City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this special use permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit	#2009-0060
Approved by Planning & Zoning on:	January 20, 2010
Permission is hereby granted to:	Del Ray Pizzeria, LLC
to use the premises located at:	2216 Mount Vernon Avenue
for the following purpose:	see attached report

It is the responsibility of the special use permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

1/20/10
Date

Faroll Hamer / BR
Faroll Hamer, Director
Department of Planning and Zoning

DATE: January 15, 2010

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2009-0060
Administrative Review for New Use
Site Use: Restaurant
Applicant: Del Ray Pizzeria, LLC
Location: 2216 Mt. Vernon Ave
Zone: CL / Commercial Low

Request

Special Use Permit #2009-0060 is a request to operate a new pizza restaurant with 32 indoor seats and 12 outdoor seats. The applicant seeks to operate the restaurant from 10:00am to 11:00pm Sunday-Thursday and 10:00am to 12:00 midnight Friday and Saturday. The applicant will offer full wait service at preset tables with menus and non-disposable silverware. On-premises alcohol service will be offered only. One delivery vehicle is proposed, which will be parked off-street in the parking area behind the building.

Background

In 1989 staff administratively approved SIT#87-0032 for the construction of the Potomac Town Square office complex to the south and for site improvements to the existing office space on the subject property. The prior tenants in this space were a title company and a consignment shop.

Parking

The Zoning Ordinance requires a restaurant located in the Mount Vernon Urban Overlay zone with 32 indoor seats, 12 outdoor seats, and one delivery vehicle to provide nine off-street parking spaces. Nine off-street parking spaces are provided behind the building as required in SIT#87-0032.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Del Ray Citizens' Association was sent an e-mail with information about the current application. Staff received dozens of emails of support from residents of the Del Ray community. Staff has not received any complaints from residents or adjacent businesses that would require staff to docket the special use permit for public hearing.

Staff Action

Although the applicant originally applied for this Administrative SUP in October 2009, the application required multiple revisions and additional information regarding parking and outdoor dining. With these revisions and additions, staff supports the proposal and finds that the proposal is consistent with the Administrative Special Use Permit standards. Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: January 20, 2010

Action: Approved

Barbara Ross, Deputy Director

Attachments:
1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2009-0060

The applicant is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

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)

2. The maximum number of indoor seats at the restaurant shall be 32. (P&Z)

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)

4. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)

5. 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)

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.

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.

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)

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)

10. 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)

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

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)

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)

14. The administrative 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 standards associated with the permit. A copy of the list of standards with the permit shall be kept on the premises and made available for examination by the public upon request. (P&Z)

15. No food, beverages, or other material may be stored outside. (P&Z)

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)

17. 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. Such 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)

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 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)

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)

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)

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

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 website, and other similar methods. (P&Z) (T&ES)

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)

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)

27. The applicant shall provide a menu or list of foods and equipments specification to be handled at this facility to the Health Department with construction plans. (Health)

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)

29. 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)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

F-1 Provide a to-scale copy of the Site Plan with limits of outdoor dining area dimensioned prior to Certificate of Occupancy. Include details of proposed paving material in the outdoor dining area and a note that no change in grade is proposed. (T&ES)

R-1 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. Reference SUP number and condition number on all correspondence. (T&ES, RP&CA)

R-2 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)

R-3 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-4 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-5 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

R-6 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-7 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)

R-8 The applicant shall participate in a shared parking program at such time that a shared parking program is adopted by City Council. (T&ES)

R-9 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 at anytime. (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.

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)

Code Enforcement:

C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

C-2 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-3 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-4 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-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 508.

C-6 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.

C-7 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-8 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- 9 The proposed space used for outdoor seating with tables must provide a minimum of 15 square feet per person.

C- 10 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- 11 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-12 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.

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 $100.00)

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 the 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 equipment specifications to be handled at this facility to the Health Department with your plans.

Parks and Recreation:

F-1 No comment

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 survey 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 On" license only. The Police Department has no objections.

SUP #2009-0060
2216 Mount Vernon Avenue

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2009-0060. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 2216 Mt. Vernon Avenue.

Erik Dom
Applicant - Signature

1/26/10
Date

Applicant – Printed

Date