

DATE: August 24, 2012

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

FROM: Nathan Randall, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2012-0050  
Administrative Review for Minor Amendment  
Site Use: Restaurant  
Applicant: Caboose Cafe and Bakery, LLC  
Location: 2419 Mount Vernon Avenue  
(Parcel address: 2401 Mount Vernon Avenue)  
Zone: CL/Commercial Low and Mount Vernon Urban Overlay

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### **Request**

Special Use Permit #2012-0050 is a minor amendment request to increase seating at an existing restaurant. The applicant proposes to increase indoor seating from 32 to 40 seats and increase outdoor seating from 12 to 20 seats, bringing the total number of seats at the restaurant from 48 to 60. No other changes to the operation are proposed and the applicant expects to continue serving coffee/bakery items, sandwiches, and Ethiopian/American meals under the trade name of Caboose.

### **Background**

A restaurant known as Ann Me Me's operated in this location from 1997 until 2004, when the current applicant bought the business. Several amendments to the original SUP have been approved in the last 15 years, including a 12-space parking reduction in 1998 (SUP#98-0015) and a change of ownership to the current applicant in 2004. Most recently, City Council approved SUP#2004-0092 in December 2004 to increase hours of operation and add on-premises alcohol service.

During a routine inspection on May 31, 2012, staff found that the applicant exceeded the 32 indoor-seat limit contained in Condition #2 of SUP#2004-0092. The applicant subsequently applied for this Special Use Permit request. Staff has not received any complaints that would require it to docket the Special Use Permit for public hearing.

### **Parking**

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant is required to provide one parking space for every four seats. Section 6-604(B) of the Zoning Ordinance exempts the first 20 outdoor dining seats in the Mount Vernon Urban Overlay Zone from required parking. A restaurant with 40 indoor seats and 20 outdoor seats is therefore required to provide 10 parking spaces.

The previous business owner received a parking reduction of 12 spaces in 1998 (SUP#98-0015), which fully satisfied the restaurant's 12-space requirement at the time. This parking reduction, carried forward to the current applicant as part of the 2004 change of ownership, is still in effect today and exceeds the 10-space parking requirement for the expanded restaurant. In addition, parking spaces are available to customers on a first-come, first-served basis in a surface lot located behind the restaurant.

**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 and Del Ray Business Association were sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the special use permit for public hearing.

**Staff Action**

Staff does not object to the minor amendment. The request represents a small increase of indoor and outdoor seating at the restaurant that is consistent with the eligibility criteria for minor amendments found in Section 11-511(A)(2)(b)(ii) of the Zoning Ordinance. As a technical zoning matter, the existing parking reduction meets and exceeds the parking requirement for the expanded use. As a practical matter, staff does not anticipate significant parking impacts given that the requested seating increase is small and half of the additional seats will be seasonal. Off-street parking is also available on a first-come, first-served basis behind the building.

Staff hereby approves the Special Use Permit request.

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

Date: August 27, 2012  
Action: Approved

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Barbara Ross, Deputy Director

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

**CONDITIONS OF SPECIAL USE PERMIT #2012-0050**

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) (SUP #97-0082)
2. **CONDITION AMENDED BY STAFF:** ~~Seating shall be provided for no more than 32 patrons indoors.~~ The maximum number of indoor seats at the restaurant shall be 40. (P&Z) (SUP #98-0015)
3. **CONDITION AMENDED BY STAFF:** ~~Seating shall be provided for no more than 16 patrons outdoors.~~ The maximum number of outdoor seats at the restaurant shall be 20. Outdoor dining at the restaurant shall be substantially consistent with the plan submitted. No part of the outdoor dining use, including planters, wait stations, and barriers, shall encroach onto the public right-of-way unless authorized by another encroachment ordinance. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z) (SUP #98-0015)
4. **CONDITION AMENDED BY STAFF:** ~~Live entertainment shall be limited to acoustic, non-amplified music. Microphones shall not be used. Advertising that features entertainment as a destination is prohibited.~~ 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. Live entertainment shall be limited to inside the restaurant only, and shall not be permitted in the outdoor seating area. (P&Z) (SUP #98-0015)
5. The hours of operation shall be limited to 6:00 a.m. to 11:00 p.m. Sunday through Thursday, and 6:00 a.m. to 12:00 midnight on Friday and Saturday. The closing hours for the outdoor dining area shall be 10:00 P.M., daily. The outdoor dining area shall be cleared of all diners by 10:00 P.M. and the area cleaned and washed by 10:30 P.M. (P&Z) (PC) (SUP#2004-0092)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP 97-0082)
7. On-premise beer and wine sales are permitted. Off-premise sales are not permitted. (P&Z) (SUP#2004-0092)
8. No food, beverages, or other material shall be stored outside. (P&Z) (SUP 97-0082)

9. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP 97-0082)
10. 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. (P&Z) (SUP 97-0082)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP 97-0082)
12. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (P&Z)(T&ES) (SUP#2004-0092)
13. The applicant shall assist and require its employees who drive to use off-street parking. (P&Z) (T&ES) (SUP 97-0082)
14. Any exterior renovations shall be consistent with the Mt. Vernon Avenue Design Guidelines. (P&Z) (SUP 97-0082)
15. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program. (Police) (SUP#2003-0010)
16. **CONDITION AMENDED BY STAFF:** 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 and Environmental services. (T&ES) (~~SUP#2003-0010~~)
17. The applicant shall post signs directing customers to the locations of available nearby off-street parking. (P&Z) (T&ES) (SUP 97-0082)
18. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year from this 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 a result of a complaint that rises to the level of a violation, 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) (~~Police~~) (~~SUP#2004-0092~~)
19. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (T&ES) (SUP#2004-0092)
  20. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and to provide instruction preventing underage sales of alcohol. (P&Z) (SUP#2004-0092)
  21. There shall be no bar with alcohol service. (PC) (SUP#2004-0092)
  22. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

F-1 The Del Ray Parking Study indicates available on-street parking on surrounding blocks. (T&ES)

R-1 **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

R-2 Recommendations carried forward from previous SUP:

10. 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. (P&Z) (SUP 97-0082)

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19. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (T&ES) (SUP2004-00092)

- 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) (SUP2004-00092)
- 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). (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) 746-4410, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form.

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, Plan Review Services Division Chief at [ken.granata@alexandriava.gov](mailto:ken.granata@alexandriava.gov) or 703.746.4193.
- C-1 A building permit is required for this project. Five sets of *construction documents* that fully detail the layout shall be submitted. Detailed dimensional drawings including means of egress shall accompany the construction (building) permit application. If a Virginia licensed design professional prepares drawings for the project, the plans shall bear the seal of the design professional in accordance with the Code of Virginia Section 54.1-410B.
- C-2 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof for a child daycare, in accordance with 2009 VCC §116.1.

Health Department:

- F-1 No comments

Parks and Recreation:

- F-1 No comments received

Police Department:

- F-1 No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2012-0050. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 2419 Mount Vernon Avenue.

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Applicant - Signature

\_\_\_\_\_  
Date

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Applicant – Printed

\_\_\_\_\_  
Date