

EXHIBIT NO. 1

DOCKET ITEM #9

Special Use Permit #2010-0053
116 East Del Ray Avenue12
11-13-10

Application	General Data	
Request: Consideration of a request to operate a restaurant.	Planning Commission Hearing:	November 4, 2010
	City Council Hearing:	November 13, 2010
Address: 116 East Del Ray Avenue	Zone:	CL/Commercial Low
Applicant: Culinary Concepts, LLC presented by Christine Ponzi	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

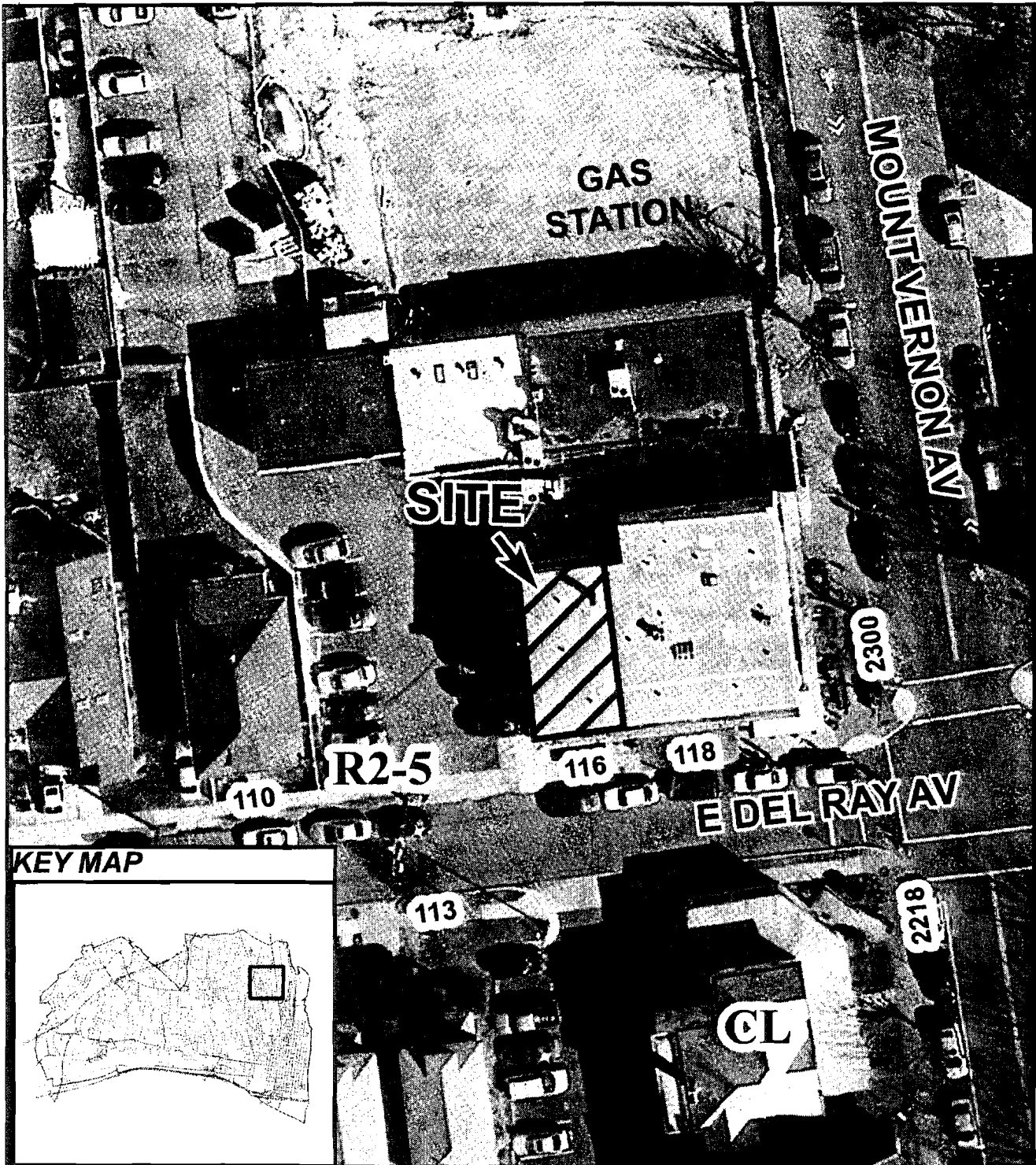
PLANNING COMMISSION ACTION, NOVEMBER 4, 2010: On a motion by Ms. Fossum, seconded by Mr. Robinson, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion passed on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Jim Kapsis, Del Ray Citizens' Association, noted that the association's Land Use Committee and Executive Board voted to support the application with certain restrictions, including that no alcohol be served outside, that no outdoor seating shall be allowed except for a bench, and that new landscaping should be installed in the existing planter.

Larry Ponzi, representing the applicant, spoke in support of the application and explained his business concept.



SUP #2010-0053

11/04/10



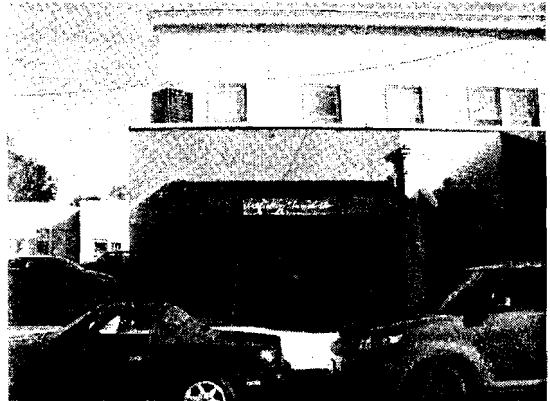
I. DISCUSSION

REQUEST

The applicant, Culinary Concepts LLC by Christine Ponzi, requests special use permit approval for the operation of a restaurant located at 116 East Del Ray Avenue.

SITE DESCRIPTION

The subject property is one lot of record with 115 feet of frontage along Mount Vernon Avenue, 103 feet of frontage along East Del Ray Avenue, and an area of 11,845 square feet. The property is developed with a two-story commercial building, housing multiple businesses including St. Elmo's Coffee Pub and the Dairy Godmother, and a parking lot.



The surrounding area is occupied by a mix of retail, office and residential uses. A nearly-complete two-story commercial building, which has been approved for a restaurant on the first floor with offices above, is located at the north end of the block. Two retail businesses are located to the east across Mount Vernon Avenue. Another two-story building in which a restaurant has been approved is located to the south. Single-family residential dwellings are located to the west.

BACKGROUND

Recent uses in this tenant space include a retail chocolate shop and an art gallery. On November 15, 2008, City Council granted Special Use Permit #2008-0067 to the current applicant for the operation of a restaurant. The applicant did not commence operation of the business within the required 18 months and the Special Use Permit expired in May 2010.

PROPOSAL

The applicant proposes to operate a combined restaurant and retail food shop with four indoor seats and six outdoor seats. The establishment will specialize in carry-out sandwiches and salads and gourmet Italian food products such as pasta, olive oil, meats and cheeses. Pre-made foods that customers can take home to cook will also be sold. On and off-premises alcohol sales are proposed. Additional elements of the applicant's proposal are as follows:

Hours of Operation:
11:00am – 9:00pm Monday-Friday
8:00am – 8:00pm Saturday
11:00am – 6:00pm Sunday

<u>Number of seats:</u>	4 indoor seats <u>6 outdoor seats</u> 10 total seats
<u>Type of Service:</u>	Carry-out service. Up to 10 self-service seats will be available.
<u>Alcohol:</u>	On and off-premises alcohol sales
<u>Live Entertainment:</u>	No live entertainment is proposed
<u>Delivery:</u>	No delivery service will be offered
<u>Noise:</u>	No additional noises are expected
<u>Trash/Litter:</u>	Most trash-generating products will be carried to customers' homes. Trash at the site will be collected twice/week.

PARKING

Since the building at this site was constructed prior to 1963, the tenant space is grandfathered for up to five parking spaces, but only for retail uses. According to Section 8-200 (A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. Section 6-604(B) further indicates that no parking is required for the first 16 seats of outdoor dining in the Mt. Vernon Avenue Urban Overlay District.

Staff recognizes that the applicant's proposal is a restaurant/retail hybrid use. Since there is no parking requirement for the retail portion of the use at this location due to its grandfathered status, only the restaurant parking requirement applies in this case. A restaurant with four indoor seats and six outdoor seats will be required to provide one off-street parking space. The applicant is unable to provide the one required parking space and is seeking a one-space parking reduction.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CL/Commercial Low Zone and in the Mount Vernon Urban Overlay Zone. Section 6-603(C)(2) of the Zoning Ordinance allows a restaurant in the Mount Vernon Urban Overlay Zone. However, because a carry-out restaurant with off-premises alcohol does not meet the requirements for an Administrative SUP found in Section 11-513(M), the proposal requires a full Special Use Permit.

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for low-scale commercial and residential uses.

II. STAFF ANALYSIS

Staff supports the applicant's request to operate a restaurant at this location. Although the proposed restaurant is located close to residential uses, this circumstance exists at nearly every

restaurant located on or next to Mount Vernon Avenue. Given the restaurant's proximity to other commercial uses, as well as the history of commercial uses in this space, staff believes the restaurant use is appropriate in this location.

The type of restaurant proposed here is likely to be less intense than an average restaurant, and therefore have less of an impact on the neighborhood, for several reasons. The restaurant will be small at only ten total seats and 819 square feet. The nature of the food sold at the restaurant is expected to be only sandwiches, salads and similar fare. In addition, no late-night hours are associated with this proposal, though staff has recommended slightly earlier and later hours than originally proposed by the applicant to provide additional flexibility.

The proposal for on and off-premises alcohol is reasonable for a combined restaurant/retail shop, particularly one that is not open late. Staff has recommended the single-sales condition used recently at La Fromagerie on King Street to give the applicant the ability to sell ports, sherries, and dessert wines if he chooses.

Since prior SUP approval in 2008, the applicant has lost access to the two parking spaces she had secured at that time behind the 2216-2218 Mount Vernon building and now requests a one space parking reduction that will bring the required number of parking spaces down to zero. Staff acknowledges that parking in this immediate area is tight. Some businesses in the vicinity, including St. Elmo's and Dairy Godmother, have been granted parking reductions based on parking spaces that are now a part of the 2312 Mount Vernon project and are no longer available. Staff has delayed enforcement of the portion of the parking requirements for these businesses that can no longer be met until community-wide solutions, including the potential for shared parking, are explored as a part of the Mount Vernon Parking Study now underway.

However, in this case the requested parking reduction is small at only one space. It is also reasonable to conclude that some portion of the applicant's customers will be neighborhood residents who will travel to the business using alternative methods of transportation, including walking, biking and riding the bus. Multiple bus routes are located very close to the business on Mount Vernon Avenue. Lastly, the tenant space is already grandfathered in terms of parking for retail uses. If the space were exclusively retail, it would be wholly exempt from having to meet any parking requirement. Given this information, it is reasonable to conclude that the requested parking reduction will not have much, if any, impact on neighborhood parking.

Subject to the conditions contained in Section III of this report, staff recommends approval.

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 corporation in which the applicant has a controlling interest. (P&Z)
2. The maximum number of indoor seats at the restaurant shall be four. The maximum number of outdoor seats at the restaurant shall be six. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The hours of operation at the restaurant shall be limited to between 7:00am and 9:00pm daily. The outdoor dining area shall be closed and cleared of all customers by 9:00pm daily and shall be cleaned and washed at the close of each business day that it is in use. (P&Z)
5. The applicant shall submit a final outdoor seating plan for review and approval by the Director of Planning & Zoning. The plan shall depict the design, location, size and space of the dining area, chairs, tables, barriers, umbrellas, planters, wait stations, patio surface and other components to be located within the area, and such additional information as the Director may reasonably require. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z)
6. 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)
7. On and off-premises alcohol sales may be permitted at the restaurant. Beer or wine coolers may be sold only in 4-packs, 6-packs, or bottles of more than 40 fluid ounces. Wine may be sold in bottles of at least 375 ml. Fortified wine (wine with an alcohol content of 14% or more by volume) in the form of dessert wines, premium ports and sherries, and similar wines may be sold. (P&Z) (Police)
8. No live entertainment shall be allowed at the restaurant, including in the outdoor dining area. (P&Z)
9. No delivery service shall be operated from the restaurant. (P&Z)
10. For indoor patrons, meals ordered before the closing hour may be sold, but no new patrons may be admitted and all patrons must leave by one hour after the closing hour. (P&Z)

11. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
12. No food, beverages, or other material shall be stored outside. (P&Z)
13. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
15. 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)
16. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
17. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
18. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
19. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
20. The applicant shall provide a menu or list of foods and equipments specification to be handled at this facility to the Health Department. (Health)
21. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery readiness training for all employees. (Police)
22. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b)

the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: 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, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 T&ES has no objection to the parking reduction. (T&ES)
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-6 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-2 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). (TES) (SUP2010-0031)

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) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form.

Code Enforcement:

- C-1 A fire prevention code permit (FPP) is required for the proposed operation.
- C-2 Fire extinguishers shall be provided at this facility.
- C-3 Building Code Analysis: The following minimum building code data is required on the drawings: a) use group, b) number of stories, c) construction type and d) tenant area.
- C-4 A building permit is required for this project, indicating the change of use. Plans shall accompany the permit application that fully details the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-5 A Certificate of Use of Occupancy is required prior to opening (USBC 116.1). Since this location will contain mixed uses, the certificate must state the purpose for which each space is to be used in its several parts (USBC 116.2).
- C-6 The current use is classified as R-2 Residential; the proposed use is A-2 Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-7 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-7 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-8 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-9 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-10 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-11 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 508.
- C-12 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-13 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 can not discharge to the building drainage system through a grease interceptor.
- C-14 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.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operation (payable to VDH \$335.00)
- C-3 Five sets of plans of each facility must be submitted to and approved by this department prior to construction. Plans must comply with Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$200.00 fee for review of plans for food facilities (Payable to City of Alexandria).
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods and equipments specification to be handled at this facility to the Health Department with your plans.

Parks and Recreation:

F-1 No Comments

Police Department:

- R-1 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.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.
- F-1 The applicant is seeking an "ABC Off" license only. The Police Department has no objections to the sale of alcohol off premise subject to the following conditions:
1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
 2. That the SUP is reviewed after one year.



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # SP-2010-001

PROPERTY LOCATION: 116 E. Delray Avenue

TAX MAP REFERENCE: 034-02-08-09 ZONE: CL

APPLICANT: LLC
Name: Delray Concepts (LLC)

Address: 411 W Windsor Avenue Alexandria VA 22302

PROPOSED USE: Restaurant and Market providing pre-made / take-n-bake meals, deli meats and cheeses, beverages, wine beer etc

THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Other staff-stabled products

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Cristine Ponzi
Print Name of Applicant or Agent

Phute R. Page 3/25/10
Signature Date

411 W Windsor Avenue
Mailing/Street Address

703-283-8042 866-496-3055
Telephone # Fax #

Alexandria VA 22302
City and State Zip Code

CPONZI@GMAIL.COM
Email address

ACTION-PLANNING COMMISSION: _____	DATE: _____
ACTION-CITY COUNCIL: _____	DATE: _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 112 East DeRoin Avenue, I hereby
(Property Address)
grant the applicant authorization to apply for the MARKET use as
(use)
described in this application.

Name: Martin R. Yonkows Member
2308 Mt. Vernon Ave. LLC

Phone: 703-371-9500

Please Print
Address: 2308 Mt. Vernon Ave # 717
Alexandria, VA 22304

Email: Mariv@DEZERO.NET

* Signature: MARIV T. YONKOWS

Date: 8/25/10

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

- Required floor plan and plot/site plan attached.
- Requesting a waiver. See attached written request.

2. The applicant is the (check one):

- Owner
- Contract Purchaser
- Lessee or
- Other: _____ of the subject property.

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

50% Laurence T. Bonzi, 411 W. Windsor Avenue, Alexandria
Virginia 22302

50% Christine R. Bonzi, 411 W. Windsor Avenue,
Alexandria VA 22302

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? N/A

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.)

Our intent is to add an additional amenity to
the DelRay neighborhood by opening a new locally
owned business inspired by the charm and
character established by current business owners
on Mt Vernon Avenue.

our establishment will cater to the DelRay
community by providing a combination of retail
items that provide convenient dinner, delicious
and quality deli meals for kids lunches as well
as a convenient place to stop and pick up
specialty pantry items such as gourmet olive
oils, spices, pastas and sauces. We anticipate
that this establishment will be ideal for those
"on the go" families and individuals looking
to simplify their busy lifestyle.

Narrative Description cont...

More specifically our market items will include prepared take and bake meals (ie lasagna, meatballs and sauce, uncooked pizza's made to order, etc.) Fresh homemade pastas, a variety of antipasti's and deli meats and cheeses (sliced to order), along with a variety of "pre-made" and "made to order" sandwiches for home consumption.

There will be several shelf stable pre-packaged products (purchased from outside vendors) available for purchase including, but not limited to, sea salts, olive oils, pasta's, candies etc. As an added component we will also offer a variety of soft drinks, beer and wine for retail.

There will be no ~~curb~~ delivery offered for this location. We anticipate our peak ~~times~~ business hours will be between 3:00pm and 6:00pm when families realize they are in need of a quick home dinner option for the family.

USE CHARACTERISTICS

4. The proposed special use permit request is for (check one):
- a new use requiring a special use permit,
 - an expansion or change to an existing use without a special use permit,
 - an expansion or change to an existing use with a special use permit,
 - other. Please describe: _____

5. Please describe the capacity of the proposed use:

- A. How many patrons, clients, pupils and other such users do you expect?
Specify time period (i.e., day, hour, or shift).

On average we expect 2 patrons per hour during
downtime hours (11am-5pm) and 10 patrons per hour
from 5 to 6.

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

We will average 2 employees per shift per
day.

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

Day:	Hours:
<u>Monday - Friday</u>	<u>8:00am 11:00am - 6:00pm</u>
<u>Saturday</u>	<u>8:00am - 8:00pm</u>
<u>Sunday</u>	<u>11:00am - 6:00pm</u>

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

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

We do not expect any additional noise
impact.

- B. How will the noise be controlled?

N/A

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

No cooking involved, thus no odors
emanating from the facility.

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)

Unbleached paper bags and deli paper, recyclable
plastic containers, tin cans

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

Most trash is carried to patrons home

- C. How often will trash be collected?

2 x's week (cardboard recycling, bottles
and cans to be recycled)

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

Our employees will be responsible to
pick up every 30 minutes - 1 hour. As well,
we will post a trash can in front of store.

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

Yes. No.

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

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

Yes. No.

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

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

We will meet and exceed all codes for safe
Food handling and fire safety imposed by
City, State and Federal authorities.

ALCOHOL SALES

13.

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

Yes No

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

We intend to sell beer and wine
for off premise consumption. Retail
will specialize in ~~beer~~ wines and
a speciality beers

PARKING AND ACCESS REQUIREMENTS

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

- 1 Standard spaces
- 1 Compact spaces
- 1 Handicapped accessible spaces.
- 1 Other.

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

B. Where is required parking located? (check one)
[] on-site
[] off-site

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

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

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

Parking reduction requested; see attached supplemental form

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

A. How many loading spaces are available for the use? 1

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

B. Where are off-street loading facilities located? N/A

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

Between 9:00 AM and 11:00 AM

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

Average 1 per day

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?

Current access is adequate

SITE CHARACTERISTICS

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

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

How large will the addition be? _____ square feet.

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

319 sq. ft. (existing) + _____ sq. ft. (addition if any) = 319 sq. ft. (total)

19. The proposed use is located in: (check one)

- a stand alone building
- a house located in a residential zone
- a warehouse
- a shopping center. Please provide name of the center: _____
- an office building. Please provide name of the building: _____
- other. Please describe: Mixed Retail with Office Units

End of Application

SUP # _____



APPLICATION

RESTAURANT

All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

1. How many seats are proposed?

Indoors: ~~4~~

Outdoors: ~~2~~ ⁶

Total number proposed: 10

2. Will the restaurant offer any of the following?

Alcoholic beverages (**SUP only**) _____ Yes No

Beer and wine — on-premises Yes No

Beer and wine — off-premises Yes _____ No

3. Please describe the type of food that will be served:

well meats, cheeses, sub sandwiches
uncooked prepared meals and salads primarily
designed for home consumption.

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

_____ table service _____ bar carry-out _____ delivery

5. If delivery service is proposed, how many vehicles do you anticipate? _____

Will delivery drivers use their own vehicles? _____ Yes No

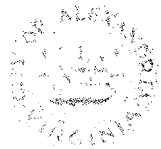
Where will delivery vehicles be parked when not in use?

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?

_____ Yes No

If yes, please describe:

1 88



APPLICATION - SUPPLEMENTAL

PARKING REDUCTION

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

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

We are requesting to operate with no parking spaces. Our business is intended to attract existing foot traffic

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

There will be 4 seats available for dining-in. Most purchases are intended to be consumed for take-out. Primary focus of this market is retail oriented. The space has had a history of retail businesses that operated without a parking requirement.

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

None available.

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

Yes. No.

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

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

Parking impacts. Please answer the following:

- 1. What percent of patron parking can be accommodated off-street? (check one)
 - 100%
 - 75-99%
 - 50-74%
 - 1-49%
 - No parking can be accommodated off-street

- 2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)
 - All
 - 75-99%
 - 50-74%
 - 1-49%
 - None

- 3. What is the estimated peak evening impact upon neighborhoods? (check one)
 - No parking impact predicted
 - Less than 20 additional cars in neighborhood
 - 20-40 additional cars
 - More than 40 additional cars

Litter plan. The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

Alcohol Consumption and Late Night Hours. Please fill in the following information.

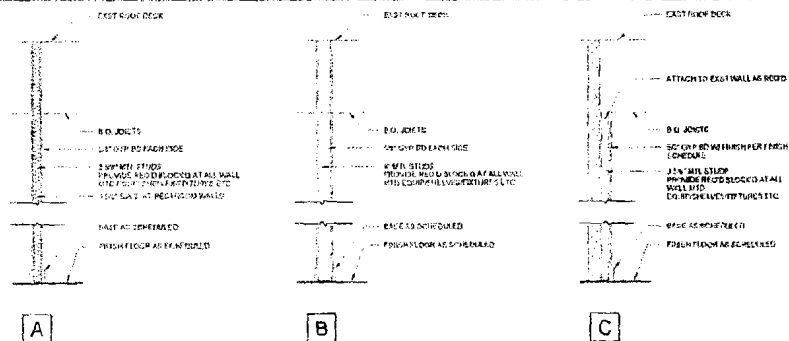
- 1. Maximum number of patrons shall be determined by adding the following:
 - Maximum number of patron dining seats
 - + Maximum number of patron bar seats
 - + Maximum number of standing patrons
 - = Maximum number of patrons

- 2. Maximum number of employees by hour at any one time

- 3. Hours of operation. Closing time means when the restaurant is empty of patrons. (check one)
 - Closing by 8:00 PM
 - Closing after 8:00 PM but by 10:00 PM
 - Closing after 10:00 PM but by Midnight
 - Closing after Midnight

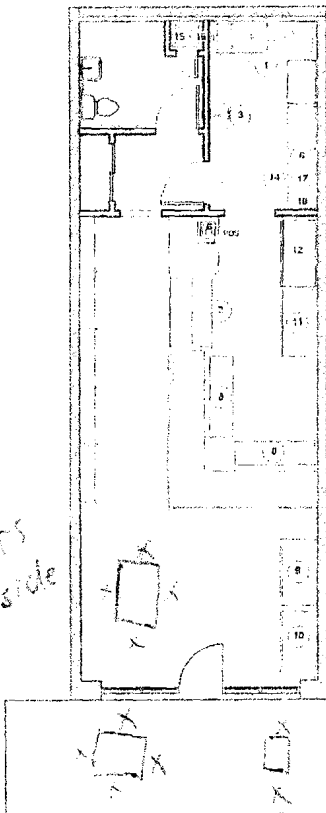
- 4. Alcohol Consumption (check one)
 - High ratio of alcohol to food
 - Balance between alcohol and food
 - Low ratio of alcohol to food

WALL TYPE SCHEDULE

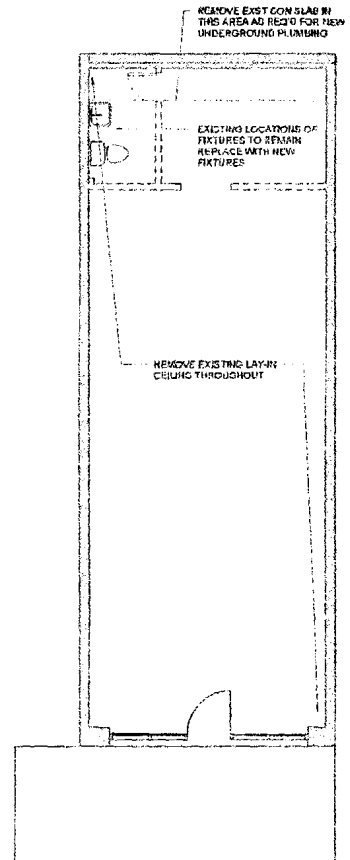


EQUIPMENT SCHEDULE

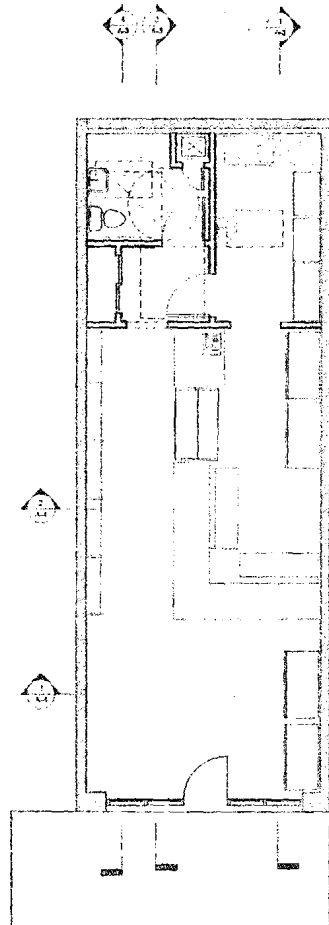
SYMBOL	QTY	DESCRIPTION	MANUFACTURER	MODEL NO.
1	1	CASH REGISTER	TSE	100
2	1	SEATING	WALTON	100
3	1	RECEPTION	WALTON	100
4	1	RECEPTION	WALTON	100
5	1	RECEPTION	WALTON	100
6	1	RECEPTION	WALTON	100
7	1	RECEPTION	WALTON	100
8	1	RECEPTION	WALTON	100
9	1	RECEPTION	WALTON	100
10	1	RECEPTION	WALTON	100
11	1	RECEPTION	WALTON	100
12	1	RECEPTION	WALTON	100
13	1	RECEPTION	WALTON	100
14	1	RECEPTION	WALTON	100
15	1	RECEPTION	WALTON	100
16	1	RECEPTION	WALTON	100
17	1	RECEPTION	WALTON	100
18	1	RECEPTION	WALTON	100
19	1	RECEPTION	WALTON	100
20	1	RECEPTION	WALTON	100
21	1	RECEPTION	WALTON	100



1. EQUIPMENT PLAN



2. DEMO PLAN



3. FLOOR PLAN

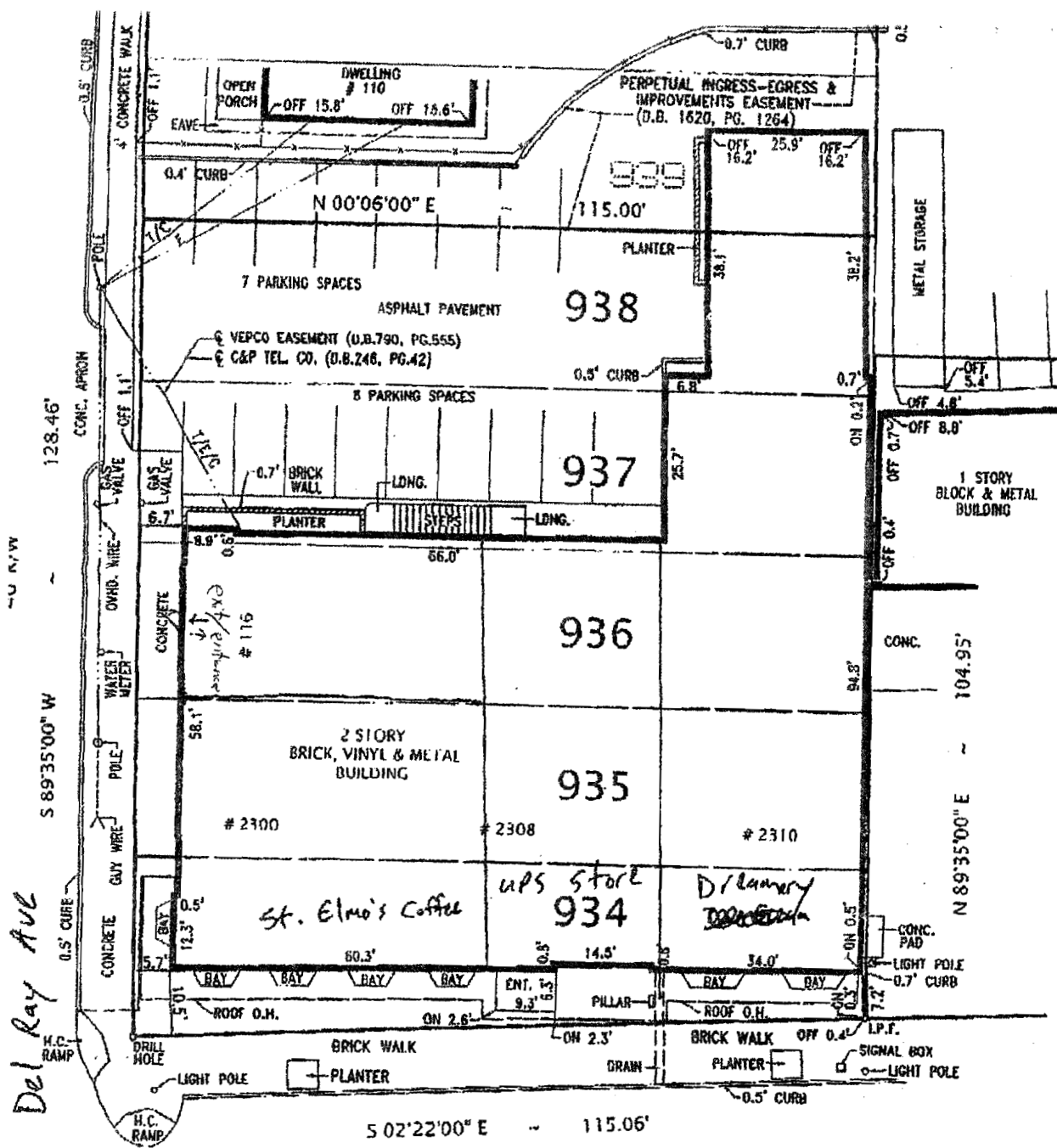
GENERAL NOTES

- ALTHOUGH IT IS THE INTENT OF THE ARCHITECT TO BE AS ACCURATE AS POSSIBLE, THE CONTRACTOR IS STILL RESPONSIBLE FOR FIELD VERIFICATION OF DIMENSIONS AND LOCATIONS OF ITEMS REFERENCED FROM THE EXISTING BUILDING.
- ALL WORK IS TO BE PERFORMED IN COMPLIANCE WITH ALL STATE AND LOCAL BUILDING CODES. ALL ELECTRICAL WORK TO ALSO CONFORM TO NEC. ALL PLUMBING TO CONFORM TO THE NATIONAL PLUMBING CODE.
- ALL DIMENSIONS ARE TO FRAMING U.N.D., DO NOT SCALE DRAWINGS.

GLERUM DESIGN GROUP, INC.
401 TRIMBLE DRIVE, SUITE 100
DENVER, CO 80202
TEL: 303.733.1000

PROJECT NO. 100-100-100
PIECE OUT
THE FOLLOWING ARE
SUBMITTED FOR THE
PROJECT
FLOOR PLAN, DEMO PLAN, EQUIPMENT PLAN

PROJECT NO. 100-100-100
DATE: 10/10/00
SCALE: AS SHOWN
DRAWN BY: JLD
CHECKED BY: JLD
PROJECT: 100-100-100



MOUNT VERNON AVENUE
60' R/W

Applicant: Culinary Concepts Corporation
 116 E. Delray Ave.
 8121108

Del Ray Citizens Association

Established 1954
delraycitizens@yahoo.com

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

October 27, 2010

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

Subject: Docket item #9, SUP #2010-0053, 116 E. Del Ray Ave, Market 2 Market

Dear Ms. Hamer,

The Del Ray Citizens Association Land Use Committee and Executive Board discussed this SUP application, a request to operate a restaurant with a parking reduction at their monthly meetings in October.

The applicant requests to operate a market that sells pre-made meals, deli meats, cheeses, and wine and beer (both on and off premise). The market will also sell sandwiches and other ready-to-eat foods. The applicant requests four seats in the restaurant and seats six outside for dining. The applicant requires a parking reduction of one space.

The Land Use Committee recommended to support the application with the conditions that the applicant improve the landscaping in the planter on the property, and apply for a short term parking zone for the three parking spaces adjacent to the property on Del Ray Avenue.

Executive Board members were concerned that the outdoor dining and consumption of alcohol on a side street would be disruptive to nearby neighbors. Although St. Elmo's (adjacent to the property) has outdoor seating on Del Ray Avenue, the focus is on coffee - alcohol is not served - and the outdoor area is primarily used in the morning through the early evening. Furthermore, the restaurant at 2312 Mount Vernon Avenue (the opposite end of the block) has a condition in its SUP that specifically prohibits outdoor dining on the side street due to the impact on adjacent residences.

The Executive Board voted to support the application with the following conditions:

- Improve the landscaping of the planter on the property;
- no alcohol consumption outside; no sale of single serving alcohol off premise;
- no table seating outside, but a bench would be acceptable.

The Executive Board recommendation will be presented to the general membership for a vote at the DRCA November membership meeting.

Thank you for your consideration.

Sincerely,

Sarah Haut
Co-Chair
Land Use Committee

cc:
Planning Commission

Celebrating 100 years of the Town of Potomac

1908 - 2008

27



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2010-0053

PROPERTY LOCATION: 116 E. Delray Avenue

TAX MAP REFERENCE: 034.02.-08-09 ZONE: CL

APPLICANT: LLC
Name: Culinary Concepts Corporation

Address: 411 W. Windsor Avenue, Alexandria VA 22302
Restaurant and

PROPOSED USE: Market providing pre-made/take-n-bake
meals, deli meats and cheeses, beverages, wine, beer and

THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Other shelf-stabled product

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Christine Ponzi
Print Name of Applicant or Agent

Christine R. Ponzi 8/23/10
Signature Date

411 W. Windsor Avenue
Mailing/Street Address

703-283-8042 866-496-3055
Telephone # Fax #

Alexandria VA 22302
City and State Zip Code

cponzi01@gmail.com
Email address

Recommended Approval 7-0 DATE: 11/4/10
ACTION-PLANNING COMMISSION:
CC approved PC recommendation DATE: 11/13/10
7-0
ACTION-CITY COUNCIL: