

DATE: March 3, 2026

TO: Tony LaColla, Division Chief,  
Land Use + Preservation, Department of Planning and Zoning

FROM: Lanning Blaser, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2026-00004  
Administrative Review Change of Ownership  
Site Use: Outdoor Dining on Private Property  
Applicant: Table 52 Hospitality LLC  
Location: 1504 B Mount Vernon Avenue  
Zone: CL/Commercial Low

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### **Request**

Special Use Permit #2026-00004 is a request to change ownership of an existing “outdoor dining on private property” use from Mary Ann Settlemyre, the current owner, to Table 52 Hospitality LLC. Outdoor dining on private property is an accessory use to the permitted by right restaurant use, requiring the change of ownership. The applicant would continue operating in the recently vacated space at 1504 B Mount Vernon Avenue. No changes to the restaurant’s outdoor dining operations are proposed. The applicant would rename the restaurant from Benny DiForza’s to Little Birdie. The request complies with section 11-511 of the zoning ordinance.

### **Community Outreach**

Public notice was provided through eNews, via the City’s website. The Del Ray Civic Association was sent an e-mail with information about the current application. Staff did not receive any comments regarding the application.

### **Staff Action**

Staff supports the change of ownership request and finds the continued operation of the outdoor dining on private property at this location to be a positive amenity to the community. A zoning inspection was completed on February 19, 2026 and no violations were found. The site provides residents of the nearby area and tourists with additional dining options. While the restaurant use is now permitted by right, staff believe the continued use of the restaurant and the outdoor dining provide active commercial ground floor activity along Mt. Vernon Avenue and support the change of ownership request.

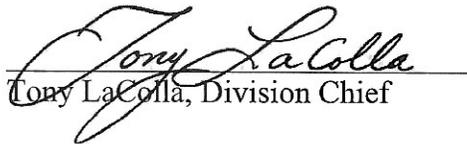
Given the recent zoning text changes, numerous conditions that would have carried over from SUP #2024-00008 have been removed by staff. For the most part, these considerations are now regulated by the restaurant use limitations in zoning ordinance

section 7-1900. To this end, conditions 2 through 6, 8, 11 through 15, 22, 23, 24, 25, and 31 have been deleted. All standard administrative SUP conditions related to outdoor dining have been carried forward. Staff has amended conditions 1, 7, 9, 10, 20, 21, 26, and 27 to reflect the current SUP standard condition language. Conditions 33 through 35 have been added as standard SUP conditions. Condition 28 permits up to 10 outdoor dining seats and condition 32 outlines the hours of operation for the outdoor dining area, compliant with the Mount Vernon Overlay outdoor dining hours.

Staff hereby approves the Special Use Permit request, subject to the conditions of the Special Use Permit below.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: March 3, 2026  
Action: Approved

  
Tony LaColla, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent

## CONDITIONS OF SPECIAL USE PERMIT #2026-00004

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. **CONDITION AMENDED BY STAFF:** The Special Use Permit shall be granted to the applicant only or to any business or entity corporation in which the applicant has a controlling interest. Any change in the ownership of the use that is the subject of the administrative permit may be transferred administratively with the approval of the director pursuant to the requirements of section 11-511 of this ordinance. (P&Z)(SUP#2016-0030)
2. **CONDITION DELETED BY STAFF:** ~~All patrons must leave the premises one hour after the closing hour. (P&Z) (SUP#2024-00008)~~
3. **CONDITION DELETED BY STAFF:** ~~The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2016-0030)~~
4. **CONDITION DELETED BY STAFF:** ~~Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off street when not in use. (P&Z) (SUP#2024-00008)~~
5. **CONDITION DELETED BY STAFF:** ~~The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z) (SUP#2024-00008)~~
6. **CONDITION DELETED BY STAFF:** ~~Live entertainment is not permitted, as defined in Section 2-164.1 (P&Z) (SUP#2024-00008)~~
7. **CONDITION AMENDED BY STAFF:** On an off premises alcohol sales, consistent with a valid are permitted in compliance with Virginia ABC license are permitted. requirements. (P&Z) (SUP2019-00003)
8. **CONDITION DELETED BY STAFF:** ~~No food, beverages, or other materials shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP#2019-00003)~~
9. **CONDITION AMENDED BY STAFF:** 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. ~~The applicant shall require employees to be sensitive to noise affecting residents (i.e. during shift changes, activity after 11 p.m., and other outdoor activities in which unreasonable noise may carry and disrupt nearby residences). (P&Z) (SUP2019-00003)~~
10. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be placed stored inside or in sealed containers which do not allow odors to escape ~~and shall be stored~~

- inside or in closed containers which do not allow or invasion by animals. No trash or debris shall be allowed to accumulate on site outside of the containers. Outdoor containers shall be maintained to the satisfaction of the Director, ~~s of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and replacing/repairing damaged dumpsters.~~ (P&Z) (SUP2019-00003)
11. **CONDITION DELETED BY STAFF:** ~~Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2016-0030)~~
  12. **CONDITION DELETED BY STAFF:** ~~The applicant shall control 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#2016-0030)~~
  13. **CONDITION DELETED BY STAFF:** ~~All waste products including, but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state, and federal ordinances or regulations. (T&ES) (SUP#2016-0030)~~
  14. **CONDITION DELETED BY STAFF:** ~~Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (T&ES) (SUP#2016-0030)~~
  15. **CONDITION DELETED BY STAFF:** ~~All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be heard at the property line. (T&ES) (SUP#2019-00003)~~
  16. The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP#2016-0030)
  17. Condition deleted by staff.
  18. The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the Del Ray Parking Study. (T&ES) (SUP#2016-0030)
  19. Condition deleted by staff.
  20. **CONDITION AMENDED BY STAFF:** Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice a day and at the close of business, and more often if

necessary, to prevent unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP#2016-0030)

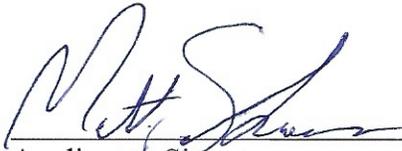
21. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after it has been operational ~~for one year, and then again every three years for compliance with all conditions~~ and shall may docket the matter for consideration by the Planning Commission 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 at 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 to offset land use impacts not addressed in the City Code.~~ (P&Z) (SUP2024-00008)
  
22. **CONDITION DELETED BY STAFF:** ~~All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~ (P&Z) (SUP2019-00003)
  
23. **CONDITION DELETED BY STAFF:** ~~Exterior power washing of the building shall not be completed using any kind of detergents.~~ (P&Z) (SUP2019-00003)
  
24. **CONDITION DELETED BY STAFF:** ~~Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof.~~ (P&Z) (SUP2019-00003)
  
25. **CONDITION DELETED BY STAFF:** ~~If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it.~~ (P&Z) (SUP2019-00003)
  
26. **CONDITION AMENDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. ~~The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program.~~ (P&Z) (SUP2019-00003)
  
27. **CONDITION AMENDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business

website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (P&Z) (SUP2019-00003)

28. The number of outdoor seats shall be 10 and 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 City Code Section 5-2-29. (P&Z) (SUP2024-00008)
29. Outdoor seating areas shall not include signage on outdoor dining furniture or enclosures, including on umbrellas. (P&Z) (SUP#2024-00008)
30. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z) (SUP#2024-00008)
31. ~~**CONITION DELETED BY STAFF:** Limited, live entertainment may be offered and must comply with the city's noise ordinance. 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#2024-00008)~~
32. The outdoor dining shall be closed and cleared of all customers by 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday. (P&Z) (SUP#2024-00008)
33. **CONDITION ADDED BY STAFF:** No live entertainment shall be permitted in the outdoor seating area. (P&Z) (SUP#2026-00004)
34. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. (P&Z)
35. **CONDITION ADDED BY STAFF:** The administrative permit approved by the director pursuant to this section 11-513 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 associated with the permit shall be kept on the premises and made available for examination by the public upon request. (P&Z)

**STATEMENT OF CONSENT**

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2026-00004. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the outdoor dining of private property use at 1504 B Mount Vernon Avenue.

  
Applicant - Signature

3-9-26  
Date

Matt Sloan  
Applicant - Printed

3-9-26  
Date