2011-0087

PARKING REDUCTION SUPPLEMENTAL APPLICATION

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)

   The requested parking reduction is for nineteen (19) required parking spaces for the restaurant.

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

   Since opening in 2010 Del Ray Pizzeria has established itself as a local Del Ray restaurant with its patron base being the Del Ray Community that walks to the restaurant. If the restaurant was new construction based on the formed based zoning for Mount Vernon Avenue the required parking would be one (1) parking space per each eight seats; and the requested reduction would be only five (5) parking spaces.

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

   The nine (9) onsite parking spaces are the maximum number of parking spaces that can be accommodated onsite and Del Ray Pizzeria has been unable to secure off site parking.

4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces? Yes [ ] No [x]

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, and 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.

6/97 p:\zoning\pc-appl\forms\supparkg

REVISED

Special Use Permit # 2011-0087

RESTAURANT SUPPLEMENTAL APPLICATION

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?

   At tables: 105~~170~~ At a bar: 7 Total number proposed: 112~~77~~

2. Will the restaurant offer any of the following?

   X alcoholic beverages _____ beer and wine (on-premises)

   X beer and wine (off-premises)

3. Please describe the type of food that will be served: **See Attached Menu**

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

   X table service X bar X carry-out ~~X~~ delivery

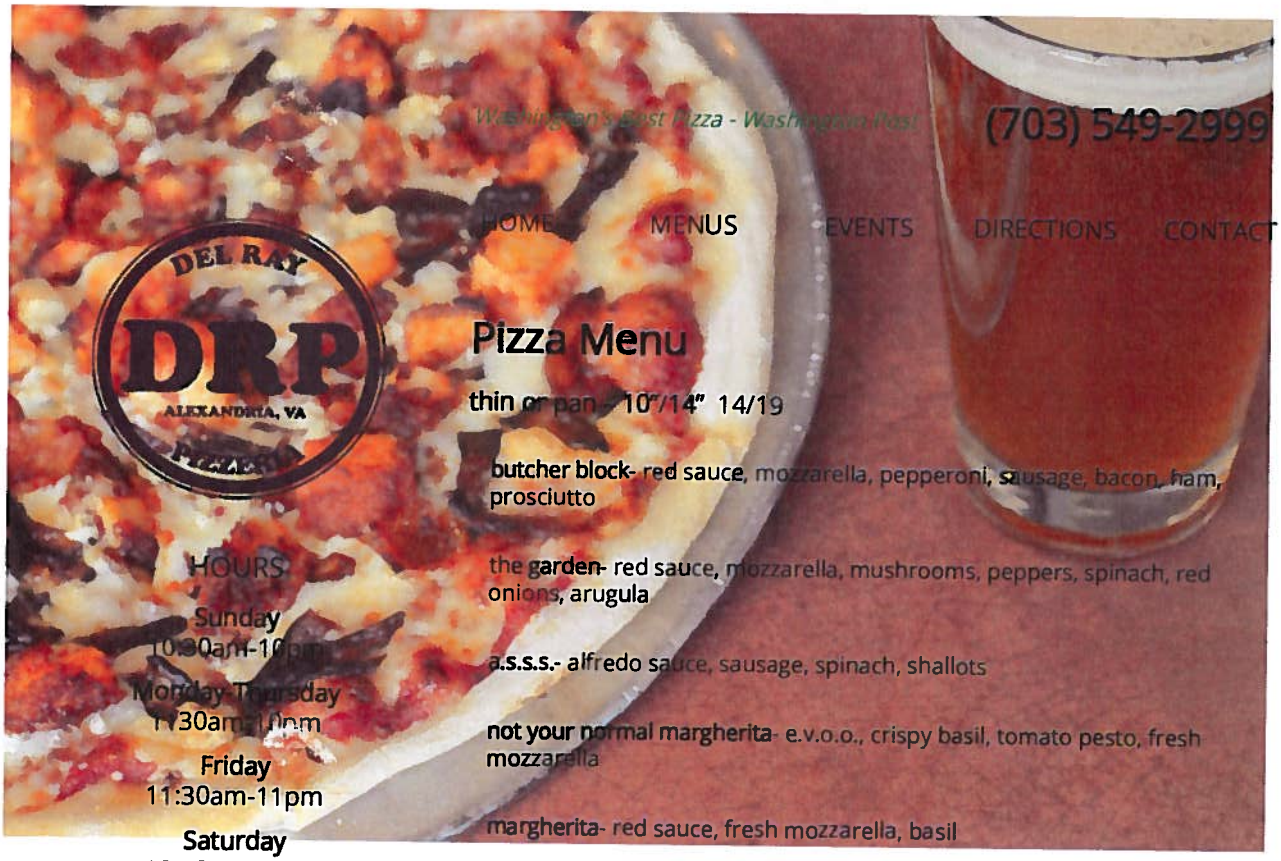
5. If delivery service is proposed, how many vehicles do you anticipate? NA ~~No~~

   Will delivery drivers use their own vehicles? _____ Yes. ____ No.

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? X Yes. ____ No.

   If yes, please describe: There are 9 large screen televisions.

SUP2011-0087



HOURS

Sunday
10:30am-10pm

Monday-Thursday
11:30am-10pm

Friday
11:30am-11pm

Saturday
10:30am-11pm

HAPPY HOUR

Weekdays
4pm-7pm

BRUNCH

Saturday & Sunday
10:30am-3pm

supreme clientele- red sauce, mozzarella, pepperoni, sausage, peppers, red onions, olives, shrooms

toscano- red sauce, mozzarella, ham, banana peppers, blue cheese

the hero- red sauce, mozzarella, anchovies, black olives, oven dried tomatoes, feta, garlic

don't call it a gyro- red sauce, mozzarella, gyro meat, feta, onions, romaine, dill, tzatziki

smokin' hot chick- chipotle marinara, smoked gouda, mozzarella, smoked chicken, red onions, jalapeños

cheese steak- red sauce, sliced rib eye, shrooms, red onions, provolone

maui wowie- red sauce, mozzarella, pineapples, ham, balsamic red onions

the spartan- basil pesto, fresh mozzarella, ricotta, fontina, basil

pancho villa- red sauce, mozzarella, cheddar, spicy ground beef, tomatoes, olives, jalapeños, romaine

gringo- alfredo sauce, ricotta, aged parmesan, mozzarella

b.l.t.- red sauce, bacon, romaine, tomatoes, mozzarella

buffalo chicken- red sauce, bacon, crispy shallots, blue cheese, mozzarella

jenny's veg- red sauce, peppers, red onions, shrooms, black olives, ricotta, mozzarella

this lil' pig- basil pesto, prosciutto, fresh mozzarella, oven dried tomatoes

shroomin'- red sauce, portabellas, criminis, porcinis, fresh mozzarella

daily pizza- check out the pie chart!

build your own pie - thin crust or pan, all pizzas come with red sauce and shredded mozzarella, unless otherwise requested

sauce - tomato pesto, basil pesto, e.v.o.o., red sauce, chipotle marinara, alfredo sauce, truffle oil

cheese - aged parmesan 2, blue cheese 2, feta 2, goat cheese 3, smoked gouda 2, fresh mozzarella 2, provolone 2 ricotta 2

toppings 1/2 - oven dried tomatoes, black olives, artichoke hearts, arugula, spinach, mushrooms, red onions, roasted garlic, charred jalapeños, green peppers, roasted red peppers, banana peppers, pineapple, crispy shallots, balsamic, red onions, tomatoes, sausage, pepperoni, bacon, ham, chicken, prosciutto, ground beef, meatballs, shrimp, anchovies

Menus

Pizza · Lunch · Dinner · Brunch · Beer · Wine

2218 Mount Vernon Ave., Alexandria, VA 22301

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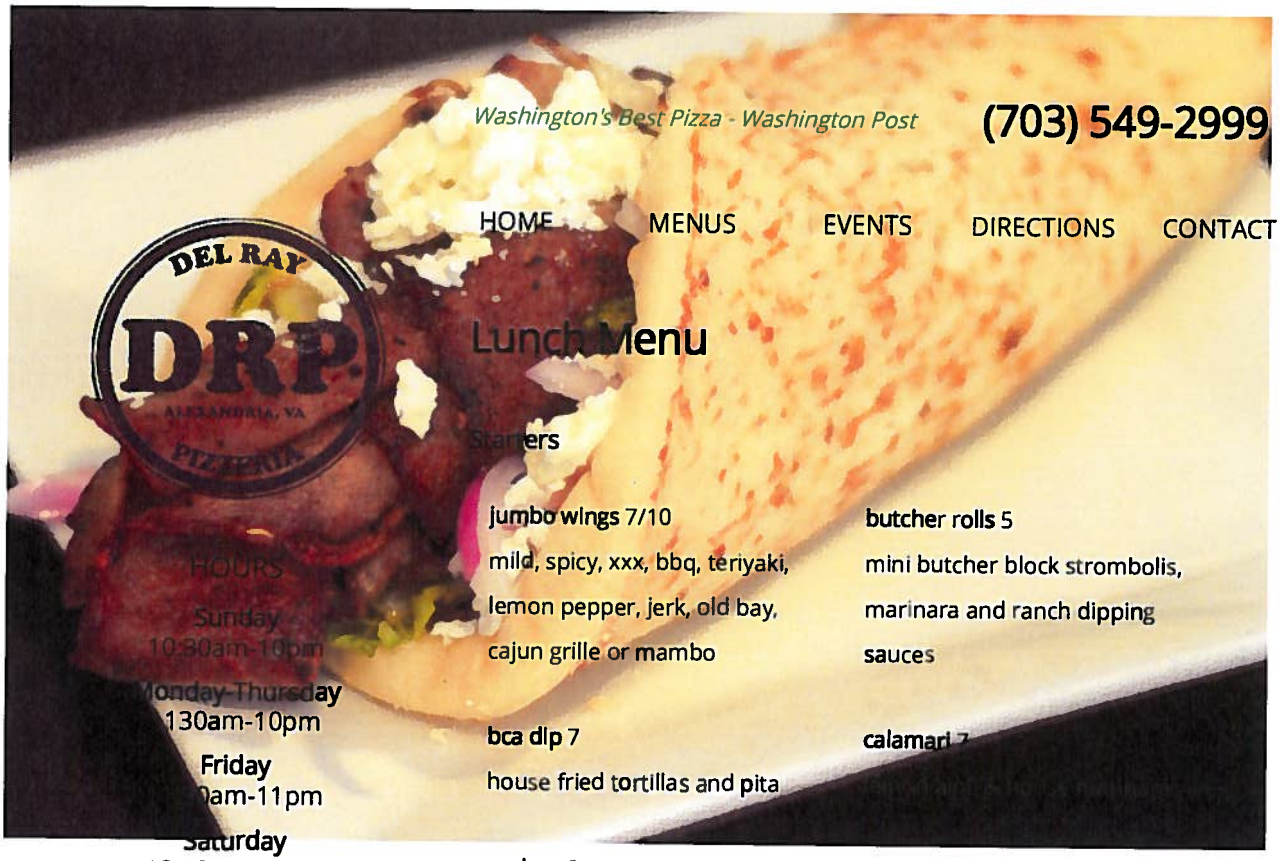


Lunch Menu

HOURS

Sunday
10:30am-10pm

Monday-Thursday
130am-10pm

Friday
0am-11pm

Saturday
10:30am-11pm

HAPPY HOUR

Weekdays
4pm-7pm

BRUNCH

Saturday & Sunday
10:30am-3pm

Starters

jumbo wings 7/10
mild, spicy, xxx, bbq, teriyaki, lemon pepper, jerk, old bay, cajun grille or mambo

butcher rolls 5
mini butcher block strombolis, marinara and ranch dipping sauces

bca dip 7
house fried tortillas and pita

calamari 7

nachos 6
refried beans, jalapeños, sour cream, jack and cheddar, pico de gallo - add chicken or beef 2

Salads

garden salad 5
mixed greens, tomatoes, carrots, croutons, herb ranch

arugula salad 6
red onion, candied pecans, aged parmesan, sherry vinaigrette

caesar 6
parmesan, garlic croutons, add chicken or shrimp 2

chopped salad 9
romaine, tomatoes, avocado, bacon, grilled chicken, cheddar, peppercorn buttermilk

spinach 6
granny smiths, blue cheese, bacon, apple cider reduction

Sandwiches and Such served with hand cut fries or small salad

chicken parm 8
marinara, provolone sub roll

buffalo chicken 8
spicy fried chicken breast, jalapeño blue, kaiser roll

patty melt 8
grilled burger, balsamic onions, swiss, dijon, grilled rye

cheese steak 9
sliced rib eye, onions, mushrooms, banana peppers, provolone, mayo

meatball hero 8
provolone, marinara sub roll

turkey melt 9
avocado, bacon, provolone, chipotle mayo, grilled wheat

gyro 8
lamb and beef, house tzatziki, feta, onions, romaine

blackened burger 8
cajun rubbed, blue cheese, remoulade & frickles

grilled chicken 7
sundried tomato, provolone, basil pesto mayo, arugula

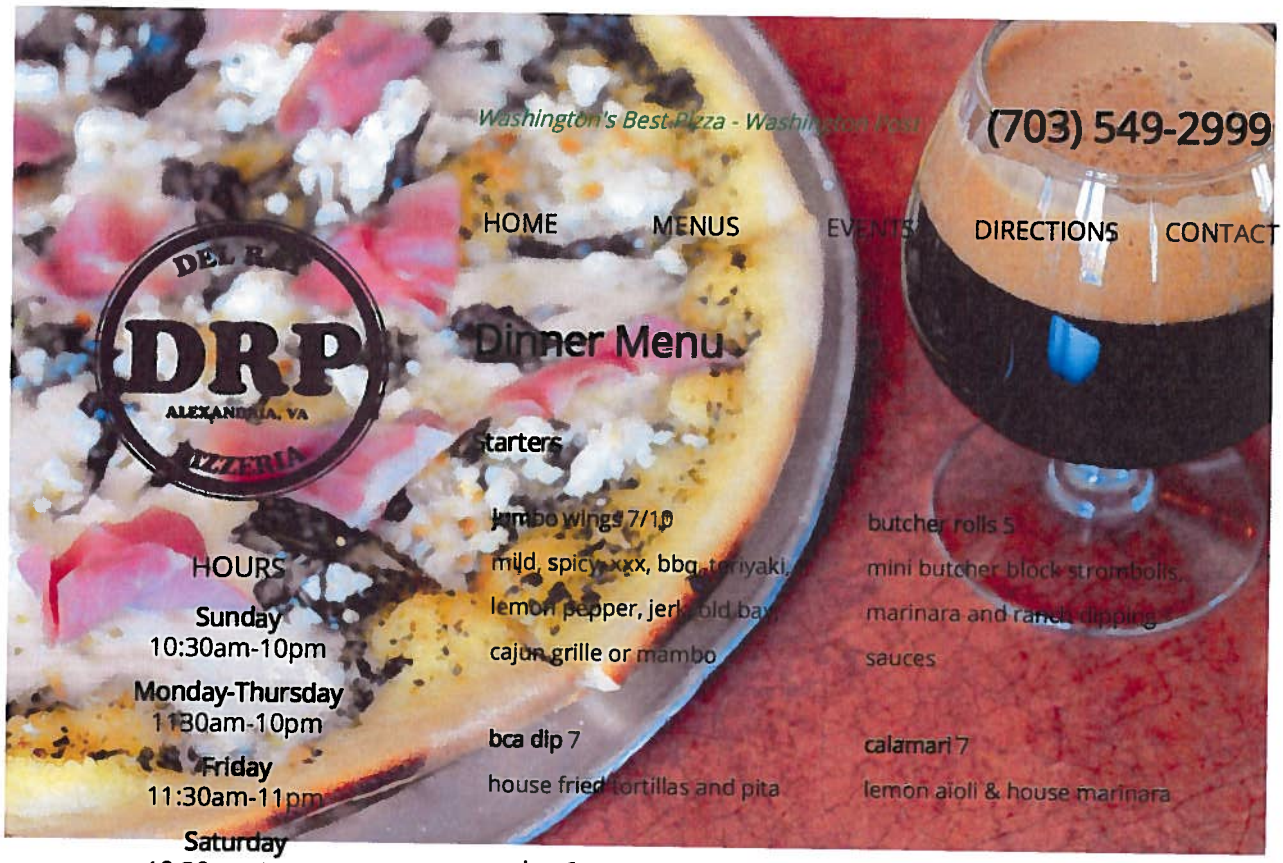
moose reuben 8
turkey & pastrami,1000 island, slaw, bacon, swiss, grilled rye

bbq burger 8
shoulder, roota uno sauce, jalapeñoes, cheddar

I've had that 8
two burgers with american, crispy shallots, lettuce and 1000 island

For the Kids 6

grilled cheese, chicken tenders or mini burger with hand cut fries, spaghetti and marinara, spaghetti and meatball, grilled chicken with apples, pb&j on wheat with orange slices



HOURS

Sunday
10:30am-10pm

Monday-Thursday
11:30am-10pm

Friday
11:30am-11pm

Saturday
10:30am-11pm

HAPPY HOUR

Weekdays
4pm-7pm

BRUNCH

Saturday & Sunday
10:30am-3pm

nachos 6
refried beans, jalapeños, sour cream, jack and cheddar, pico de gallo - add chicken or beef 2

Salads

garden salad 5
mixed greens, tomatoes, carrots, croutons, herb ranch

arugula salad 6
red onion, candied pecans, aged parmesan, sherry vinaigrette

caesar 6
parmesan, garlic croutons, add chicken or shrimp 2

bean, bean 7
haricot verts, oven dried tomatoes, goat cheese, warm honey bacon

spinach 6
granny smiths, blue cheese, bacon, apple cider reduction

37

Entrees add any salad for 2.5

eggplant lasagna 15
eggplant, zucchini, tomatoes, fontina, mozzarella, ricotta

sea scallops 19 bowtie pasta, bacon, mushrooms, spinach,blue cheese cream sauce

flat iron marsala 18
porcini rubbed, roasted garlic redskin mash, crimini marsala

jambalaya pasta 16
shrimp, chicken and sausage, peppers and onions, cajun cream sauce penne pasta

gnocchi and meatballs 14
gnocchi alfredo meatball marinara

chopped salad 12
romaine, tomatoes, avocado, bacon, grilled chicken, cheddar, peppercorn buttermilk

pan roasted chicken 16
seasonal vegetables redskin mash pan jus

my meatloaf 16
family recipe, brown gravy haricot verts, roasted garlic redskin mash

Sandwiches and Such served with hand cut fries or small salad

chicken parm 8
marinara, provolone sub roll

buffalo chicken 8
spicy fried chicken breast, jalapeño blue, kaiser roll

patty melt 8
grilled burger, balsamic onions, swiss, dijon, grilled rye

cheese steak 9
sliced rib eye, onions, mushrooms, banana peppers, provolone, mayo

meatball hero 8
provolone, marinara sub roll

turkey melt 9
avocado, bacon, provolone, chipotle mayo, grilled wheat

gyro 8
lamb and beef, house tzatziki, feta, onions, romaine

blackened burger 8
cajun rubbed, blue cheese, remoulade & frickles

38

grilled chicken 7
sundried tomato, provolone, basil pesto mayo, arugula

moose reuben 8
turkey & pastrami,1000 island, slaw, bacon, swiss, grilled rye

bbq burger 8
shoulder, roota uno sauce, jalapeñoes, cheddar

i've had that 8
two burgers with american, crispy shaliots, lettuce and 1000 island

For the Kids 6

grilled cheese, chicken tenders or mini burger with hand cut fries, spaghetti and marinara, spaghetti and meatball, grilled chicken with apples, pb&j on wheat with orange slices

Menus
Pizza · Lunch · Dinner · Brunch · Beer · Wine

2218 Mount Vernon Ave., Alexandria, VA 22301

©2011 Del Ray Pizzeria

SUP2011-0087

HOURS

Sunday
10:30am-10pm

Monday-Thursday
1130am-10pm

Friday
11:30am-11pm

Saturday
10:30am-11pm

HAPPY HOUR

Weekdays
4pm-7pm

BRUNCH

Saturday & Sunday
10:30am-3pm

Starters

jumbo wings 7/10
bbq, teriyaki, pepper, jerk, old bay, cajun grille or mambo

butcher rolls 5
mini butcher block stromboli, marinara and ranch dipping sauces

bca dip 7
house fried tortillas and pita

calamari 7
lemon aïoli & house marinara

nachos 6
refried beans, jalapeños, sour cream, jack and cheddar, pico de gallo - add chicken or beef 2

Salads

garden salad 5
mixed greens, tomatoes, carrots, croutons, herb ranch

arugula salad 6
red onion, candied pecans, aged parmesan, sherry vinaigrette

caesar 7
parmesan, garlic croutons, add chicken or shrimp 2

chopped 9
romaine, tomatoes, avocado, bacon, grilled chicken, cheddar, peppercorn buttermilk

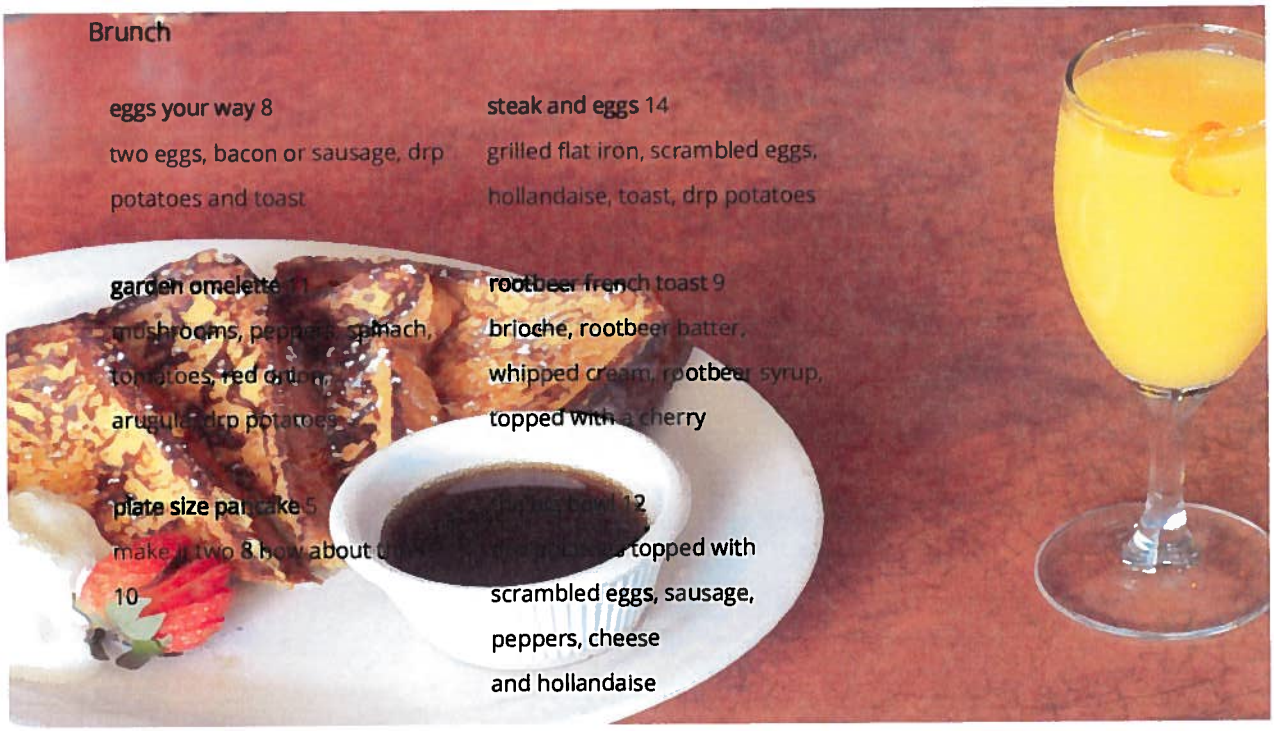
ny, ny 12
grilled flat iron over greens, peppers, prosciutto, fontina crispy shallots, vinaigrette

spinach 6
granny smiths, blue cheese, bacon, apple cider reduction

RECEIVED
DEC 27 2011
PLANNING & ZONING

HD

SUP2011-0087



drp benedict 10
country ham, poached eggs, mozzarella-bruschetta, hollandaise, drp potatoes

big b.e.l.t.c.h. 9
bacon, egg, lettuce, tomato, cheese and ham sandwich drp potatoes

Sandwiches and Such served with hand cut fries, tater tots or garden salad

chicken parm 8
marinara, provolone sub roll

buffalo chicken 8
spicy fried chicken breast, jalapeño blue, kaiser roll

patty melt 8
grilled burger, balsamic onions, swiss, dijon, grilled rye

cheese steak 9
sliced rib eye, onions, mushrooms, banana peppers, provolone, mayo

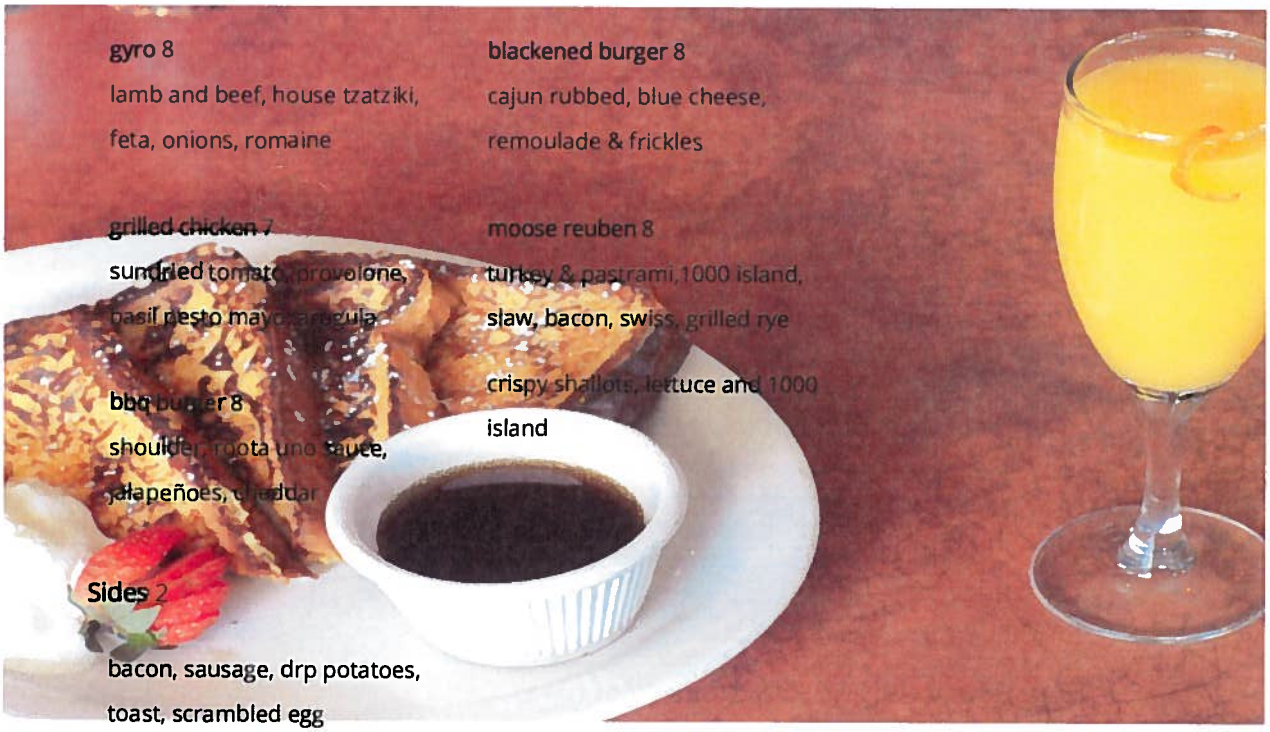
meatball hero 8
provolone, marinara sub roll

turkey melt 9
avocado, bacon, provolone, chipotle mayo, grilled wheat

i've had that 8
two burgers with american,

41

SUP2011-0087



gyro 8
lamb and beef, house tzatziki, feta, onions, romaine

grilled chicken 7
sundried tomato, provolone, basil pesto mayo, arugula

bbq burger 8
shoulder, roota uno sauce, jalapeños, cheddar

blackened burger 8
cajun rubbed, blue cheese, remoulade & frickles

moose reuben 8
turkey & pastrami,1000 island, slaw, bacon, swiss, grilled rye

crispy shallots, lettuce and 1000 island

Sides 2

bacon, sausage, drp potatoes, toast, scrambled egg

For the Kids 6

grilled cheese, chicken tenders or mini burger with hand cut fries, spaghetti and marinara, spaghetti and meatball, grilled chicken with apples, pb&j on wheat with orange slices

Menus

Pizza · Lunch · Dinner · Brunch · Beer · Wine

2218 Mount Vernon Ave., Alexandria, VA 22301

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42

SUP 2011-0087

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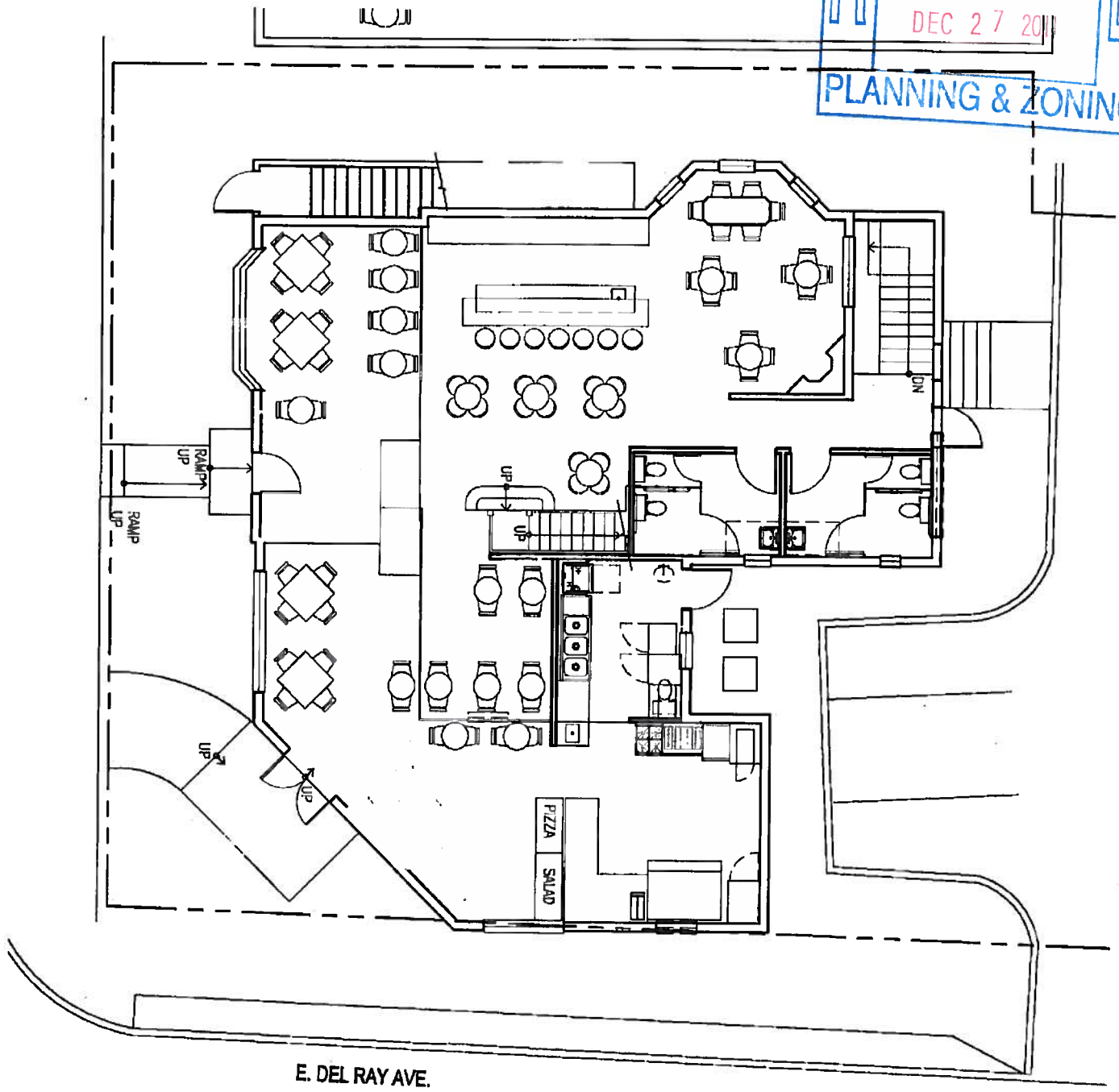
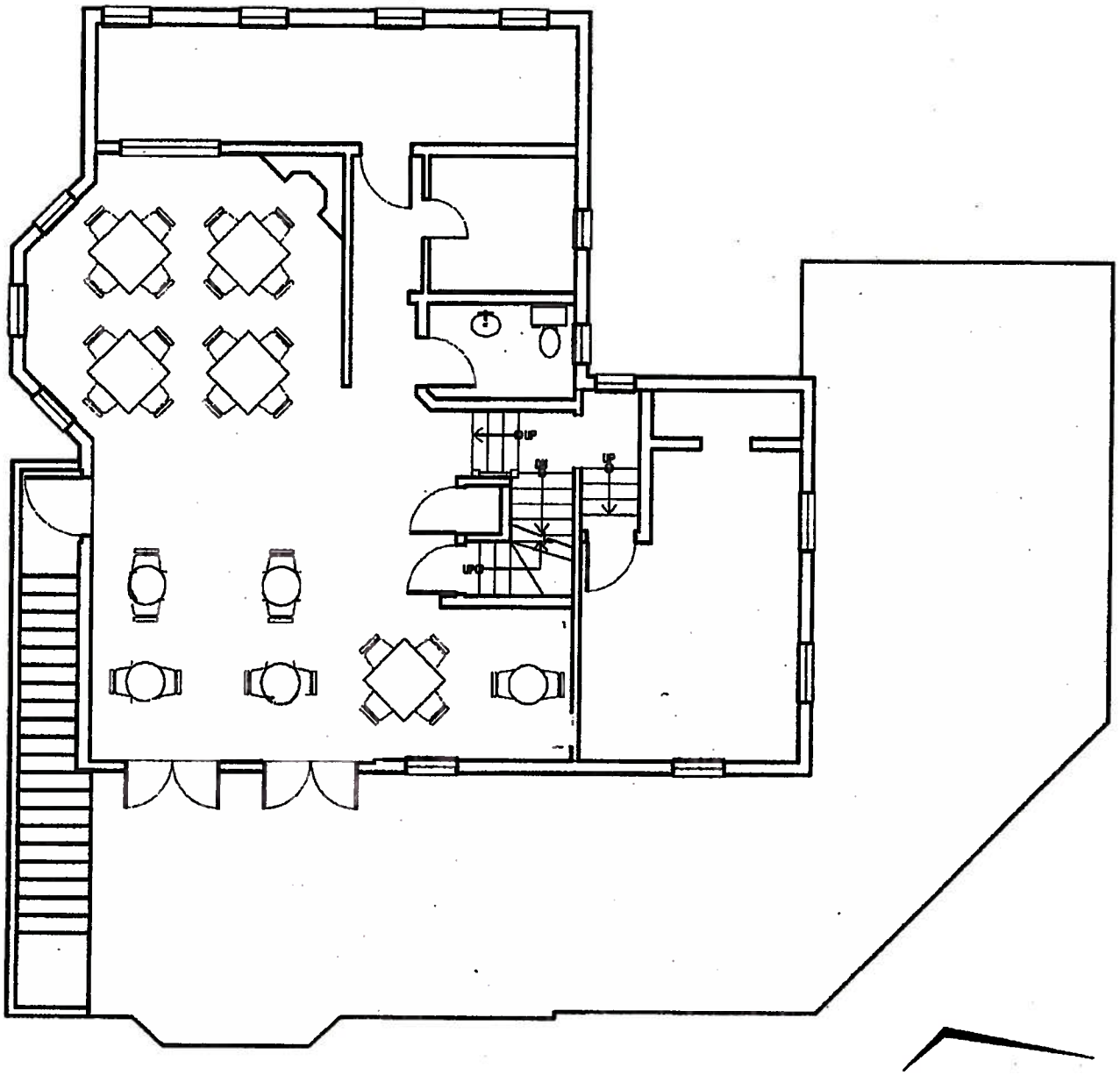


1 A2 First FLOOR PLAN
SCALE: 1/4"= 1'-0"

SUP2011-0087

REVISED



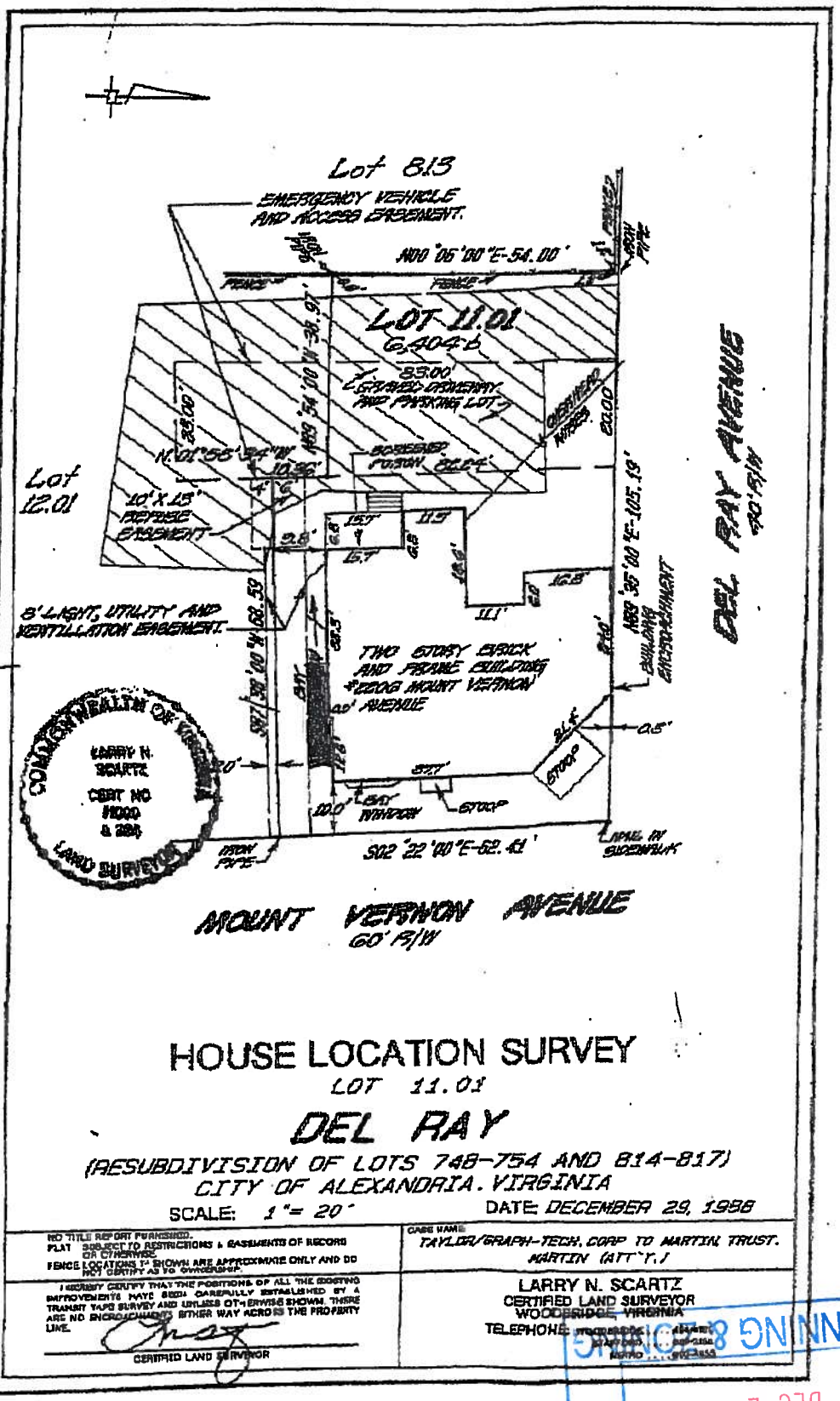
Second FLOOR PLAN

1
A2

SCALE: 1/4"= 1'-0"

KULINSKI
GROUP ARCHITECTS P.C.
KULINSKIGROUP.COM | 703.836.7243

SUP 2011-0087



HOUSE LOCATION SURVEY

LOT 11.01

DEL RAY

(RESUBDIVISION OF LOTS 748-754 AND 814-817)

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1"= 20' DATE: DECEMBER 29, 1998

NO TITLE REPORT FURNISHED.
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.
FENCE LOCATIONS "I" SHOWN ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.

CASE NAME: TAYLOR/GRAPH-TECH. CORP TO MARTIN TRUST. MARTIN (ATT'Y.)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS THE PROPERTY LINE.

CERTIFIED LAND SURVEYOR

LARRY N. SCARTZ
CERTIFIED LAND SURVEYOR
WOODBRIDGE, VIRGINIA
TELEPHONE: [illegible]

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DEC 27 2011
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LAND, CLARK, CARROLL, MENDELSON AND BLAIR, P.C.
Attorneys & Counsellors at Law
524 KING ST.
ALEXANDRIA, VA 22314-3104

H. CARTER LAND, III
JAMES C. CLARK
F. ANDREW CARROLL, III
RICHARD S. MENDELSON
DUNCAN W. BLAIR

(703) 836-1000

FACSIMILE
(703)549-3335

February 8, 2012

Nathan Randall
Urban Planner II
Dept. of Planning & Zoning
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

RECEIVED
FEB - 9 2012
PLANNING & ZONING

DELIVERED BY HAND

In re: Del Ray Pizzeria – SUP No. 2009-0060

Dear Nathan:

Pursuant to our telephone conversation, I am delivering to you all the original survey cards (these are the only copies) distributed to patrons of Del Ray Pizzeria during lunch and dinner between January 26th and February 4th, 2012.

As you can see there were 473 surveys handed out, of which 196 were returned.

Additionally, I enclose a copy of the spread sheet tabulating the results.

It is my understanding that you and Faye Dastgheib will review and analyze the results of this survey and compare them to the information obtained contained in the draft Del Ray Parking Study.

Once you have had an opportunity to review the enclosed and discuss it with Faye, I would like to schedule a meeting to sit down and discuss the results of the survey and how it relates to the pending application for increased seating.

If you have any questions, please do not hesitate to call.

Very truly yours,

Duncan W. Blair

DWB:kl\Randall-DelRay 0212

Enclosure
cc: Eric Dorn, by PDF only

	Walk	Drive Alone	Drive carpool	Transit	Bike	# of surveys handed out	# of guest for the day	avg of people per table per day
Lunch Thursday 26th	1	6	0	0	0	11		
Dinner Thursday 26th	4	16	5	0	0	36	73	1.55
Lunch Friday 27th	3	4	1	0	0	11		
Dinner Friday 27th	6	8	6	0	0	52	166	2.63
Lunch Sat. 28th	6	6	3	0	0	23		
Dinner Sat 28th	6	3	3	1	0	58	191	2.36
Lunch Sun 29th	2	0	2	0	1	12		
Dinner Sun 29th	3	1	5	0	0	32	155	3.52
Lunch Mon 30th	1	2	0	0	0	6		
Dinner Mon 30th	7	9	5	0	0	37	60	1.4
Lunch Tues 31st	3	0	0	0	0	7		
Dinner Tues 31st	4	8	5	0	0	23	48	1.6
Lunch Wed 1st	2	2	1		1	9		
Dinner Wed 1st	3	3	0	0	0	15	59	2.45
Lunch Thur 2nd	0	1	0	0	0	4		
Dinner Thur 2nd	3	3	3	0	0	28	90	2.81
Lunch Friday 3rd	0	2	5	0	0	12		
Dinner Friday 3rd	2	2	2	0	0	33	162	3.6
Lunch Sat 4th	0	1	2	0	0	28		
Dinner Sat 4th	0	4	8	0	0	36	178	2.78

1 survey was handed out with every check per table by the waiter

Lunch	18	24	14	0	2 = 58	123	
Dinner	38	57	42	1	0 = 138	350	
Total	56	81	56	1	2	196	473

Docket Item No. 3
SUP #2011-0087

Land, Carroll & Blair PC

H. Carter Land, III
F. Andrew Carroll, III
Richard S. Mendelson
Duncan Wardman Blair
Martin J. A. Yeager (VA, DC & MD)

ATTORNEYS AT LAW
Est. 1978

524 King Street
Alexandria, VA 22314
(703) 836-1000
(703) 549-3335 Fax
www.landcarroll.com

March 28, 2012

Barbara Ross
Deputy Director
Department of Planning & Zoning
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

SENT BY EMAIL, PDF FILE

In re: 2216 Mount Vernon Avenue – Del Ray Pizzeria

Dear Barbara:

I am writing on behalf of our client, Del Ray Pizzeria, to request that the number of outdoor seats be increased from 12 outdoor seats to 20 outdoor seats, a number which is permitted administratively in the Mount Vernon Business District.

The additional seats can be accommodated in the existing outdoor dining area.

If you have any questions concerning this, please do not hesitate to call.

Very truly yours,

Duncan W. Blair

DWB:kl\Ross-Del Ray Pizzeria

cc: Erik Dorn

SUP 2011-0087

Land, Carroll & Blair PC

H. Carter Land, III
F. Andrew Carroll, III
Richard S. Mendelson
Duncan Wardman Blair
Martin J. A. Yeager (VA, DC & MD)

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(703) 836-1000
(703) 549-3335 Fax
www.landcarroll.com

April 10, 2012

Barbara Ross
Deputy Director
Department of Planning & Zoning
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

SENT BY EMAIL, PDF FILE

In re: 2216 Mount Vernon Avenue – Del Ray Pizzeria, LLC
Special Use Permit No. 2011-0087

Dear Barbara:

I am writing on behalf of our client, Del Ray Pizzeria, LLC in connection with its application to amend Special Use Permit No. 2011-0087.

As you are aware, during the Planning Commission Public Hearing on Tuesday, April 3, 3012, I requested that the Commission consider approving thirty (30) seats on the second floor for special events. This request was premised on the fact that Del Ray Pizzeria, LLC had entered into an agreement with the owners of the parking lot at 2401 Mt. Vernon Avenue to permit for ten (10) parking spaces seven days a week after 6:00 p.m. As you are aware from our prior discussions, the second floor will be used for special events on a reservation system. As part of the reservation and included in the use of the room will be the use of the ten parking spaces. While this request was part of the original application, less the parking, Planning and Zoning recommended denial of that part of the application. In light of the provisions of parking, I request that the prior recommendation will be reconsidered and supported.

Additionally, Del Ray Pizzeria, LLC has entered into an agreement to rent two (2) additionally parking spaces after 6:00 p.m. for use seven days a week for regular customer dining parking. With the addition of these parking spaces, there are now nine (9) parking spaces dedicated for the exclusive use of the restaurant and two (2) additional spaces that are for the exclusive use of the restaurant seven days a week after 6:00 p.m.

Based on this, it would appear that parking is provided for forty-four (44) seats. If the rationale of a fifty (50%) percent parking reduction as set forth on the Staff Report is still applicable, in order to reach the eighty-two (82) seats downstairs the parking reduction would be reduced from nineteen (19) parking spaces to ten (10) parking spaces.

Additionally, I am confirming that Del Ray Pizzeria, LLC has agreed to the conditions recommended by the Del Ray Land Use Committee. It is my understanding that your office has converted those recommendations into conditions of approval and presented them to the Planning Commission on April 3, 2012.

Lastly, I have contacted Bob Garbacz, Division Chief of T&ES/Transportation, with regard to filing an application for a loading zone. That application will be filed in the next several days.

If you have any questions concerning this, please do not hesitate to call.

Very truly yours,

Duncan W. Blair

DWB:kl\Ross-Del Ray Pizzeria 041012

cc: Erik Dorn

SUP 2011-0087

Potomac Town Square Association

2210 Mount Vernon Avenue
Alexandria, VA 22301
703.299.9251 Phone
703.299.3037 Fax

February 10, 2012

Farroll Hamer
Director of Planning
City of Alexandria
Department of Planning and Zoning
301 King Street, Rm 2100
Alexandria, VA 22314

Re: Special Use Permit #2009-0060
Application for Special Use Permit #2011-0087

Dear Director Hamer:

The Potomac Town Square Association (PTSA) consists of the owners of 2200 – 2214 Mount Vernon Avenue and is the ownership entity of the common areas to the rear of these addresses. PTSA is the immediate neighbor to the south of 2216 Mount Vernon Avenue. We reviewed the Application for Special Use Permit #2011-0087 and submit that the Applicant is not in compliance with the existing Special Use Permit #2009-0060. PTSA believes in allowing business to thrive and grow on Mount Vernon Avenue, however, the Applicant has not adhered to the conditions of the existing SUP #2009-0060. PTSA's position is that the Applicant should ensure compliance with the existing SUP prior to any undertaking any new considerations. We do not believe it is PTSA's responsibility to police the Del Ray Pizzeria's compliance with their SUP and request a periodic inspection by the City to ensure compliance.

The various owners in PTSA have provided the following comments:

- SUP #2009-0060 Condition 2. – The restaurant is currently operating with approximately 75 indoor seats, more than double the condition of a maximum of 32 seats.
- SUP #2009-0060 Condition 15. – The restaurant is currently storing kitchen mats, grease barrels, construction materials, ladders, tables and chairs outside.
- SUP #2009-0060 Condition 16. – Trash and garbage is not stored in exterior sealed containers. The grease barrel is overflowing and spilling, causing slipping hazards to pedestrians and serves as an attraction for rodents. On several occasions, trash from DRP has blown onto neighboring properties and not policed.
- SUP #2009-0060 Condition 18. – Litter is not picked up around the establishment. Garbage blows out of their receptacles onto neighboring properties and public right of ways.
- SUP #2009-0060 Condition 20 – Kitchen mats are washed outside on the parking surface. Grease barrels are overflowing and washing onto the parking lot and into the sanitary sewer.
- SUP #2009-0060 Condition 25 – The restaurant has not installed signs indicating allowable off street parking.

Following is a representation of conditions observed since DRP began operations.

Dumpster not sealed, overflowing, and occupying 2 parking spaces

Trash blowing out of overflowing dumpsters

Trash blowing out of dumpsters into parking lot

Trash not stored in sealed containers, kitchen mats stored and washed out side, stains on pavement from overflowing garbage

Grease storage never cleaned

Grease barrel overflow and stains

Blocking emergency access, dumpster access and parking spaces

This truck was parked here all day long and blocking trash removal

Blocking emergency access and access to parking lot

DRP Employees parking illegally

DRP Employees parking illegally

Blocking Del Ray Avenue

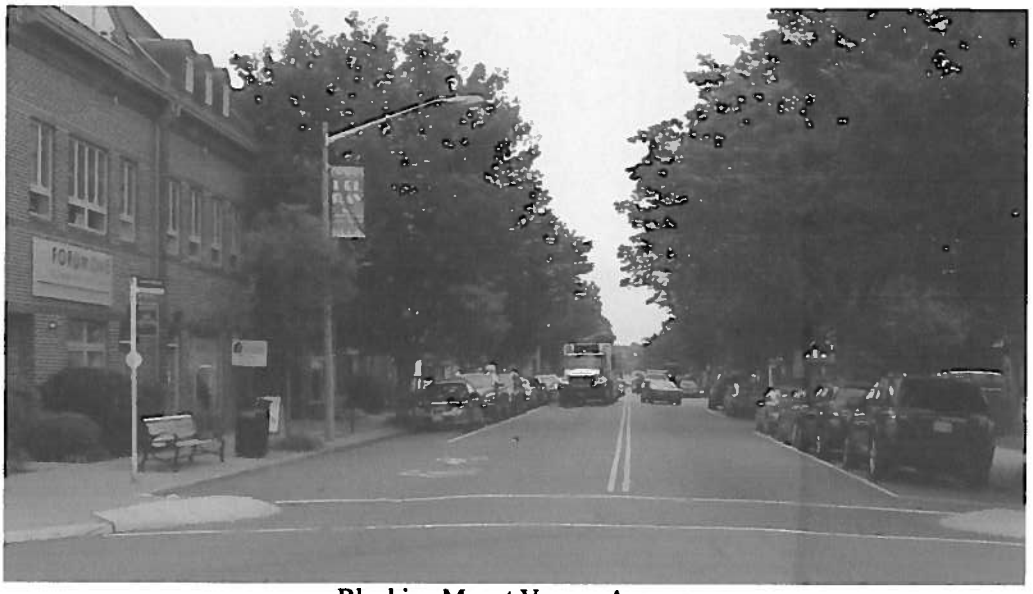
Delivery blocking Del Ray Ave

Blocking parking access/emergency access

Blocking Del Ray Ave

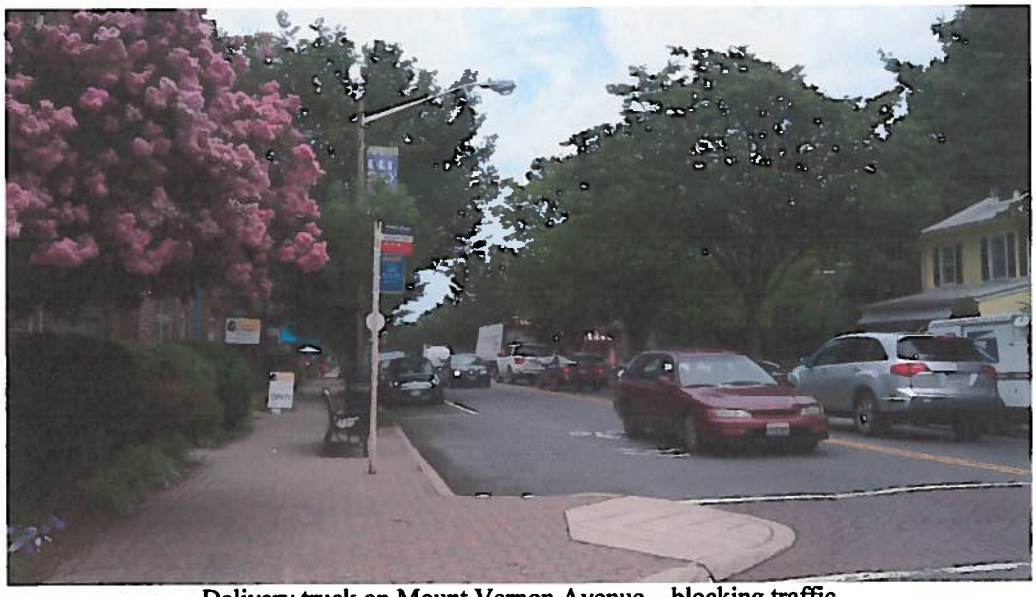
Blocking emergency, parking and dumpster access

Delivery vehicle on Del Ray Ave



Blocking Mount Vernon Avenue

Blocking emergency and parking access



Delivery truck on Mount Vernon Avenue – blocking traffic

Delivery vehicle on Del Ray Ave and blocking parking access

Delivery vehicle on Del Ray Ave

Trash/cigarette butts rarely policed

Exterior storage

The Potomac Town Square Association requests that the Planning Commission and/or City Council review this SUP for additional/revised conditions to ensure the operation of the Del Ray Pizzeria does not adversely effect the surrounding public and private property.

Sincerely,

Forum One

Barbara Bianco

Association of Government Accountants

Cristina Barbudo

2210 Mt Vernon Ave, LLC

Chris Bellanca

Boland Properties

Ken Boland

Hampshire Properties

David Wase

SUP 2011-0087

Julie Fuerth

From: john patrick <jpatrick1977@gmail.com>
Sent: Thursday, March 22, 2012 2:54 PM
To: PlanComm
Subject: Delray Pizzeria

To whom it may concern,

I am a local Delray business owner and resident that finds himself eating at the Delray Pizzeria daily. I love the atmosphere, the food, and most of all the staff and service. I also find myself eating and watching my favorite games on any given weekend there. I love being a part of the Delray community (I grew up here) and hope the Delray Pizzeria stays a part of it. Sincerely

--
John Patrick
Owner
Rock of Ages Music Co.
114 E. Del Ray Ave
Alexandria, VA 22301
703-838-2130
roam.rockofagesmusic@gmail.com

--
John Patrick
Owner
Rock of Ages Music Co.
114 E. Del Ray Ave
Alexandria, VA 22301
703-838-2130
roam.rockofagesmusic@gmail.com

Docket Item No. 3
SUP #2011-0087

Julie Fuerth

From: Zeller, Derek <Derek.Zeller@team-arti.com>
Sent: Tuesday, March 27, 2012 9:28 AM
To: PlanComm
Subject: Del Ray Pizzaria Permit

Good morning,

My name is Derek Zeller and I am writing to you as an active patron of Alexandria restaurants. I am currently a displaced resident of Alexandria after having to move out from the Calvert during the current redesign currently happening. I have over the course of the last few years have been a happy patron and I guess the term regular would apply to me at several eating establishment with in Alexandria. Having been displaced I am now unable to simply walk down to one of the eateries in Del Ray as I did before, now I have to drive in, which I gladly do. The actions of seating for Del Ray Pizzeria is soundly unjust to those who wish to be able enjoy having a meal with friends and support an establishment that has done nothing but give back to the community. Frankly I am impressed that any business would want to open an eatery within its limits. Alexandria imposes an "entertainment tax" on patrons that makes it more expensive than any other area I have found. Parking is difficult if not impossible in Old Town and other areas etc. The idea of adding seats based on parking spots in my mind is not only ludicrous but in my opinion biased. People like to gather for meals, families consist of more than just a pair of people. Nowhere else that I have lived uses this rule it is based on what the fire marshal says due to square footage, simple. Why add more complications? Small businesses, especially restaurants, are struggling in a bad economy. DRP should be lifted up, opening its doors in a poor economy adding jobs and taxes to the city instead of places that are closed or closing. They did it right. I would dare to say that people railing against are the same people with nothing better to do than tilt at windmills. By not granting DRP a permit you are effectively chocking them out of doing business leaving an empty building in its wake. Why would anyone pick up a mantle to do anything there if faced with the same restraints? I remember MS13 and crack dealers on Mount Vernon a few years ago, do you? Is this what the city would like to see again? Is this really what Del Ray citizens want? When the Calvert project is done there will be hundreds of hungry eaters willing to walk down the avenue again. Will the council make a change then?

Here is my answer to the perceived problem. Instead of taking away why not simply add a different approach like Alexandria did in old town. Parking here is crazy and tough, especially as you get close to the water. So, did they take tables away from the restaurants? No, of course not, the establishments would have just left and opened somewhere else. Instead the city wisely bought a trolley and told people to take the train in and hop a FREE ride up and down the street. WOW, I rarely see it empty even during the week. I work on King Street and have used it more than once at lunch to go down to the river and enjoy a meal. Why not do this Del Rey from the Braddock metro station? Problem solved. I would be hard pressed to believe that the restaurants and shops on Mount Vernon would not love to have this and it would end the parking dispute or at least ease it as it did in old town. My confusion will be less complicated in the future if this is not readily changed. Remember, I have a car and money and can just drive to Arlington, Fairfax, etc. for good meal as well. Bad for small business, bad for Alexandria, overall a lose- lose situation for everyone. Just one voters opinion.

Sincerely,

Derek Zeller
Corporate Recruiter
Advanced Resource Technologies, Inc. (**ARTI**)
1555 King Street Suite 400
Alexandria, VA 22314
main: 703-682-4753
fax: 703-682-4823
web: www.team-arti.com

Docket Item No. 3
SUP #2011-0087

Del Ray Citizens Association

Established 1954
delraycitizens@yahoo.com

P.O. Box 2233, Alexandria, VA 22301
http://www.delraycitizen.org

March 30, 2012

Faroll Hamer, Director, Department of Planning and Zoning
City Hall, Room 2100
Alexandria, VA 22314

Subject: SUP# 2011-0087; Del Ray Pizzeria at 2216 Mount Vernon Avenue

Dear Ms. Hamer,

On March 6, 2012 the Del Ray Citizens (DRCA) Land Use Committee (LUC) met with Eric Dorn, a partner in MVA Properties, LLG, which owns the Del Ray Pizzeria and Duncan Blair, the Agent for SUP# 2011-0087.

The DRCA LUC had a congenial conversation with the Eric and Duncan. Eric and Duncan shared their plans for expanding Del Ray Pizzeria and reviewed how some of the 10 citations for Condition of Use violations had been remedied.

The LUC members would like the to recommend the following conditions be added to the application:

- To encourage multi-modal transportation, a bicycle rack be installed;
- To enhance the beautification of the Avenue, landscaping, such as flower boxes and planters be provided;
- To aide in keeping the Avenue tidy, a trash receptacle be provided;
- Increase the number of permitted outdoor seats to 20, which is allowed under Zoning Ordinance Section 11-513(M); and
- To be consistent with Staff recommendations, under "Section IV. City Department Comments, Transportation & Environmental Services", remove Condition #8, allowing one delivery vehicle.

The DRCA LUC supports a business-friendly environment in the Del Ray community and believes a vital community balances the interests of citizens, businesses and government. To that end, the DRCA LUC would like to encourage the Department of Planning and Zoning to make ever effort to monitor and assist the applicant with complying with the Conditions of Use set forth in the Special Use Permit.

The DRCA LUC is concerned about the high number of parking reductions for businesses in the 2300 and 2400 blocks of Mt. Vernon Avenue. Some the reductions are formalized on the

applicant's SUP while others were granted without a public hearing by then Deputy Director Rich Josephson. The DRCA LUC believes the community involvement process helps to create a stronger SUP and would encourage City Staff to make every effort to make the SUP process transparent.

With an eye to the future, the DRCA LUC would welcome the opportunity to work with City Staff, DRBA members and Enforcement officials to tackle the current parking juggernaut and other related issues. The DRCA LUC believes a multi-faceted task force with stakeholders from each group could accurately access the current parking demands, develop recommendations for short-term parking solutions and steward the implementation of a long-range parking plan.

The DRCA LUC looks forward to the soon to be finalized Del Ray Parking Study, which will be presented to City Council and would encourage City Staff to consider adding a recommendation to the Del Ray Parking Study Report that advises City Council to establish a Del Ray Parking Task Force, whose members would be charged with developing a parking plan that fosters economic growth, creates a multi-modal environment and enriches a diverse community.

Sincerely,

Kristen K. Gedeon, Co-Chair
Land Use Committee

cc:
Barbara Ross, Deputy Director of Planning and Zoning
Nathan Randall, Urban Planner
Kendra Jacobs, Administrative Supervisor

Enclosures

Dear Chairman Komoroske and members of the Planning Commission

The philosophy of a government is based on the trust people have in it, and in the belief in the integrity of its actions. That is why the government cannot summarily abrogate agreements without sowing the seeds of distrust. Zoning, whether implicit or explicit is a fundamental agreement that all parties agree to, which is why the notion that SUPS are meaningless or unenforceable is viewed with extreme skepticism.

The fundamental questions are

- What is an SUP?
- What is the intent of an SUP ?
- Where is the city policy heading with regards to SUPs?

We stand yet again fearing the loss of the tool that was handed to us in the nineteen twenties to ensure the orderly regulation of society. Contrary to common supposition by staff and the business community, the SUP does play a vital role in the orderly transition of society. It is not just a political tool to obstruct all good plans laid out by staff and the applicants. Lest you forget, we live and put effort into this society as well, and are not just obstructionist that you should marginalize out of the process. You are sorely testing the floodgates of total laisses faire by not only allowing unilateral abrogation, but rewarding it. For it will be watched by every single SUP holder in this city to see if a de facto new policy is being implemented here today that they can exploit.

It is Important for policy makers to understand that what make sense for one business need not do so in the aggregate. Furthermore, the inconvenience of one party having to adhere to an SUP they agreed to is not hardship, and trying to escape it is referred to in economics as rent seeking instead. That is shifting burdens onto the other side and letting them carry the cost, especially if they simply choose to ignore the SUP.

Old Town was mentioned in the staff report, but after President Reagan attended Irelands own, Mr. Troy was denied a SUP because of the master plan amendment referred to as the Old Town Restaurant Policy. Somehow, staff is forgetting about that when they mention that there is no parking requirement in Old Town.

The answers to the question are that it is about Fairness, it is about protection, there is a question mark as to where were we are going, and you have reached the perennial fork in the road

Poul Hertel

Proposed Condition Language
Del Ray Pizzeria – SUP#2011-0087

Amended Condition #6 (Outdoor Dining)

"The maximum number of outdoor seats at the restaurant shall ~~be 12~~ not exceed 20…"

Replacement Condition #19 (Site Improvements Requested by Del Ray Land Use)

"Additional landscaping, a new City Standard trash can, and a bicycle rack shall be installed at the applicant's cost in consultation with the neighborhood and staff and to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services."

SUP 2011-0087
D1 #10 5/1/12 PC

Julie Fuerth

From: Barbara Ross
Sent: Tuesday, May 01, 2012 12:40 PM
To: PlanComm
Cc: Faroll Hamer; Nathan Randall; Kendra Jacobs; Duncan Blair (dblair@landcarroll.com); Erik Dorn (delrayshops@gmail.com)
Subject: Del Ray Pizzeria

Planning Commissioners:

Below are emails from Paul Haire, complaining about a truck delivering supplies to Del Ray Pizzeria yesterday that blocked traffic on Mount Vernon Avenue. With regard to delivery vehicles, staff sees the issue as broader than just one for this restaurant. In addition, staff is supporting the restaurant's application for a loading zone being considered by the Traffic and Parking Board on May 21. Finally, the applicant has responded, disputing the idea that its employees have sanctioned the activity described in Mr. Haire's email, and indicating it has decided to stop using the provider who requires the very large tractor trailer delivery trucks. It will substitute with other suppliers who use smaller trucks and are able to easily fit within the new loading zone.

As to the SUP requirements of the restaurant, including the reduced seating imposed by the Commission last month, staff has inspected regularly and not found any violations.

Barbara Ross
Deputy Director
Planning and Zoning
City of Alexandria
(703)746-3802

From: topdog [mailto:topdog@yourdogsbestfriends.com]
Sent: Tuesday, May 01, 2012 9:46 AM
To: Barbara Ross
Subject: FW: DelRay Pizza delivery deliberately blocks Mt V Ave

Just realized I did not sign my email to you.

That 15 minutes is not an estimate. I looked at my clock when I saw it and again when he pulled off. I'm from NYC and I've never seen anything this extreme. At first I thought they had to be broken down because it was inconceivable to me that someone would simply block an entire lane when there was an open space to pull to the curb. The driver's attitude was that he could care less and that since he had been told to do it by DRP that if I had a problem with it I should take it up with DRP. I had called the police non-emergency but they failed to respond in time.

Paul Haire

From: topdog
Sent: Monday, April 30, 2012 6:48 PM
To: barbara.ross@alexandriava.gov
Subject: DelRay Pizza delivery deliberately blocks Mt V Ave

What happened today was dangerous and outrageous for its callous disregard.

For a full 15 minutes a delivery truck fully blocked Mt.V Ave northbound forcing passing traffic to cross completely over double yellow line into souyhbound lane. When I approached the driver to protest, he said he had been instructed to do so by DRP manager.

Julie Fuerth

From: Sean McNally <seanmmcnally@gmail.com>
Sent: Tuesday, May 01, 2012 2:36 PM
To: PlanComm
Subject: RE: SUP#2011-0087

To whom it may concern,

My name is Sean McNally and I've been an Alexandria resident since 2002 - the past eight years of which we've resided in Del Ray.

I'm writing in support of Del Ray Pizzeria's expansion application. Since the restaurant opened in 2010, we've found it to be a convenient neighborhood establishment and a benefit to the community.

I understand there have been some complaints regarding seating and parking - however, in the time my family and I have been patrons, we have never had a problem parking and until there were seats removed at the City's direction we had never had trouble getting seated.

While there are rules and regulations and it is appropriate for them to be followed, however, it is also appropriate to allow businesses room to grow and be successful. I'm afraid as an Alexandria resident, if we erect too many barriers for businesses like Del Ray Pizzeria to grow and serve a community, it will dissuade others from doing the same.

One of the things that attracted my young family and I to this neighborhood is the options for dining and entertainment. Del Ray Pizzeria adds to this atmosphere and we hope in time if businesses can grow and flourish here that diversity will grow.

Thank you,
SMM

--
Sean McNally
1409 Mount Vernon Ave
Alexandria, Va. 22301
703.371.4053 (C)
703.684.6013 (H)

Julie Fuerth

From: Barbara Ross
Sent: Tuesday, May 22, 2012 5:23 PM
To: Julie Fuerth; Kendra Jacobs
Subject: FW: DRP still at it
Attachments: parked truck.jpg

This needs to go to the Planning Commission with the Pizzeria case. FYI we should forward the report in the June folder, plus the update memo I wrote and placed in the June folder. This email with the photo should be an attachment to my memo. If you have any questions, or want me to look at the package before you finalize it, please ask.

From: topdog [mailto:topdog@yourdogsbestfriends.com]
Sent: Tuesday, May 22, 2012 4:27 PM
To: Barbara Ross
Subject: DRP still at it

Okay, this is not as bad as parking in the northbound lane like the last time but this is the second time in a week that the delivery truck for DRP has parked illegally. This illegal parking makes the intersection very dangerous for cars entering from Del Ray Ave on the east side of Mt V Ave.

I'll go on record now against creating a delivery zone on Mt V. Ave. There is ample parking behind DRP. Since they are the ones taking the delivery they can impose the inconvenience on themselves rather than the rest of us.

I will also go on record as opposing any expansion. DRP took that location knowing that it would be tight and they should live with the bargain they made. It is not sound policy to let restaurants move in and then plead for increases. That approach creates an incentive for new applicants to misrepresent their intentions in the initial application.

Thanks

Paul Haire

FW: COA Contact Us: Support for Del Ray Pizzeria SUP

Kendra Jacobs
Sent: Tuesday, June 05, 2012 9:46 AM
To: Julie Fuerth

From: Cicely Woodrow
Sent: Tuesday, June 05, 2012 9:33 AM
To: 'Erin FitzGerald'
Cc: Graciela Moreno; Kendra Jacobs
Subject: RE: COA Contact Us: Support for Del Ray Pizzeria SUP

Erin,

Thank you for submitting comments to the Department of Planning and Zoning. By copy of this email, I'm forwarding your message to Kendra Jacobs, Administrative Staff to the Planning Commission, who will make your comments available to the Planning Commission as part of the official record. You are welcome to attend tonight's hearing where you may express your views in person.

Best regards,
Cicely

Cicely B. Woodrow, PHR
Management Analyst III
City of Alexandria
Department of Planning & Zoning
301 King Street, Room 2100
Alexandria, Virginia 22314
703.746.3810

From: Erin FitzGerald [mailto:erin.lynn.fitzgerald@comcast.net]
Sent: Tuesday, June 05, 2012 8:30 AM
To: PnZFeedback; Cicely Woodrow; Graciela Moreno
Subject: COA Contact Us: Support for Del Ray Pizzeria SUP

COA Contact Us: Planning and Zoning General Feedback

Time: [Tue Jun 05, 2012 08:30:17] Message ID: [39877]

Issue Type:	Planning and Zoning General Feedback
First Name:	Erin
Last Name:	FitzGerald
Street Address:	22 Ancell Street
City:	Alexandria
State:	VA

Zip: 22305

Phone: 703 582-3758

Email Address: erin.lynn.fitzgerald@comcast.net

Subject: Support for Del Ray Pizzeria SUP

Comments:

To whom it may concern:
I am writing in support of the SUP request for

additional seating for Del Ray Pizzeria. The pizzeria has
been a

positive addition to the neighborhood, and is an important gathering spot

for residents. Part of
having a thriving neighborhood, is having

businesses like the pizzeria that support the local economy and
make the

community a desirable place to own a home. The recent reduction in the

number of seats and
the elimination of the outdoor seating has been a

large inconvenience and has reduced the opportunities
for residents to

gather and enjoy the spring weather.

I think that in a neighborhood

that is as walkable as Del Ray, with as many transportation options as are

now available, it does not make sense to limit the restaurant seating

according to the number of parking
spaces available. I understand that

there was a parking study done that found that there was not a severe

parking problem in Del Ray and that a task force will be formed to

address Del Ray parking issues with a
more global approach. Rather than

dealing with the issue one business at a time, the parking issue
should

be addressed through an approach that will solve the issue for all of the

businesses.

As a frequent customer who has literally stood by them

through this process, I would really like to be able
to know I have a

reasonable chance of finding a seat the next time I visit the pizzeria. I

understand the
importance of following the rules and that the city was

making a point with them by requiring them to
operate with reduce seating

for the past two months, but I believe the lesson has been learned. I

believe
the customers are now the ones being punished, as we are the ones

who can't get a chair and end up
standing for extended periods of

time.

I ask the city to approve the request and increase the number of

seats allowed, particularly the 20 outdoor
seats requested.

Docket Item No.4
SUP2011-0087

FW: COA Contact Us: Del Ray Pizza Parking

Kendra Jacobs
Sent: Tuesday, June 05, 2012 9:46 AM
To: Julie Fuerth

From: Cicely Woodrow
Sent: Tuesday, June 05, 2012 9:34 AM
To: 'Mandy Bowers'
Cc: Graciela Moreno; Kendra Jacobs
Subject: RE: COA Contact Us: Del Ray Pizza Parking

Mandy,

Thank you for submitting comments to the Department of Planning and Zoning. By copy of this email, I'm forwarding your message to Kendra Jacobs, Administrative Staff to the Planning Commission, who will make your comments available to the Planning Commission as part of the official record. You are welcome to attend the hearing where you may express your views in person.

Best regards,
Cicely

Cicely B. Woodrow, PHR
Management Analyst III
City of Alexandria
Department of Planning & Zoning
301 King Street, Room 2100
Alexandria, Virginia 22314
703.746.3810

From: Mandy Bowers [mailto:mandy_bowers78@yahoo.com]
Sent: Tuesday, June 05, 2012 8:23 AM
To: PnZFeedback; Cicely Woodrow; Graciela Moreno
Subject: COA Contact Us: Del Ray Pizza Parking

COA Contact Us: Planning and Zoning General Feedback

Time: [Tue Jun 05, 2012 08:22:49] Message ID: [39876]

Issue Type:	Planning and Zoning General Feedback
First Name:	Mandy
Last Name:	Bowers
Street Address:	22 Ancell St
City:	Alexandria

State: VA

Zip: 22305

Phone: 703-568-1124

Email Address: mandy_bowers78@yahoo.com

Subject: Del Ray Pizza Parking

Comments:

I am writing in support of the special use permit for Del Ray Pizza. This restaurant is a great addition to the neighborhood and supports the local economy. The recent removal of more than half of their seating, especially their outdoor seating has been very inconvenient and unnecessary. One of the great things about Del Ray is having fun, local restaurants to hang out in and many people walk rather than drive. The outside the neighborhood people who do drive bring additional business to multiple stores in the area and are worth the added traffic and parking.

I am encouraged that there is a new parking task force to review parking options and, hopefully, provide recommendations to amend outdated parking restrictions. Given this development, I think it is warranted that the City restore seating to Del Ray Pizza.

Del Ray Pizza is an example of a restaurant the City of Alexandria should go out of its way to support. It is locally owned and staffed by long-time residents who are active in the community.

I urge the Commission to restore seating to Del Ray Pizza, both inside and outside. Thank you for your time.

Mandy

Bowers

Docket Item No. 14
SUP 2011-0087

Del Ray Citizens Association

Established 1954
delraycitizens@yahoo.com

P.O. Box 2233, Alexandria, VA 22301
http://www.delraycitizen.org

June 5, 2012

Faroll Hamer, Director, Department of Planning and Zoning
City Hall, Room 2100
Alexandria, VA 22314

Subject: SUP# 2011-0087; Del Ray Pizzeria at 2216 Mount Vernon Avenue

Dear Ms. Hamer,

The LUC members and the Del Ray Citizens Association Executive Board support Planning Staff's recommendation to increase the existing Administrative SUP to allow 72 seats indoor (50% increase), 12 seats outdoor (no change) and a parking reduction of 9 spaces (50% reduction of spaces required by ordinance) with the additional recommended conditions:

1) the applicant shall install bicycle racks, and

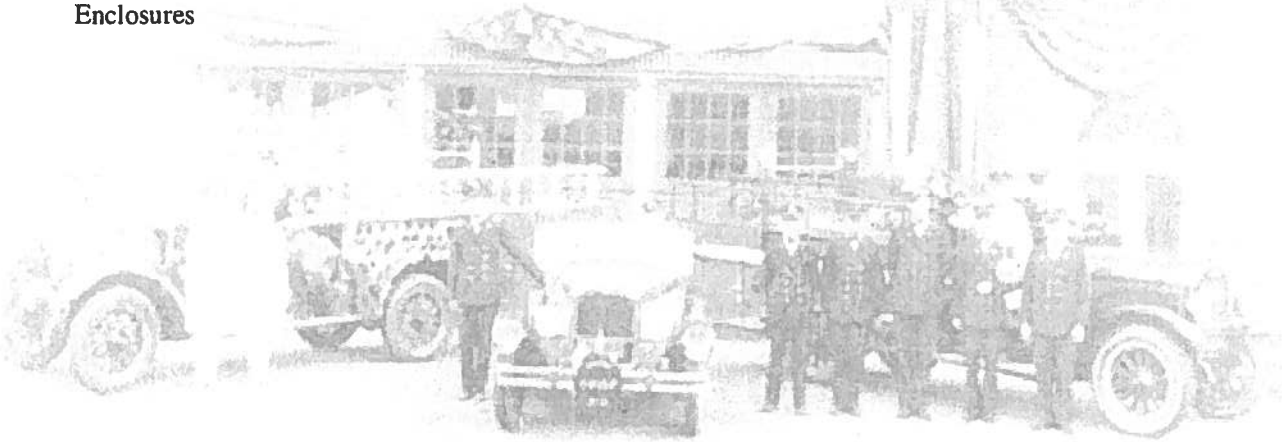
2) the applicant shall ensure temporary signage does not encroach onto the public right-of-way.

Sincerely,

Co-Chair
Land Use Committee
KRISTEN K. GEDEON

cc:
Barbara Ross, Deputy Director of Planning and Zoning
Nathan Randall, Urban Planner
Kendra Jacobs, Administrative Supervisor
Duncan Blair, Del Ray Pizzeria Agent
Dean Crumley, DRCA President

Enclosures



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