



***Special Use Permit #2015-0130  
Encroachment #2015-0007  
535 East Braddock Road  
(Parcel address: 501 East Braddock Road)  
Dos Amigos Tex Mex***

Application	General Data	
Public hearing and consideration of requests for: A) an amendment to an existing Special Use Permit (SUP #2012-0039) for additional outdoor dining seats and a request for a parking reduction and, B) an encroachment into the public right-of-way.	<b>Planning Commission Hearing:</b>	March 1, 2016
	<b>City Council Hearing:</b>	March 12, 2016
<b>Address:</b> 535 East Braddock Road (parcel address: 501 East Braddock Road)	<b>Zone:</b>	CRMU-H/Commercial Residential Mixed Use (High)
<b>Applicant:</b> Cucotan, LLC, represented by Duncan W. Blair, Esq.	<b>Small Area Plan:</b>	Braddock Road Metro Station

**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:** Ann Horowitz, [ann.horowitz@alexandriava.gov](mailto:ann.horowitz@alexandriava.gov)

**PLANNING COMMISSION ACTION, MARCH 1, 2016:** On a motion by Commissioner Dunn, seconded by Vice Chairman Macek, the Planning Commission voted to recommend approval of Special Use Permit #2015-0130 and Encroachment #2015-0007, subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 7 to 0.

**Reason:** The Planning Commission agreed with the staff analysis. Vice Chairman Macek recognized the long-term success of the restaurant in a tenant space where a high rate of business turnover had previously existed.

**Speakers:**

Richard Calderon, 505 East Braddock Road, spoke in support of the applications and stated that the restaurant was well-run and a good neighbor.

Duncan Blair, attorney, spoke in support of the proposals. He mentioned that the proposed encroachment into the public right-of-way would only incorporate areas that were already constructed in the public right-of-way as steps and ramps.



**Special Use Permit #2015-0130**  
**Encroachment #2015-0007**  
**535 East Braddock Road**  
**(Parcel Address: 501 East Braddock)**





## I. DISCUSSION

The applicant, Cucotan, LLC, represented by Duncan W. Blair, attorney, requests an amendment to Special Use Permit #2012-0039 for additional outdoor dining seats and a request for a parking reduction. An encroachment into the public right-of-way is also requested to allow the applicant to expand its outdoor seating area.

### SITE DESCRIPTION

The subject parcel is one corner lot of record with approximately 362 feet of frontage on East Braddock Road, 180 feet of frontage on North West Street and a total lot area of 2.17 acres. Colecroft, a five-building residential and commercial complex with an underground parking garage occupies the lot. The subject establishment is located in a commercial building with approximately 153 feet of frontage on East Braddock Road. The applicant's business occupies one of three commercial tenant spaces on the ground floor with 72 feet of frontage on East Braddock Road. A dry cleaner and a salon are located in commercial spaces to the west of the restaurant. Metro Linear Park borders the subject site to the west, Braddock Road Metro Station is located across East Braddock Road to north, and residential properties are located to the east.



### BACKGROUND

City Council approved SIT #87-025 for Phase II of the Colecroft residential, commercial and retail development. The 5,176 square foot retail space in Building 4 was developed with frontage on East Braddock Road. Ten parking spaces were designated for this retail use in the underground parking garage. City Council approved Special Use Permit #2215 for a carry-out restaurant and delicatessen at the subject site on February 25, 1989. The ownership of the restaurant has changed several times since then, and SUPs for changes of ownership were granted through City Council and administrative approvals. Most recently on May 18, 2012, SUP#2012-0039 was administratively approved for a change of ownership to Dos Amigos Tex-Mex, owned by Cucotan, LLC, and for a minor amendment to extend the hours of operation. A recent SUP inspection revealed the applicant's compliance with all SUP conditions.

### SUP PROPOSAL

The applicant proposes to add 12 outdoor seats to its existing 10-seat outdoor dining area. A total of 22 seats would be arranged on two elevated patios, located at the front of the restaurant. The establishment would continue to operate as a full-service restaurant with 50 indoor seats. Hours

of operation would remain as 6 a.m. to 10 p.m., Sunday through Thursday and 6 a.m. to 11 p.m. Friday and Saturday. Up to nine employees would work at the restaurant.

A three-space parking reduction is also part of this proposal as the applicant is unable to accommodate the additional off-street parking requirement that results from the requested increase in outdoor seating.

#### ENCROACHMENT PROPOSAL

The applicant proposes two encroachment areas into the public right-of way, located in front of the restaurant (Figures 1, 2, 3). Area A is proposed as a 3.5 foot wide and 13 foot long encroachment, which represents a portion of an existing elevated patio located to the west of the restaurant main entrance. Four seats and two tables would be placed in Area A. The proposed encroachment for Area B measures five feet wide and 33.5 feet long into the public right-of-way. A second elevated patio and new steps would be created at Area B, where the applicant would arrange twelve chairs and six tables (Figure 4). This would require the removal of existing steps and a handicap-accessible ramp. A new ramp would be constructed between the entrances for the dry cleaner and the salon. Sixteen of the 22 outdoor seats would be located in the proposed encroachment area. (Twelve of these seats are proposed through SUP #2015-0130.)



*Figure 1:  
Area A existing conditions*

*Figure 2:  
Area B existing conditions*

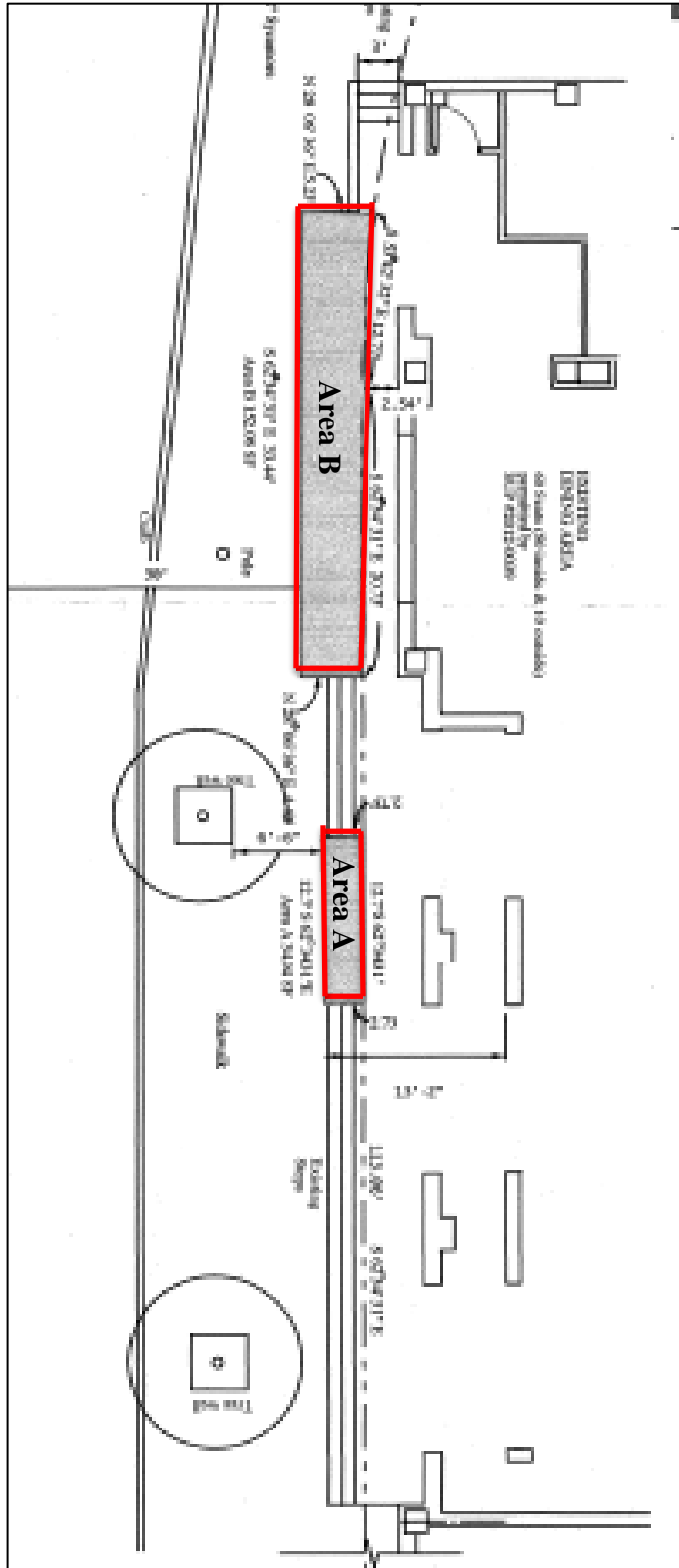


Figure 3:  
Proposed Encroachment Areas A and B



*Figure 4:  
Sketch of the proposed Area A outdoor dining patio*

#### ZONING/MASTER PLAN DESIGNATION

The subject site is located in the CRMU-H Zone. The zone permits full service restaurants and outdoor dining with administrative approval. Quick-service restaurants require full-hearing SUP approval in the CRMU-H Zone. Although up to 12 additional outdoor seats may be administratively approved through a minor amendment, the request has been docketed for full-hearing Planning Commission and City Council review given that the related parking reduction and encroachment proposals are permitted only with SUP approval.

The site is also located within the Braddock Road Metro Small Area Plan, which supports commercial uses. The small area plan includes the Braddock Road Metro Neighborhood Plan that encourages the expansion of community serving retail and services, including restaurants, at this location.

#### PARKING

Pursuant to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant with 72 indoor and outdoor seats is required to provide 18 parking spaces. A 12-space parking reduction was approved under SUP#98-015 and the applicant provides three reserved parking spaces in the Colecroft parking garage.

The balance of three required spaces is the subject of the parking reduction request as the applicant cannot provide additional off-street spaces in the on-site parking garage. Section 8-100(A)(4) requires SUP approval for a parking reduction.

## **II. STAFF ANALYSIS**

Staff supports the applicant's proposal to amend Condition 1 of Special Use Permit (SUP #2012-0039) for 12 additional outdoor dining seats and its request for a three-space parking reduction. In addition, staff considers the encroachment proposal to be reasonable as it provides the opportunity to expand the outdoor dining area.

### Outdoor dining expansion

The addition of 12 outdoor dining seats for a total of 22 seats would contribute to neighborhood vitality and an active streetscape as well as provide the applicant with an opportunity to expand its business. Nonetheless, outdoor dining noise generated by additional patrons could impact the residents who live across from the restaurant on North West Street. In instances when outdoor dining is proximate to residences, staff has recommended that the outdoor dining area hours are limited to 10 a.m. and 10 p.m., Sunday to Thursday, and between 10 a.m. and 11 p.m. Friday and Saturday, which is consistent with the applicant's indoor operating hours. Additionally, outdoor patios are to be cleared of customers at the closing hours to minimize late-night noise. This recommendation has been added as Condition 40 of the report. To discourage loitering at the outdoor patios after business hours, staff has included Condition 41 to require the applicant to secure the outdoor seating each night.

### Parking reduction

Staff expects that the parking reduction request of three spaces would cause minimal, if any, impacts as the restaurant location is near the Braddock Metro transit hub and the business borders a walkable, densely-developed residential neighborhood. The additional spaces would only apply during warm weather months when the outdoor patio area is in use. Moreover, the three-space waiver is relatively small and would not likely impact neighborhood parking given that no complaints resulted from the 12-space reduction granted in 1998.

Additionally seven parking spaces are shared with the two other uses in the Colecroft Station parking garage. As the dry cleaner and the salon close in the early evening, restaurant patrons may use the spaces dedicated to these businesses during the restaurant's peak evening operational hours. Restaurant customers are informed of the garage parking spaces as required in Condition 22. To further minimize potential parking impacts, the applicant is required to encourage employees and customers to use public transportation, as stipulated in Conditions 35 and 36, respectively.

### Encroachment

The use of Areas A and B for outdoor patio dining would not negatively affect pedestrian access, leaving sidewalk widths ranging between six to twelve feet wide in front of the restaurant. Reconfiguring the existing front stairways and relocating the handicap ramp in the encroachment areas would provide a creative solution to the expansion of the applicant's outdoor dining area.

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

### III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. **CONDITION AMENDED BY STAFF:** A total of ~~60~~ 72 seats shall be permitted, of which not more than 50 seats are indoors and ~~10~~ 22 seats outdoors. (P&Z) (SUP #98-0159)
2. The hours during which the business is open to the public shall be restricted to between 6 a.m. and 10 p.m., Sunday through Thursday and between 6 a.m. and 11 p.m. Friday and Saturday. (P&Z) (SUP #2012-0039)
3. No food, beverages, or other materials shall be stored outside. (P&Z) (SUP #2215)
4. Condition deleted (SUP #2012-0039)
5. 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 #98-0159)
6. Condition deleted. (SUP #98-0159)
7. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises 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) (T&ES) (SUP #98-0159)
8. 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) (SUP #2215-B)
9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2215-B)
10. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z) (SUP #98-0159)
11. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (~~SUP #98-0159~~)
12. All loudspeakers shall be prohibited from the exterior of the building, and no music or amplified sound shall be audible at the property line. (P&Z) (T&ES) (SUP#2010-0044)



13. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #98-0159)
14. **CONDITION DELETED BY STAFF:** ~~The applicant shall require that its employees who drive to work 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. (P&Z) (T&ES) (SUP#2010-0044)~~
15. Condition deleted (SUP #2012-0039)
16. Condition deleted (SUP #2012-0039)
17. **CONDITION AMENDED BY STAFF:** The new applicant shall contact the Community Relations Unit of the Alexandria Police Department at ~~703-746-1920~~ 703-746-6838 for regarding a security survey for the business and robbery awareness program for all employees. ~~(Police) (SUP #2012-0039) (P&Z)~~
18. 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. (P&Z) (T&ES) (SUP#2010-0044)
19. On-site alcohol service is permitted. (P&Z) (SUP #98-0159)
20. Beer and wine for off-premise consumption 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. (P&Z) (SUP #98-0159)
21. **CONDITION AMENDED BY STAFF:** This Special Use Permit allows a reduction in the parking requirement from ~~15~~ 18 spaces to three spaces (P&Z) ~~(SUP #2012-0039)~~
22. The applicant shall post signs within the restaurant identifying the parking spaces designated for commercial tenants at Colecroft. (P&Z) (SUP #98-0159)
23. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year from 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 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) ~~(SUP #2012-0039)~~

24. The applicant may not deliver alcoholic beverages as part of delivery services. (Police) (CC) (SUP#2010-0044)
25. Condition deleted (SUP #2012-0039)
26. **CONDITION DELETED BY STAFF:** ~~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) (T&ES) (SUP#2010-0044)~~
27. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z) (SUP#2010-0044)
28. For indoor patrons, meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2010-0044)
29. 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) (SUP#2010-0044)
30. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2010-0044)
31. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (P&Z) (SUP#2010-0044)
32. Not more than one delivery vehicle, operated by the applicant, may be used to deliver food to customers. Alternatively, if delivery of food is operated by a third-party service not more than one delivery vehicle may pick up orders at the restaurant at any one time. In either case, the delivery vehicle must park in an off-street parking space when at the restaurant. (T&ES) (SUP #2012-0039)
33. **CONDITION ADDED BY STAFF:** A minor site plan amendment must be submitted and approved for the requested site modifications. (T&ES)
34. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. (T&ES)
35. **CONDITION ADDED BY STAFF:** The applicant shall encourage their employees to use public transit to travel to and from work. Within 60 days of SUP approval, contact Local Motion at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)
36. **CONDITION ADDED 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 Local Motion at 703-746-4686 or

[www.alexandriava.gov/LocalMotion](http://www.alexandriava.gov/LocalMotion) for more information about available resources.  
(T&ES)

37. **CONDITION ADDED BY STAFF:** The applicant (and his successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his /her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (T&ES)
38. **CONDITION ADDED BY STAFF:** Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
39. **CONDITION ADDED BY STAFF:** In the event the City shall, in the future, have need or the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)
40. **CONDITION ADDED BY STAFF:** The hours of operation for the outdoor seating shall be limited to between 10 a.m. and 10 p.m. Sunday to Thursday and between 10 a.m. and 11 p.m. Friday and Saturday. The outdoor dining area shall be closed and cleared of all customers by 10 p.m. Sunday to Thursday and by 11 p.m. Friday and Saturday and shall be cleaned and washed at the close of each business day that it is in use. (P&Z)
41. **CONDITION ADDED BY STAFF:** Each day after the restaurant closes, tables and chairs used for outdoor dining shall be either brought inside the restaurant or secured outside in such a manner to preclude their after-hours use to the satisfaction of the Director of Planning & Zoning. (P&Z)

**STAFF:** Alex Dambach, Division Chief, Land Use Regulatory Services,  
Department of Planning and Zoning;  
Ann Horowitz, 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.

## CITY DEPARTMENT COMMENTS

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

### Transportation & Environmental Services

#### **Findings:**

1. On the minor site plan amendment, Provide and show the proposed ramp with slope. (T&ES)

#### **Previous Conditions:**

7. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises 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) (T&ES) (SUP #98-0159)
11. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (~~SUP #98-0159~~)
12. All loudspeakers shall be prohibited from the exterior of the building, and no music or amplified sound shall be audible at the property line. (P&Z) (T&ES) (SUP#2010-0044)
13. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #98-0159)
14. **CONDITION DELETED BY STAFF:** ~~The applicant shall require that its employees who drive to work 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.~~ (P&Z) (T&ES) (SUP#2010-0044)
16. **CONDITION DELETED BY STAFF (See Condition #32):** The delivery vehicle shall not park on the public right-of-way when in the immediate vicinity of the restaurant. (P&Z) (SUP#2010-0044)
18. 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. (P&Z) (T&ES) (SUP#2010-0044)
26. **CONDITION DELETED BY STAFF:** ~~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) (T&ES) (SUP#2010-0044)
30. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2010-0044)



32. Not more than one delivery vehicle, operated by the applicant, may be used to deliver food to customers. Alternatively, if delivery of food is operated by a third-party service not more than one delivery vehicle may pick up orders at the restaurant at any one time. In either case, the delivery vehicle must park in an off-street parking space when at the restaurant. (T&ES) (SUP2012-00039)

**New Conditions:**

Special Use Permit:

1. **CONDITION ADDED BY STAFF:** A minor site plan amendment must be submitted and approved for the requested site modifications. (T&ES)
2. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. (T&ES)
3. **CONDITION ADDED BY STAFF:** The applicant shall encourage their employees to use public transit to travel to and from work. Within 60 days of SUP approval, contact Local Motion at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)
4. **CONDITION ADDED 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 Local Motion at 703-746-4686 or [www.alexandriava.gov/LocalMotion](http://www.alexandriava.gov/LocalMotion) for more information about available resources. (T&ES)

Encroachment:

5. A minor site plan amendment must be submitted and approved for the requested site modifications. (T&ES)
6. The applicant (and his successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his /her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (T&ES)
7. Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
8. In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)

**City Code Requirements:**

Carry forward previous requirements:

- 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). 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. (T&ES)

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 Charles Cooper, Plan Review division at [Charles.cooper@alexandriava.gov](mailto:Charles.cooper@alexandriava.gov) or 703-746-4197. (Code Administration)
- C-1 Building and trade permits are required for alterations listed in SUP application. Please provide a full detailed plan to the Code Administration office that describes the scope of alterations.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

Fire

- C-1 Unobstructed access to the fire department connection on the East end of the building must be maintained at all times.
- C-2 Plans indicate railing will be installed in front of the Fire Department Connection. Section 912.3.2 requires that a minimum there shall be 3 feet of clear space circumference maintained around the fire department connection at all times.
- C-3 All fire department connections shall have an additional sign that is visible from the street and permanently mounted at the height approved by the fire official above the location of each fire department connection. Signs shall be 8 inch × 12 inch reflective metal and have red letters "FDC" that are 6 inches in height and 2 inches wide on a white background. Where the FDC cannot be seen from the street, a sign shall be mounted on the street front or at a viewable location that indicates by use of words or an arrow the location of the fire department connection. All signs are subject to approval by the fire official as per City Fire Code 912.4.1.

Health

No comments received

Parks and Recreation

No comments received

Police Department

No objection



REVISED

# APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # SUP 2015-0030

**PROPERTY LOCATION:** 535 East Braddock Road, Alexandria, Virginia 22314

**TAX MAP REFERENCE:** Adjacent to 054.03-0B-CS5

**ZONE:** CRMU-H/Commercial  
Residential Mixed Use  
(High)

**APPLICANT:**

Cucotan, LLC, dba Dos Amigos Tex Mex

Name: \_\_\_\_\_

Address: 535 East Braddock Road, Alexandria, Virginia 22314

**PROPOSED USE:** Parking Reduction Special Use Permit to permit additional outdoor seating to an existing restaurant Special Use Permit #2012-0039. Amendment to SUP #2012-0039 to add twelve (12) additional outdoor seats.

☒ **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.

☒ **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.

Duncan W. Blair, Esq.

Print Name of Applicant or Agent

Signature

11/24/2015,

amended 12/10/15

Date

524 King Street

Mailing/Street Address

703-836-1000

Telephone #

703-549-3335

Fax #

Alexandria, VA

City and State

22314

Zip Code

dblair@landcarroll.com

Email address

ACTION-PLANNING COMMISSION: \_\_\_\_\_ DATE: \_\_\_\_\_

ACTION-CITY COUNCIL: \_\_\_\_\_ DATE: \_\_\_\_\_



## OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 535 East Braddock Road, Alexandria, VA 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. SEE ATTACHED		
2.		
3.		

**3. Business or Financial Relationships.** Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. SEE ATTACHED		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

February 18, 2016

Date

Duncan W. Blair, Esq.

Printed Name

By Duncan W. Blair, Counsel for and with  
approval from A&A Limited Partnership



Signature

Ownership and Disclosure Statement Supplement – A & A Limited Partnership  
 Application of: Cucotan, LLC, dba Dos Amigos Tex Mex  
 February 18, 2016

**REVISED**

**PROPERTY:**

**A & A Limited Partnership**  
**507 Wythe Street, Alexandria, VA 22314**

<i>General Partner</i>	The Berkley Corp of Virginia	50% Ownership
<i>Limited Partner</i>	Daniel R. Abramson	25% Ownership
<i>Limited Partner</i>	Paul R. Abramson	25% Ownership

**The Berkley Corporation of Virginia**  
**507 Wythe Street, Alexandria, VA 22314**

Daniel R. Abramson	50% Ownership
Paul R. Abramson	50% Ownership

**BUSINESS OR FINANCIAL RELATIONSHIPS:**

A & A Limited Partnership	None	PC & CC
The Berkley Corporation of Virginia	None	PC & CC
Daniel R. Abramson	None	PC & CC
Paul R. Abramson	None	PC & CC

**NOTE:** Address for all is 507 Wythe Street, Alexandria, VA 22314

# OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**REVISED**

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 501 E. Braddock Road, Alexandria, VA 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Colecroft Station Unit Owners Association	505 E. Braddock Rd.	100%
2.		
3.		

**3. Business or Financial Relationships.** Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Colecroft Station Unit Owners Association	None	PC and CC
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

11/24/2015  
Date

John Fay  
Printed Name

*John Fay*  
President, Colecroft Station  
Condominium Association

## OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

	Name	Address	Percent of Ownership
1.	Cucotan, LLC	501 E. Braddock Rd., Alexandria, VA 22314	100%
2.	Ricardo Arias	Same	100% of Cucotan, LLC
3.			

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 535 East Braddock Road (Parcel Address: 501 E. Braddock Rd.) (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

	Name	Address	Percent of Ownership
1.			
2.			
3.			

**3. Business or Financial Relationships.** Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

	Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.	Cucotan, LLC	None	PC and CC
2.	Ricard Arias	None	PC and CC
3.			

**NOTE:** Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

November 24, 2015

Date

Duncan W. Blair, Esq.

Printed Name



Signature



SUP # \_\_\_\_\_

**REVISED**

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of A&A Limited Partnership, a Virginia limited partnership, I hereby  
(Property Address)

grant the applicant authorization to apply for the additional outdoor seating with encroachment ordinance and parking reduction use as described in this application.

Name: A&A Limited Partnership

Phone 703-683-1110

Please Print

Address: 507 Wythe Street, Alexandria, VA 22314

Email: Pabramprop@aol.com

Signature: 

Date: November 24, 2015

By Duncan W. Blair, Attorney

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.

Cucotan, LLC is a Virginia limited liability company. The only person having an interest in

Cucotan, LLC in excess of ten percent (10%) is Ricardo Arias whose address is 535 East

Braddock Road, Alexandria, Virginia 22314.

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 501 E. BRADDOCK RD., I hereby  
(Property Address)  
grant the applicant authorization to apply for the ADDITIONAL SEATING use as  
(use) WITH ENCROACHMENT  
described in this application.

Name: John FayPhone: 703-348-3875

Please Print

Address: 505 E. Braddock RdEmail: JFay@247.yale.eduSignature: John FayDate: 11/24/2015

*President Colecroft station  
Condominium Association*

**REVISED**

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?

☒ **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.)

The Applicant, Cucotan, LLC, is requesting an amendment to Special Use Permit #2012-0039

to expand the existing Dos Amigos Tex Mex Restaurant (SUP #2012-0039), by adding twelve (12) additional outdoor seats and is requesting a parking reduction special use permit to reduce the required number of parking spaces for the additional seats from three (3) parking spaces to zero (0) parking spaces.

Additionally, the Applicant has filed an application for adoption of an encroachment to allow the existing legally encroaching stoops, stairs and area ways to be used for outdoor dining. The improvements are part of the common elements of Colecroft Station Condominium.

---

---

---

---

---

---

---

---

---

---

**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 (SUP #2012-0039),
- ☒ other. Please describe: parking reduction special use permit
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).
- Up to 72 patrons depending on time of year (outdoor dining presumed to be seasonal), and  
depending on the day, during typical lunch and dinner shifts, and weekend brunch shifts.
- B. How many employees, staff and other personnel do you expect?  
Specify time period (i.e., day, hour, or shift).
- Average of 6-9 employees, depending on time of day and time of year
6. Please describe the proposed hours and days of operation of the proposed use:
- |       |                                 |        |                                 |
|-------|---------------------------------|--------|---------------------------------|
| Day:  | No change from<br>SUP#2012-0039 | Hours: | No change from<br>SUP#2012-0039 |
| _____ | _____                           | _____  | _____                           |
| _____ | _____                           | _____  | _____                           |
| _____ | _____                           | _____  | _____                           |
| _____ | _____                           | _____  | _____                           |
7. Please describe any potential noise emanating from the proposed use.
- A. Describe the noise levels anticipated from all mechanical equipment and patrons.
- Mechanical Noise: no change from SUP#2012-039. Patron Noise: noise from patrons  
anticipated to be in line with normal conversational volumes in the outdoor dining area.
- B. How will the noise be controlled?
- The Applicant will ensure that its patrons keep the volume at an acceptable level.



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

Not anticipated.

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)

The trash and garbage will be typical for a restaurant, including paper, bottles, cans, food remnants.

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

No change from SUP#2012-0039.

- C. How often will trash be collected?

No change from SUP#2012-0039.

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

As with existing practices, management will ensure that litter on sidewalks surrounding the outdoor dining will be picked up on a regular basis.

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:

Small quantities of hazardous materials, generally recognized to be appropriate for use by restaurants in the operation of the business, will be stored, used as solvents, and disposed of in accordance with applicable regulations.

**REVISED**

- 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:

Normal restaurant cleaning supplies and floor degreasers will be kept on site and utilised to  
ensure cleanliness and sanitation of the facility.

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

In accordance with all local, state and federal workplace safety requirements, fire safety  
requirements.

## **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.

No change from SUP#2012-0039 and existing ABC license.

**PARKING AND ACCESS REQUIREMENTS**

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

3\* Standard spaces

\_\_\_\_\_ Compact spaces

\_\_\_\_\_ Handicapped accessible spaces.

3 Other.

\* Current parking spaces provided = 3 + street parking. A twelve (12) space parking reduction was approved pursuant to SUP #98-0159.

**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?

On the condominium surface parking facility.

**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? No change from SUP#2012-0039

**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

REVISED

SUP # \_\_\_\_\_

B. Where are off-street loading facilities located? No change from SUP#2012-0039.

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

No change from SUP#2012-0039.

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

No change from SUP#2012-0039.

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?

N/A

## 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?

\_\_\_\_\_ sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = \_\_\_\_\_ 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: \_\_\_\_\_

End of Application

REVISED

SUP # \_\_\_\_\_

Admin Use Permit # \_\_\_\_\_



## SUPPLEMENTAL 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: \_\_\_\_\_ Outdoors: 12 Total number proposed: 12

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:

Tex-Mex.

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? One (1)

Will delivery drivers use their own vehicles? ☒ Yes \_\_\_\_\_ No

Where will delivery vehicles be parked when not in use?

Off-street parking space (adjacent Colecroft garage)

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

☒ Yes \_\_\_\_\_ No

If yes, please describe:

No change from SUP#2012-0039

REVISED

SUP # \_\_\_\_\_



## 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)

See attached.

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

See attached.

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

See attached.

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

\_\_\_\_\_ Yes.        X   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. N/A

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



REVISED

**1. Describe the requested parking reduction.**

The Applicant, Cucotan, LLC, a Virginia liability company, dba Dos Amigos Tex Mex (the "Applicant") has filed an application for an administrative amendment to add twelve (12) outdoor seats to the existing restaurant located at 535 East Braddock Road, Alexandria, Virginia, a commercial unit of the Colecroft Station Condominium.

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

The requested parking reduction is relief from the application of the Zoning Ordinance which would require three (3) parking spaces for the proposed additional twelve (12) seasonal outdoor dining seats. The Applicant is requesting a three (3) space parking reduction. Dos Amigos Tex Mex Restaurant ("Dos Amigos") has operated at this site as a sixty (60) seat neighborhood serving restaurant without any complaints regarding parking. In fact, the current restaurant has three (3) parking spaces having received a fifteen (15) space parking reduction when the restaurant was originally approved in 1998. Dos Amigos is located immediately across the street from the Braddock Road Metro Station, and many of its patrons come to the restaurant from the metro station either as a destination, or as they travel by foot in neighborhoods surrounding the Metro. The restaurant is located in the Braddock Road Metro Small Area Plan of the City of Alexandria. Pursuant to the City parking policies contained in the BRMSAP restaurants are exempt from requiring parking for the first sixty (60) seats. As such, the policy of the City today would exempt the current restaurant from any parking requirement. The additional three (3) parking spaces required by the additional twelve (12) seats above the sixty (60) could be satisfied by the existing three (3) parking spaces dedicated for use to the restaurant on the surface parking lot. In addition, the other commercial retail tenants located along Braddock Road have agreed to allow patrons of Dos Amigos to use their parking spaces in the evening after those businesses have closed for the business day. This after close of business shared parking substantially increases the number of on-street parking available to the restaurant during peak demand.

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

Parking for the restaurant was provided for in the original site plan approving the Colecroft Station Condominium. The retail parking for the original restaurant in 1998 was reduced to three (3) parking spaces in recognition of its neighborhood-serving character and proximity to the Metro.

There is no available space in the Condominium's parking facility to provide additional parking.

REVISED

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

No.

5. **Parking Management Plan.**

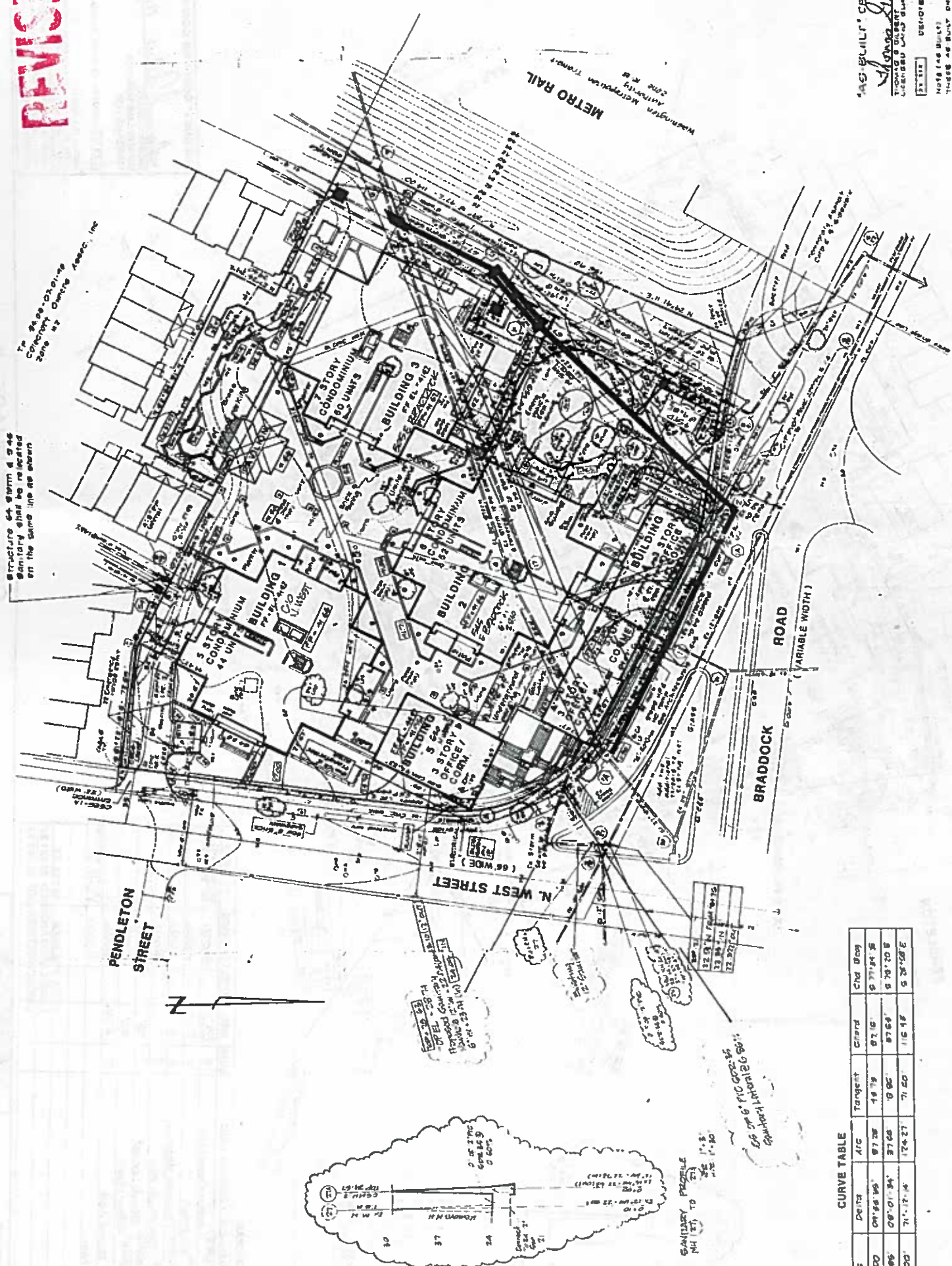
Not required.

6. **Demonstrate that the reduction in parking will not have a negative impact.**

Restaurants have operated in this location since 1998 with a reduced parking requirement of three (3) parking spaces, without incident and without impacting the surrounding neighborhood community. It is not anticipated that the additional twelve (12) outdoor seasonal seats will have a negative impact on the adjacent parking supply.



NO	CALL	RT	DESCRIPTION	CD	DRWN	DATE	SCALE
1	5.00		PAID TO THE STATE			11-10-60	1"=10'
2	5.00		PAID TO THE STATE			11-10-60	1"=10'
3	5.00		PAID TO THE STATE			11-10-60	1"=10'
4	5.00		PAID TO THE STATE			11-10-60	1"=10'
5	5.00		PAID TO THE STATE			11-10-60	1"=10'
6	5.00		PAID TO THE STATE			11-10-60	1"=10'
7	5.00		PAID TO THE STATE			11-10-60	1"=10'
8	5.00		PAID TO THE STATE			11-10-60	1"=10'
9	5.00		PAID TO THE STATE			11-10-60	1"=10'
10	5.00		PAID TO THE STATE			11-10-60	1"=10'
11	5.00		PAID TO THE STATE			11-10-60	1"=10'
12	5.00		PAID TO THE STATE			11-10-60	1"=10'
13	5.00		PAID TO THE STATE			11-10-60	1"=10'



CURVE TABLE				
No.	Radius	Delta	Tangent	Chd. Wdg.
1	22.5	04° 56' 50"	14.79	57.74 5
2	50.2	00° 01' 34"	10.62	2 02.45 5
3	100	0° 12' 11"	12.92	3 07.25 5
4	200	0° 06' 06"	6.47	4 11.51

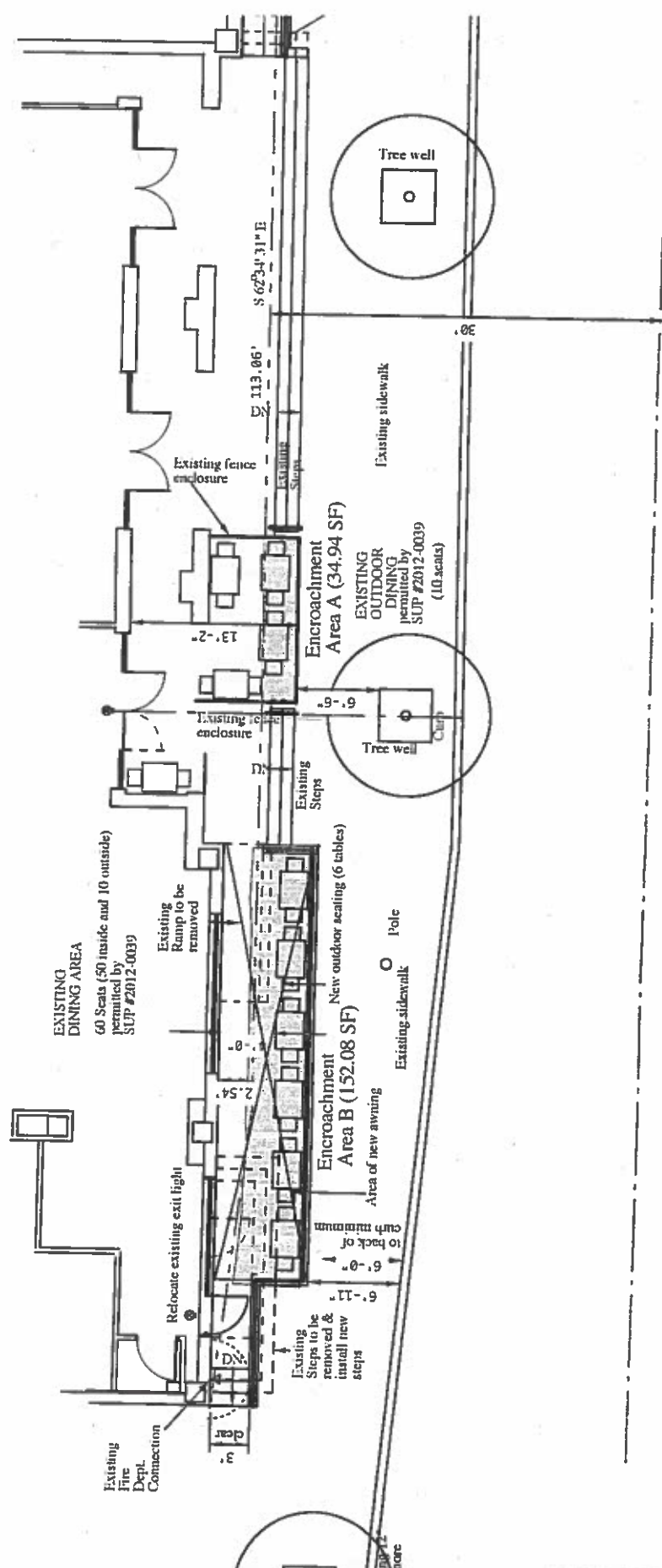
**COLECROFT PHASE II  
RESIDENTIAL & COMMERCIAL COMPLEX**  
CITY OF ALEXANDRIA, VIRGINIA

**Holland  
Engineering**  
Phone: 508-2188  
110 N. Royal St. Alexandria, Va.  
ENGINEERS - SURVEYORS - LANDERS

**AS-BUILT  
FINAL  
DEVELOPMENT PLAN PHASE II**



REVISED



SUMMARY OF ENCROACHMENT AREAS

Encroachment Area A Existing outdoor seating	34.94 SF
Encroachment Area B Elevated Patio	152.08 SF
<b>Total Encroachment areas</b>	<b>187.02SF</b>

0	5 FT	10 FT	20 FT
---	------	-------	-------

ARCHITECT'S CERTIFICATE

I, Martin G. Lord, a duly licensed architect, do hereby certify that this plan is accurate based on the plan dated 3/88 prepared by Holland Engineering for Colecroft Station Condominium, City of Alexandria, Virginia showing Submitted. Additional Convertible and Withdrawable

*[Signature]*  
Martin G. Lord AIA  
Licensed Architect

2017



## APPLICATION

### ENCROACHMENT

2015-0007

ENC# \_\_\_\_\_

**PROPERTY LOCATION:** Public right of way adjacent to Colecroft Station Common Area

**TAX MAP REFERENCE:** Adjacent to 054.03-0B-CS4, CS5 and CS5B **ZONE:** CRMU-H/Commercial

Residential Mixed Use (High)

#### APPLICANT

**Name:** Cucotan, LLC

**Address:** 535 East Braddock Road, Alexandria, Virginia 22314

#### PROPERTY OWNER

**Name:** Colecroft Station Unit Owners Association

**Address:** 505 E. Braddock Rd., Alexandria, VA 22314

**PROPOSED USE:** Adoption of an encroachment ordinance to permit additional outdoor dining seats in a portion of the public right-of-way adjacent to 535 E. Braddock Rd.

**INSURANCE CARRIER** (copy attached) Traveler's Insurance **POLICY #** 680-8C033903-15-42

A certificate of general liability insurance in the amount of \$1,000,000 which will indemnify the owner and names the city as an additional insured must be attached to this application.

☒ **THE UNDERSIGNED** hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-82 and 85 of the Code of the City of Alexandria, Virginia.

☐ **THE UNDERSIGNED** hereby applies for an Administrative Use Permit in accordance with the provisions of Article VI, Section 6-600 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **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 XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED** I so attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Duncan W. Blair, Esq.

Print Name of Applicant or Agent

524 King Street

Mailing/Street Address

Alexandria, VA 22314

City and State Zip Code

Signature

703-836-1000

703-549-3335

Telephone #

Fax #

dblair@landcarroll.com

Email address

Resubmitted 12/11/2015

Date

Application Received: \_\_\_\_\_

Date and Fee Paid: \$ \_\_\_\_\_

ACTION - PLANNING COMMISSION: \_\_\_\_\_ ACTION - CITY COUNCIL: \_\_\_\_\_

January 20, 2016

CUCOTAN, LLC dba DOS AMIGOS TEX MEX

ENCROACHMENT #2015-0007

**REVISED**

**PROPOSED USE, CONT.**

The number of additional seats being requested is twelve (12), as demonstrated on the Encroachment Site Plan, showing six (6) tables with two (2) seats each, within the encroachment area, which will make for a total of twenty-two (22) outdoor dining seats, ten (10) of which were previously approved under the existing SUP.

Portions of the exterior stairway currently permitted in the encroachment area will be moved to accommodate the additional twelve (12) outdoor seats. The stairways and landings will be expanded, as shown on the site plan.



## OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 535 East Braddock Road, Alexandria, VA 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. SEE ATTACHED		
2.		
3.		

**3. Business or Financial Relationships.** Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. SEE ATTACHED		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

February 18, 2016

Date

Duncan W. Blair, Esq.

Printed Name

*By Duncan W. Blair, Counsel for and with approval from A&A Limited Partnership*



Signature

Ownership and Disclosure Statement Supplement – A & A Limited Partnership  
Application of: Cucotan, LLC, dba Dos Amigos Tex Mex  
February 18, 2016

**PROPERTY:**

**REVISED**

**A & A Limited Partnership**  
**507 Wythe Street, Alexandria, VA 22314**

<i>General Partner</i>	The Berkley Corp of Virginia	50% Ownership
<i>Limited Partner</i>	Daniel R. Abramson	25% Ownership
<i>Limited Partner</i>	Paul R. Abramson	25% Ownership

**The Berkley Corporation of Virginia**  
**507 Wythe Street, Alexandria, VA 22314**

Daniel R. Abramson	50% Ownership
Paul R. Abramson	50% Ownership

**BUSINESS OR FINANCIAL RELATIONSHIPS:**

A & A Limited Partnership	None	PC & CC
The Berkley Corporation of Virginia	None	PC & CC
Daniel R. Abramson	None	PC & CC
Paul R. Abramson	None	PC & CC

**NOTE:** Address for all is 507 Wythe Street, Alexandria, VA 22314

# OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**REVISED**

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 501 E. Braddock Road, Alexandria, VA 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Colecroft Station Unit Owners Association	505 E. Braddock Rd.	100%
2.		
3.		

**3. Business or Financial Relationships.** Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Colecroft Station Unit Owners Association	None	PC and CC
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

11/24/2015  
Date

John Fay  
Printed Name

*John Fay*  
President, Colecroft Station  
Condominium Association

## OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

	Name	Address	Percent of Ownership
1.	Cucotan, LLC	501 E. Braddock Rd., Alexandria, VA 22314	100%
2.	Ricardo Arias	Same	100% of Cucotan, LLC
3.			

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 535 East Braddock Road (Parcel Address: 501 E. Braddock Rd.) (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

	Name	Address	Percent of Ownership
1.			
2.			
3.			

**3. Business or Financial Relationships.** Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

	Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.	Cucotan, LLC	None	PC and CC
2.	Ricard Arias	None	PC and CC
3.			

**NOTE:** Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

November 24, 2015

Date

Duncan W. Blair, Esq.

Printed Name



Signature

SUP # \_\_\_\_\_

**REVISED**

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of A&A Limited Partnership, a Virginia limited partnership, I hereby  
(Property Address)

grant the applicant authorization to apply for the additional outdoor seating with encroachment ordinance and parking reduction use as described in this application.

Name: A&A Limited Partnership

Phone 703-683-1110

Please Print

Address: 507 Wythe Street, Alexandria, VA 22314

Email: Pabramprop@aol.com

Signature: 

Date: November 24, 2015

By Duncan W. Blair, Attorney

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.

Cucotan, LLC is a Virginia limited liability company. The only person having an interest in

Cucotan, LLC in excess of ten percent (10%) is Ricardo Arias whose address is 535 East

Braddock Road, Alexandria, Virginia 22314.

SUP # \_\_\_\_\_

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 501 E. BRADDOCK RD., I hereby  
(Property Address)  
grant the applicant authorization to apply for the ADDITIONAL SEATING use as  
(use) WITH ENCROACHMENT  
described in this application.

Name: John Fay

Phone 703-348-3875

Please Print

Address: 505 E. Braddock Rd

Email: JFay@242.yale.edu

Signature: *John Fay*

Date: 11/24/2015

President Colecroft station  
Condominium Association

**REVISED**



# City of Alexandria, Virginia

## MEMORANDUM

**REVISED**

**DATE:** FEBRUARY 12, 2016

**TO:** KARL MORITZ, DIRECTOR  
DEPARTMENT OF PLANNING AND ZONING

**FROM:** WILLIAM BRYAN PAGE, SRA, REAL ESTATE ASSESSOR  
OFFICE OF REAL ESTATE ASSESSMENTS *WBP*

**SUBJECT:** DOS AMIGOS OUTDOOR SEATING AND RAMP ENCROACHMENT  
ALONG THE 500 BLOCK OF EAST BRADDOCK ROAD, ALEXANDRIA,  
VIRGINIA

**PROJECT:** ENCROACHMENT #2015-0007

---

Per your request, we have reviewed the proposed encroachment in the public right-of-way along East Braddock Road between the existing paved sidewalk and the north wall of Colecroft Station Condominium, a mixed-use residential and commercial condominium development constructed in 1986. Physically, the project is located at the southwest corner of East Braddock Road and North West Street directly across from the Braddock Road Metro Station and is zoned CRMU-H (Commercial Residential Mixed Use - High).

The proposed encroachment encumbers two distinct locations along the north elevation wall as identified on the attached site plan, dated January 13, 2016, prepared by Marlin G. Lord, A.I.A. Architect. Area A involves an existing elevated patio and encumbers 34.94 square feet. Area B encumbers 152.08 square feet and involves removal of the existing steps and ramp, and the construction of an elevated patio, stairway and awning. The proposed encroachment encumbers a total area of 187.02 square feet associated with seasonal outdoor dining for the Dos Amigos restaurant. A total of 16 additional seasonal outdoor seats are proposed.

Because this is not a vacation on the part of the City, the value of the encroachment can be estimated based on a land rent technique whereby the value of the subject's and adjacent condominium land parcels (\$/FAR) is multiplied by a reasonable rate of return to obtain an annual rent attributable to the proposed encroachment. Adjacent condominium parcels are valued in 2016 at \$100.00 to 110.00 per FAR foot of building. Based on an estimated land value of \$105 per FAR, and a 7.0 percent rate of return, an annual rent of **\$1,375 (rounded)** is indicated (187.02 square feet x \$105/FAR x .07).

**One Thousand Three Hundred and Seventy-Five Dollars**

REVISED

Page 2

This analysis does not constitute a fully documented real property appraisal report and should not be purported as such. The analysis is based on 2016 assessed land values of similarly zoned parcels in the immediate area of the subject property, and complies with City policies and guidelines.

**Attachments**

Site Plan, Dated 1-13-2016

cc: Ann Horowitz, Urban Planner II



One Tower Square, Hartford, Connecticut 06183

**BUSINESSOWNERS COVERAGE PART DECLARATIONS**

RESTAURANT PAC

POLICY NO.: 680-8C033903-15-42

ISSUE DATE: 02/10/2015

**INSURING COMPANY:**

TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA

**POLICY PERIOD:**

From 03-09-15 to 03-09-16 12:01 A.M. Standard Time at your mailing address

FORM OF BUSINESS: LIMITED LIAB CORP

COVERAGES AND LIMITS OF INSURANCE: Insurance applies only to an item for which a "limit" or the word "included" is shown.

**COMMERCIAL GENERAL LIABILITY COVERAGE**

OCCURRENCE FORM	LIMITS OF INSURANCE	
General Aggregate (except Products-Completed Operations Limit)	\$	2,000,000
Products-completed Operations Aggregate Limit	\$	2,000,000
Personal and Advertising Injury Limit	\$	1,000,000
Each Occurrence Limit	\$	1,000,000
Damage to Premises Rented to You	\$	300,000
Medical Payments Limit (any one person)	\$	5,000

**BUSINESSOWNERS PROPERTY COVERAGE**

DEDUCTIBLE AMOUNT: Businessowners Property Coverage: \$ 500 per occurrence.  
Building Glass: \$ 500 per occurrence.

BUSINESS INCOME/EXTRA EXPENSE LIMIT: Actual loss for 12 consecutive months

Period of Restoration-Time Period: Immediately

**ADDITIONAL COVERAGE:**

Fine Arts: \$ 25,000

Other additional coverages apply and may be changed by an endorsement. Please read the policy.

**SPECIAL PROVISIONS:**

**COMMERCIAL GENERAL LIABILITY COVERAGE  
IS SUBJECT TO A GENERAL AGGREGATE LIMIT**

MP TO 01 02 05 (Page 1 of 2)

[illegible]

### Encroachment Area

## SUMMARY OF ENCROACHMENT AREAS

Encroachment Area A Existing outdoor seating	34.94 SF
Encroachment Area B Elevated Patio	<u>152.08 SF</u>
<b>Total Encroachment areas</b>	<b>187.02SF</b>

## ARCHITECT'S CERTIFICATE

I, Marlin G Lord, a duly licensed architect, do hereby certify that this plat is accurate based on the plat dated 3/88 prepared by Holland Engineering for Colecroft Station Condominium, City of Alexandria, Virginia showing Submitted, Additional Convertible and Withdrawable Land.

2014

2017.

1401

415

0





Dos Amigos  
Bar & Grill

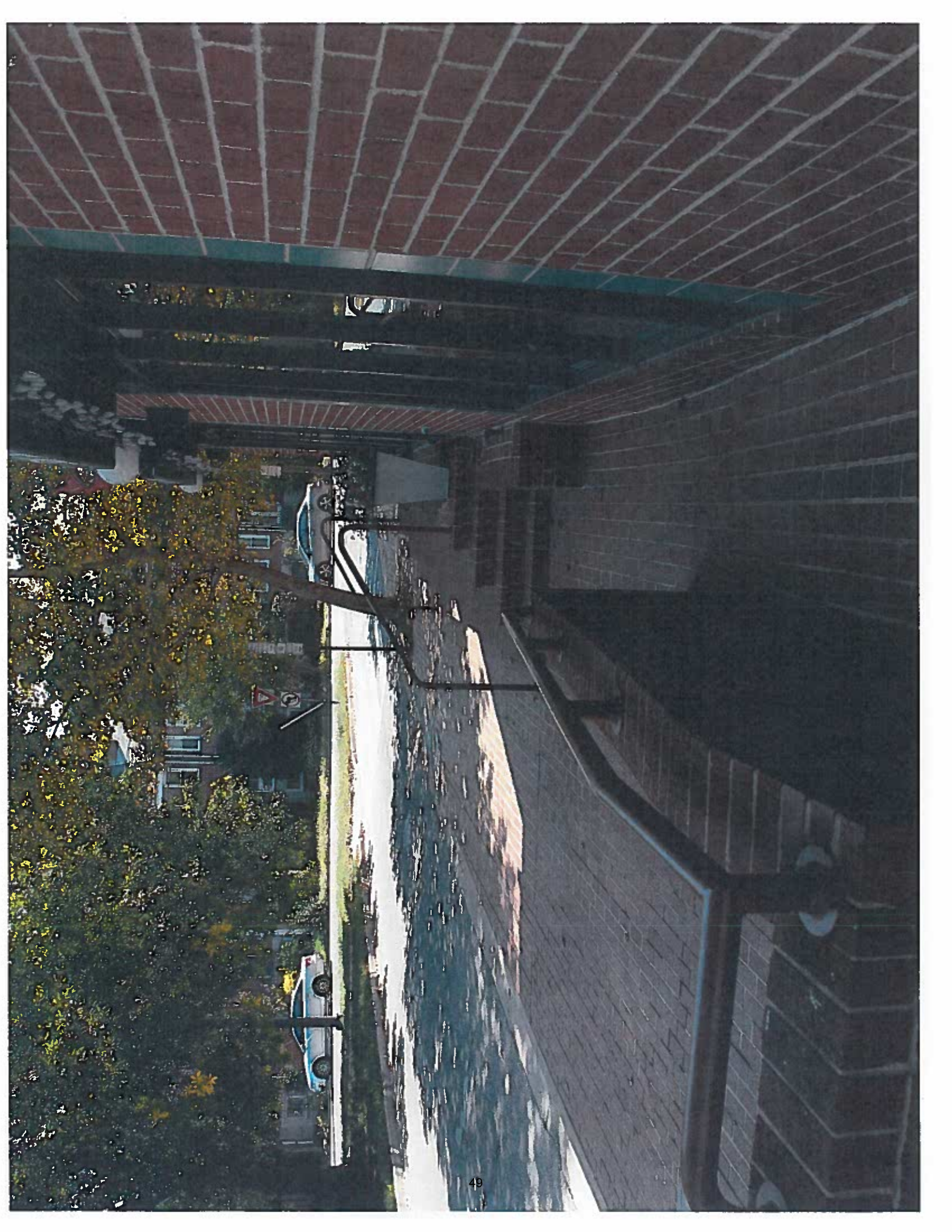
Dos Amigos  
Fine Tex-Mex

OPEN

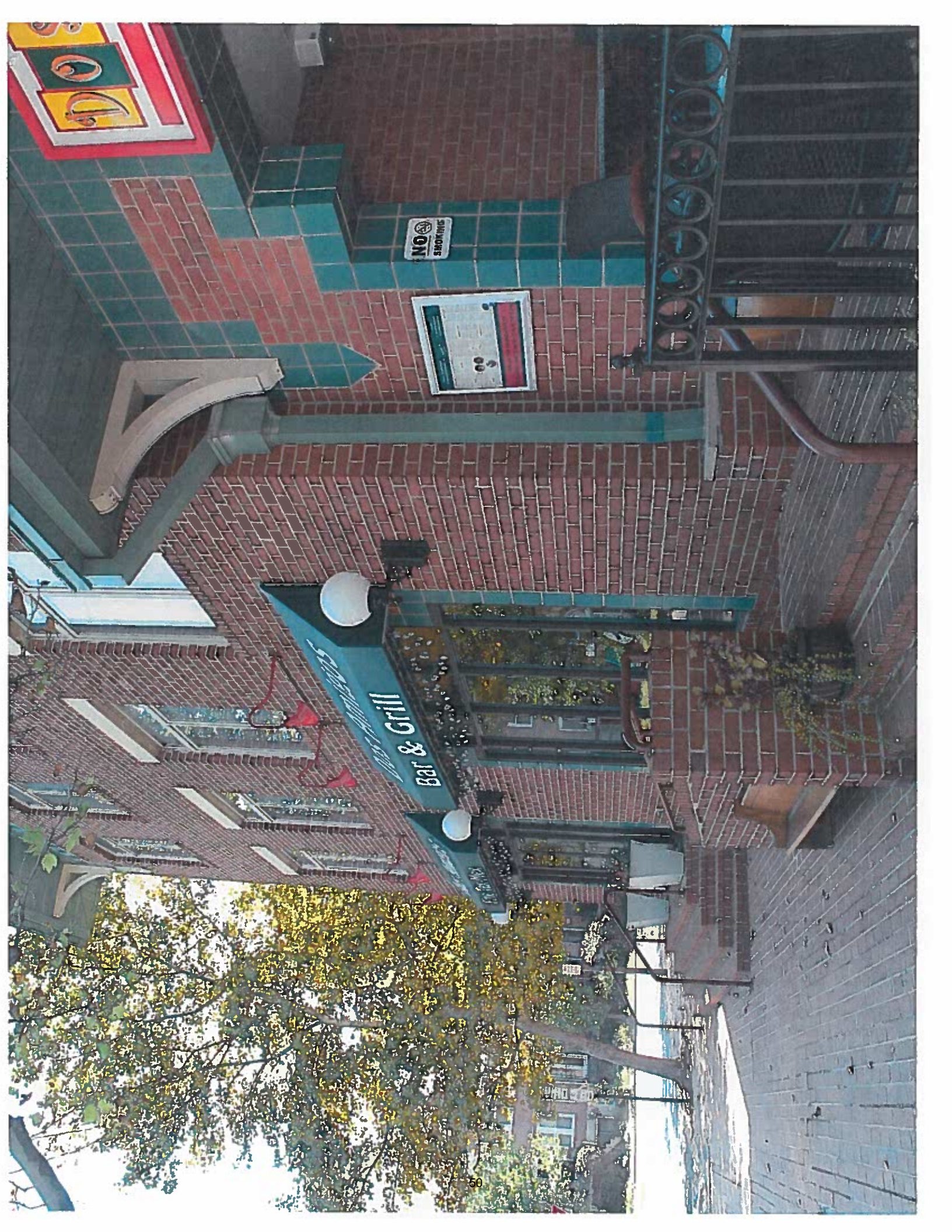




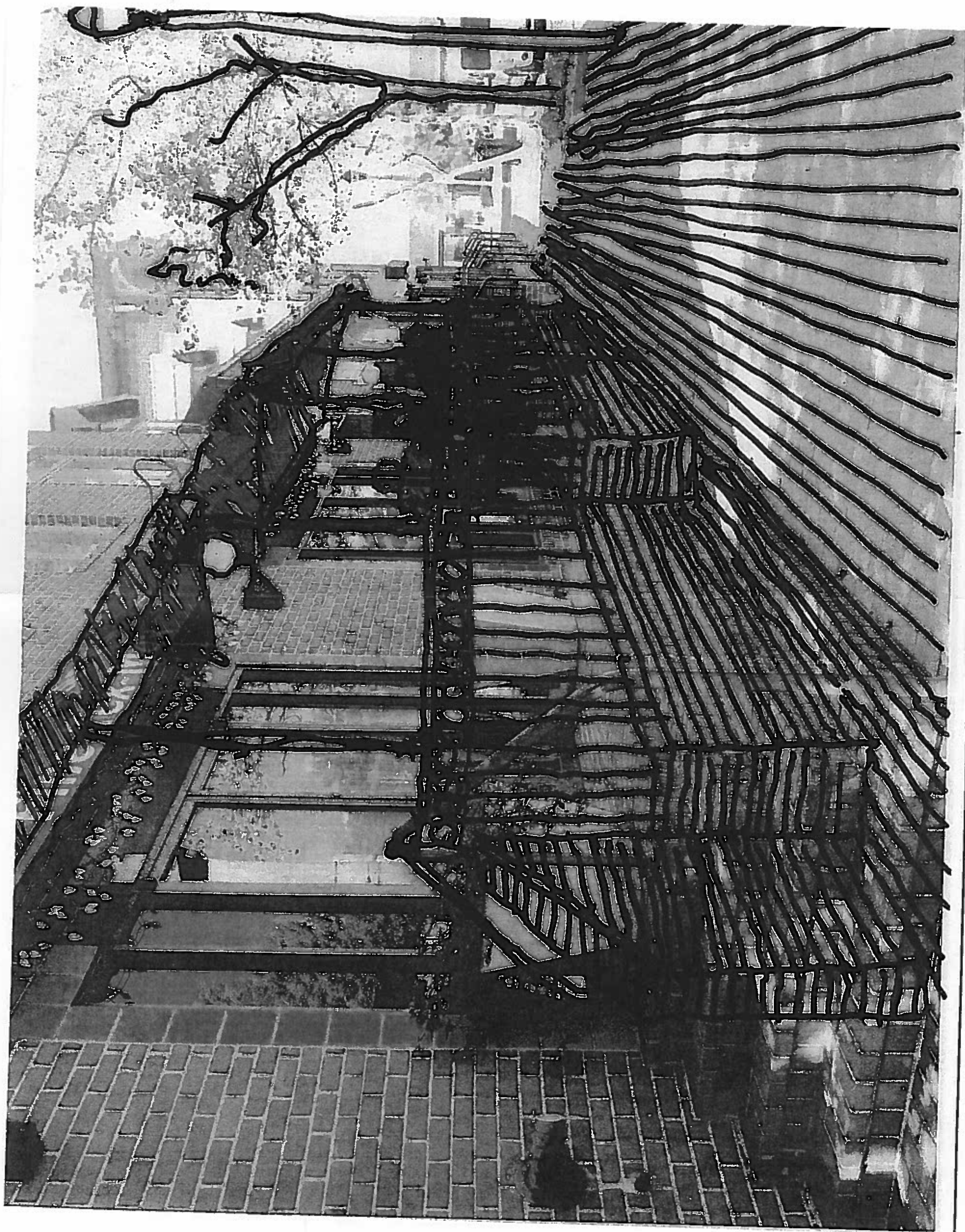
















*Working for a Greater Northwest Old Town* | [www.braddockmetro.org](http://www.braddockmetro.org)

1122 Madison Street, Alexandria, VA 22314 | [bmcc@braddockmetro.org](mailto:bmcc@braddockmetro.org)

February 22, 2016

Chairwoman Mary Lyman  
Planning Commissioners  
Alexandria, Virginia

Re: SUP 2015-0130: Dos Amigos Seating Expansion

Dear Chairwoman Lyman and Planning Commissioners:

I am writing on behalf of the Braddock Metro Citizens' Coalition (BMCC) in support of the Special Use Permit requested by the owners of the Dos Amigos Restaurant which you will consider at your meeting March 1, 2016. Dos Amigos lies within the boundary of the BMCC.

It is our understanding that the requested Special Use Permit and Encroachment applications that have been submitted are for 12 additional outdoor dining seats, a 3-space parking reduction, and use of the public right of way for outdoor dining. The outdoor dining would be located in the same general area in front of the restaurant where it is currently placed. The existing stair area in front of Dos Amigos, currently in the public right of way, will be reconstructed as a raised platform for the additional seats and these stairs would be relocated at the front of the building.

While the SUP request is being submitted by the owner of Dos Amigos, the building itself belongs to the Colecroft Station Unit Owners Association. We have spoken with a board member of that association and have learned they are in full support of the SUP and Encroachment applications and the proposed modifications. The BMCC is pleased to add our full support as well.

The Braddock neighborhood is coming into its own as more residents move here and begin to fulfill the promise of the plan for a transit-oriented dense and diverse community. We are thrilled that Dos Amigos is doing well, full to capacity most evenings and weekends. And with that growing success they are now asking to further invest in their restaurant and thereby in our neighborhood. We ask that you approve the request.

With warm regard,



Judy Guse-Noritake, President

Braddock Metro Citizens' Coalition

Cc: BMCC Membership  
Karl Moritz, Director, Planning & Zoning