



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 #2018-0038
Approved by Planning and Zoning: June 6, 2018
Permission is hereby granted to: Cava Mezze Grill, LLC
to use the premises located at: 3525A Jefferson Davis Highway
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.

6/6/2018

Date

K. Moritz by mzz

Karl Moritz, Director

Department of Planning and Zoning

DATE: June 6, 2018

TO: Mary Christesen, Acting Division Chief Land Use
Services
Department of Planning and Zoning

FROM: Madeleine Sims, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-0038
Administrative Review for Outdoor Dining – New
Use
Site Use: Restaurant
Applicant: Cava Mezze Grill, LLC
Location: 3525A Jefferson Davis Highway
Zone: CDD#10

Request

Special Use Permit #2018-0038 is a request to add an outdoor dining component to an existing restaurant at 3525A Jefferson Davis Highway. The proposed outdoor dining patio would complement the existing restaurant with 20 outdoor seats and would operate between 10:45 a.m. to 10:00 p.m. Monday through Sunday.

Background

The subject outdoor dining would be in front of the pad site building at 3525 Jefferson Davis Highway, facing Jefferson Davis Highway. The pad site building is divided into three tenant spaces, which all house restaurants, the subject restaurant (Cava), &Pizza, and Five Guys. The subject site previously housed Don Pablo's Restaurant, which closed in 2016. There are no zoning violations on record for this property.

Parking

Outdoor dining is required to provide a minimum of .25 parking spaces for every 1,000 square feet of floor area in excess of the first 20 seats of outdoor dining pursuant to Section 11-513 (M)(3). The applicant proposes 20 outdoor seats, and is thus not required to provide additional parking. The applicant meets the Zoning Ordinance parking requirement.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Arlandria Civic Association and Del Ray Citizens Association were sent email notifications of the current application. Staff has not received any comments from residents or adjacent businesses.

Staff Action

Staff supports the applicant's proposal for outdoor dining at this location. Outdoor dining would encourage pedestrian interaction on an otherwise isolated pad site. The site is visible from Route 1, and within walking distance from multi-family housing. Staff does not

anticipate negative impacts from the addition of outdoor dining to the restaurant. The proposed outdoor dining area is small, and limited in operating hours. Staff has included conditions to mitigate the development of any negative impacts. Staff included conditions limiting the hours to between 8 a.m. and 11 p.m., daily (Condition #3), an expansion on the applicant's proposal of 10:45 a.m. to 10 p.m., to provide the applicant flexibility in their operations. Staff has included conditions limiting the number of seats to 20 (Condition #2), limiting alcohol sales to on-premises only (Condition #9), and prohibiting outdoor dining from encroaching onto the public right of way (Conditions #5). Staff has also included conditions prohibiting live entertainment outdoors (Condition #6) and outdoor speakers (Condition #20). The development of environmental impacts is mitigated through Conditions #12 - #18.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: June 1, 2018
Action: Approved


Mary Christensen, Acting Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2018-0038

The new owner 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 corporation in which the applicant has a controlling interest. (P&Z)
2. The maximum number of outdoor seats shall be 20. (P&Z)
3. The hours of operation for the outdoor dining area shall be limited to between 8 a.m. and 11 p.m., daily. All outdoor dining must be cleared of customers by the closing hour. (P&Z)
4. The outdoor dining area shall be cleaned and washed at the close of each business day that it is in use. (P&Z)
5. Outdoor dining, including all its components such as planters and barriers, shall not encroach onto the public right-of-way unless authorized by an encroachment ordinance. (P&Z)
6. No live entertainment shall be allowed in the outdoor dining area. (P&Z)
7. Any outdoor seating areas, including umbrellas, shall not include advertising signage. (P&Z)
8. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
9. On-premises alcohol sales are permitted in the outdoor dining area. No off-premises alcohol sales are permitted in the outdoor dining area. (P&Z)
10. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (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. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
13. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
14. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung 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)

15. **Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z)**
16. **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. (P&Z)**
17. **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. (P&Z)**
18. **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. (P&Z)**
19. **Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z)**
20. **The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)**
21. **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)**
22. **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 for more information about available resources. (P&Z)**
23. **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)**
24. **The applicant shall require its employees who drive to work to use off-street parking. (P&Z)**
25. **The Director of Planning and Zoning shall review the Special Use Permit one year after the business is operational, and shall docket the matter for consideration by the**

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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:

- R-1 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. (T&ES)
- R-2 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 for more information about available resources. (T&ES)
- R-3 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-4 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-5 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. (T&ES)
- R-6 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-7 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)
- R-8 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-9 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)

- R-10 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-11 The use must comply with the city's noise ordinance. 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-12 From Section 11-513(C) of the Zoning Ordinance:
- (5) The applicant shall require its employees who drive to work to use off-street parking.
 - (9) 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)
- 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). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP 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. (T&ES)
- 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)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code Enforcement:

No comments received.

Health Department:

No comments received.

Parks and Recreation:

No comments received.

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Police Department:
No comments received.

Fire:

C-1 A fire prevention permit is required for this occupancy and use condition – assembly.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0038. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the outdoor dining at 3525A Jefferson Davis Highway. .



Applicant - Signature

06/11/2018

Date

Dean Sartain | Design Manager, CAVA
Applicant - Printed

06/11/2018

Date