

EXHIBIT NO. 1

4
12-16-03

Docket Item #3
SPECIAL USE PERMIT #2003-0100

Planning Commission Meeting
December 2, 2003

ISSUE: Consideration of a request for a special use permit to operate a restaurant.

APPLICANT: Abey Kassa

LOCATION: 50 South Pickett Street #23

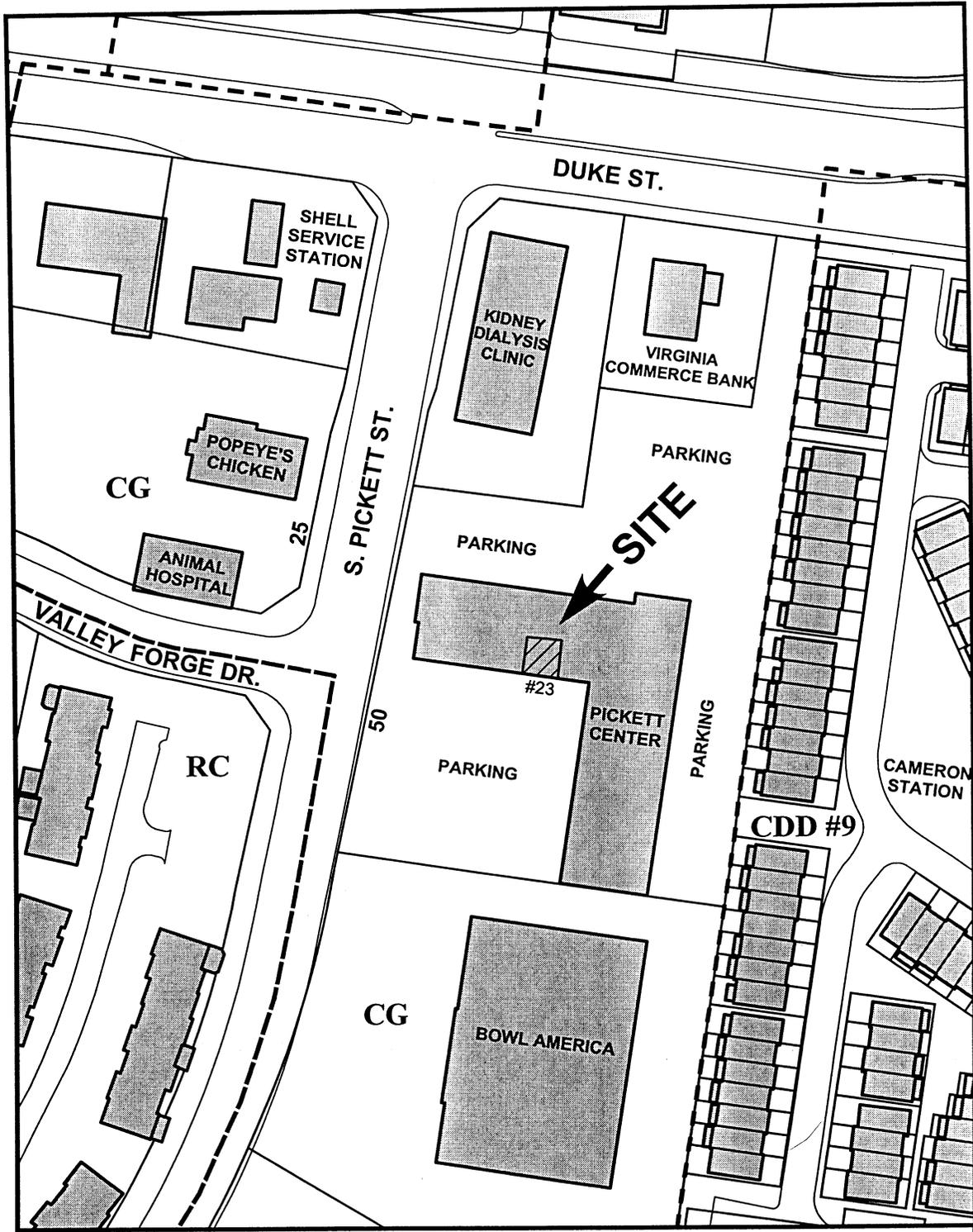
ZONE: CG/Commercial General

STAFF RECOMMENDATION: Staff recommends approval of the request to operate a café/restaurant and carry-out with 24 seats and operating hours of between 7:00 A.M. and 9:00 P.M. daily, subject to compliance with all applicable codes, ordinances and recommended permit conditions as outlined in Section III of this report.

PLANNING COMMISSION ACTION, DECEMBER 2, 2003: On a motion by Mr. Robinson, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and recommended permit conditions. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with staff's analysis.

Speakers: None



SUP #2003-0100

12/02/03



I. DISCUSSION

Request

The applicant, Abey Kassa, requests special use permit approval for the operation of the restaurant 'Four Seasons Bakery Café' in unit #23 within the Pickett Center development located at 50 South Pickett Street.

Site Description

The subject property is part of one lot of record with an irregular shape having 300.9 feet of frontage on South Pickett Street, 30 feet of frontage on Duke Street, 302.2 feet of depth and a total lot area of 2.47 acres. The site is developed with a three story building and a total of 218 parking spaces. The building is occupied primarily by office, retail and medical office uses. The tenant space that is the subject of this application is currently vacant but was occupied until recently by the BAWAD corporation, a medical laboratory.

Restaurant Characteristics

The applicant proposes to operate a 672 square foot restaurant and carry-out with 24 seats. No outside seating is proposed. The menu will consist of sandwiches, soups and pastries, coffee, soda and similar drinks. No alcoholic beverages will be offered. The proposed hours of operation are 7:00 a.m. to 9:00 p.m. daily. The applicant proposes to occasionally deliver food and beverages to businesses in the close proximity during lunchtime and by foot only. No vehicles will be operated for delivery purposes and no delivery menus will be printed or distributed.

Personnel and Patrons

The restaurant will be operated by two full-time and two part-time employees for a total of four employees. The applicant estimates that it will serve approximately 200 patrons daily during the week and between 80 and 100 customers on the weekends.

Waste Collection

Used cups, napkins, boxes and left overs will constitute the majority of trash generated by the restaurant. Trash will be collected six days a week, Monday through Saturday.

Parking

Section 8-200(A) of the Zoning Ordinance requires a restaurant to provide one parking space for each four seats. Four parking spaces were required by the medical laboratory that previously occupied the space. With 24 proposed seats the applicant increases the previously required parking spaces by two for a total of six spaces. Staff conducted an analysis of the off-street parking distribution for the Pickett Center. The results read as follows:

Use	Ratio (spaces per square feet/seats)	Required Off-Street Parking
Retail	1.2 / 220; 1.2 / 320 (lower level); 1.2 / 300 (upper level)	56
Office	1 / 475 sq.ft.	53
Personal Services	1 / 400 sq.ft.	20
Medical	1 / 200 sq.ft.	77
Restaurant	1/ 4 seats (16 existing + 24 for proposed use= 40 total)	10
Total Off-Street Parking Required		216
Total Off-Street Parking Provided		218

According to the parking calculations, adequate parking is provided to meet the requirements for the proposed restaurant use, as well as for all other uses within the Pickett Center.

Zoning

The subject property is located in the CG/Commercial General zone. Section 4-403(Y) of the Zoning Ordinance allows a restaurant in the CG zone only with a special use permit.

Master Plan

The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff has no objection to the small restaurant proposed to be located at 50 South Pickett Street within the Pickett Center. Staff believes that the restaurant will complement the existing office and commercial uses at the center.

Staff believes that the applicant's proposal for occasional walking deliveries to surrounding businesses, predominantly to the dealerships, is reasonable. However, staff would be concerned if the applicant anticipated more frequent deliveries that would require the operation of a vehicle and therefore reduce the number of available customer parking spaces for the center. Therefore, staff has included a condition restricting the service to occasional deliveries at lunch time that do not involve the operation of a vehicle.

Staff notes that the technical parking requirement is met. However, in order to reduce the likelihood of the applicant's customers (and other tenants' customers) competing with its employees for parking spaces near the entrance to the restaurant, staff has included language requiring the applicant to require its employees to park in the parking areas to the north and east of the building during daylight hours to the extent spaces are available. Staff has recommended a similar condition for restaurants and other uses in the Bradlee and Hechinger Commons shopping centers.

Staff has included a condition requiring a review of the restaurant after it has been operational for one year so that if there are problems with its operation, new or additional conditions may be added. With these conditions, staff recommends approval of the special use permit.

III. RECOMMENDED PERMIT CONDITIONS

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. Seating shall be provided for no more than 24 patrons. (P&Z)
3. Outside dining facilities shall be permitted, subject to the approval of the Director of Planning and Zoning. (P&Z)
4. No live entertainment shall be provided at the restaurant. (P&Z)
5. The hours of operation shall be limited to 7:00 A.M. to 9:00 P.M. daily. (P&Z)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
7. Deliveries shall occur during the mornings only and shall be limited to the loading spaces for the center, which are located in the lower parking area, on the north side of the building. (P&Z)
8. The applicant shall require its employees to park in the parking areas to the north and east of the building during daylight hours to the extent spaces are available. (P&Z)
9. Alcoholic beverage sales are not permitted. (P&Z)
10. No food, beverages, or other material shall be stored outside. (P&Z)

11. Delivery of food and beverages shall be limited to and based solely on occasional requests from businesses in close proximity during lunchtime. No vehicles shall be permitted in conjunction with the business and no delivery menus shall be printed or distributed. (P&Z)
12. 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)
13. 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)
14. The applicant shall install at least one trash container within the restaurant for patrons' use. (P&Z)
15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
16. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
17. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
18. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees and a security survey for the business, which is to be completed prior to opening for business. (Police)
19. Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)
20. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements. (P&Z)

21. The Director of Planning and Zoning shall review the special use permit one year after 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, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

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.

SUP #2003-0100
50 South Pickett Street #23

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Bettina Irps, Urban Planner.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- 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.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 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.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.

- C-4 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.
- C-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 313.0.
- C-6 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-7 The following code requirements apply where food preparation results in the development of grease laden vapors:
 - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-8 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
 - (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.

Health Department:

An Alexandria Health Department Permit is required for all regulated facilities.

- C-1 Five sets of plans are to be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for plans review of food facilities.
- C-2 Permits must be obtained prior to operation.
- C-3 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.

- C-4 Certified Food Managers must be on duty during hours of operation.
- C-5 Provide a menu or list of foods to be handled at this facility to Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business. This is to be completed prior to opening for business.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- F-3 The applicant is not applying for an A.B.C. permit. The Police Department concurs with this.

APPLICATION for SPECIAL USE PERMIT # 2003-0100

[must use black ink or type]

PROPERTY LOCATION: 50 South Pickett St. #22²³⁰ Alex. Va 2230

TAX MAP REFERENCE: 058.02-0A-0R17 ZONE: CG1

APPLICANT Name: Abey Kassa

Address: 5915 Hall St Springfield Va. 22152

PROPERTY OWNER Name: Anne S. McDonald, D.M.D

Address: 50 South Pickett St. #104 Alex. Va 22304

PROPOSED USE: Cafe and deli.

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 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 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 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 Planning Commission or City Council in the course of public hearings 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.

Abey Kassa
Print Name of Applicant or Agent

[Signature]
Signature

5915 Hall St.
Mailing/Street Address

(571) 276-9685
Telephone # Fax #

Springfield Va 22152
City and State Zip Code

9/26/03
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: Dec 2, 2003 Recommend Approval 7-0

ACTION - CITY COUNCIL: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) the 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, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

ABEY KASSA 50%
MENNA DESTA 50%

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?

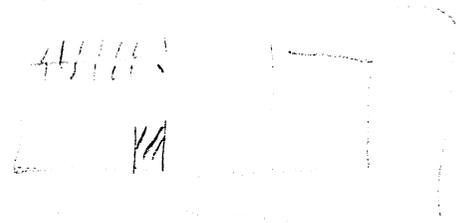
- Yes. Provide proof of current City business license
 No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

Interior



Plot Plan



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, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

Four Seasons Bakery Cafe will serve Muffins, Cakes, Cookies, Coffee, Soda, Sandwiches and Soups for the building employees and for the area office employees. We expect 200 people everyday and the operation hours will be Monday through Sunday from 7:00 a.m. to 9:00 p.m. We open weekends for street customers and car dealership employees. Four Seasons Bakery Cafe will have four employees (2 fulltime and 2 parttime). The parking place is like Shopping Center which is 218 spaces including handicapped parking. Because of the large parking spaces there is no any noise will generate.

No special delivery truck or employee it's only a complement to customers in the dealership's ^(lunch) only walking distance, less than a block. This is only ^{by} request we do not have on the menu.

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: _____

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). ⓧ

|| Monday to Friday (200 patrons) 7:00 am - 9:00 pm
Saturday and Sunday (80-100) 7:00 am - 9:00 pm

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

4 employees, Monday - Friday 2 full time
2 parttime, Saturday - Sunday 1 full time 1 parttime

6. Please describe the proposed hours and days of operation of the proposed use:

|| Day: Monday to Sunday Hours: 7:00 a.m - 9:00 p.m ⓧ

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

NO- noise

B. How will the noise from patrons be controlled?

—

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

By using Vent.

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?

Coffee Cups, Napkins, Boxes and left overs.

B. How much trash and garbage will be generated by the use?

two Bags.

C. How often will trash be collected?

ACCORDING. BLDG. MANGMENT

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

the Management will take care of it.

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:

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:

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

INSURANCE

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

1 parking space for every 4 seats = 6 [Ⓢ]

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

212 Standard spaces

_____ Compact spaces

6 Handicapped accessible spaces.

_____ Other.

C. Where is required parking located? on-site off-site (check one)

If the required parking will be located off-site, where will it be located:

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.

D. 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.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? N/A

B. How many loading spaces are available for the use? PARKING LOT

C. Where are off-street loading facilities located? _____

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

Friday 7:00am - 8:00 am

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

once a week.

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?

adequate

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?

692 sq. ft. (existing) + _____ sq. ft. (addition if any) = 692 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: Pickett Center

an office building. Please provide name of the building: _____

other, please describe: _____

RESTAURANT SUPPLEMENTAL APPLICATION

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?

At tables: 24 At a bar: — Total number proposed: 24

2. Will the restaurant offer any of the following?

NO alcoholic beverages NO beer and wine (on-premises)

NO beer and wine (off-premises)

3. Please describe the type of food that will be served:

Muffin, Cakes, Cookies, Coffe, Sandwiches and Soups

4. The restaurant will offer the following service (check items that apply):

— table service — bar ✓ carry-out ✓ delivery
Lunch, only walking distance by request.

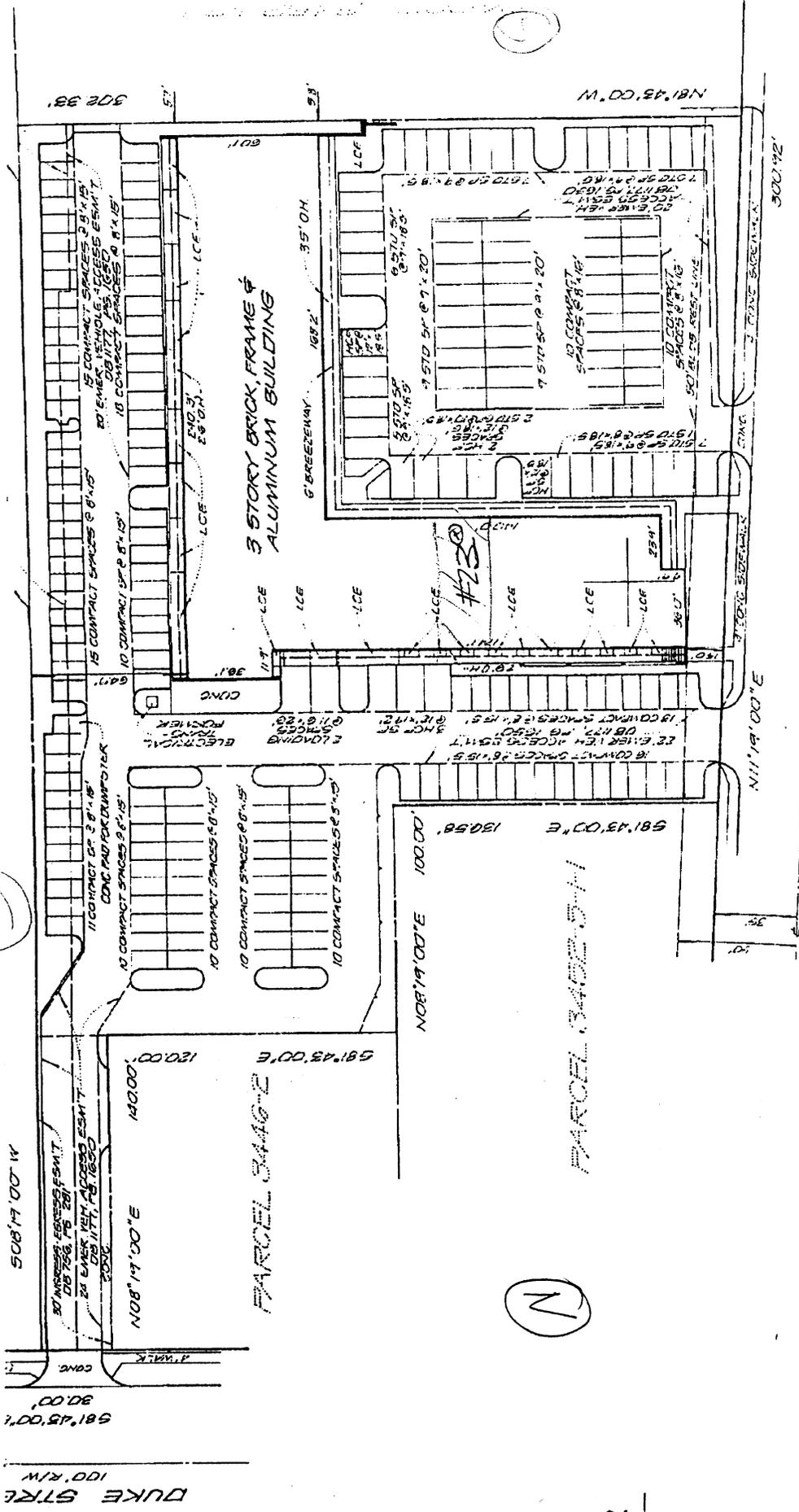
5. If delivery service is proposed, how many vehicles do you anticipate? —

Will delivery drivers use their own vehicles? — Yes. X No.

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? — Yes. X No.

If yes, please describe: _____

11/27/10 121 ENI



50. PICKETT STREET

70' R/W

NOTES

1. THE PROPERTY DELINEATED HEREON IS LOCATED ON TAX MAP 58.02-01-548.
2. NO TITLE REPORT WAS FURNISHED.
3. TOTAL SITE AREA = 107,683± OR 2.471 ACRES.
4. TOTAL PARKING PROVIDED = 218 SPACES.
5. PROPERTY ADDRESSES:

SURVEYOR'S CERTIFICATE

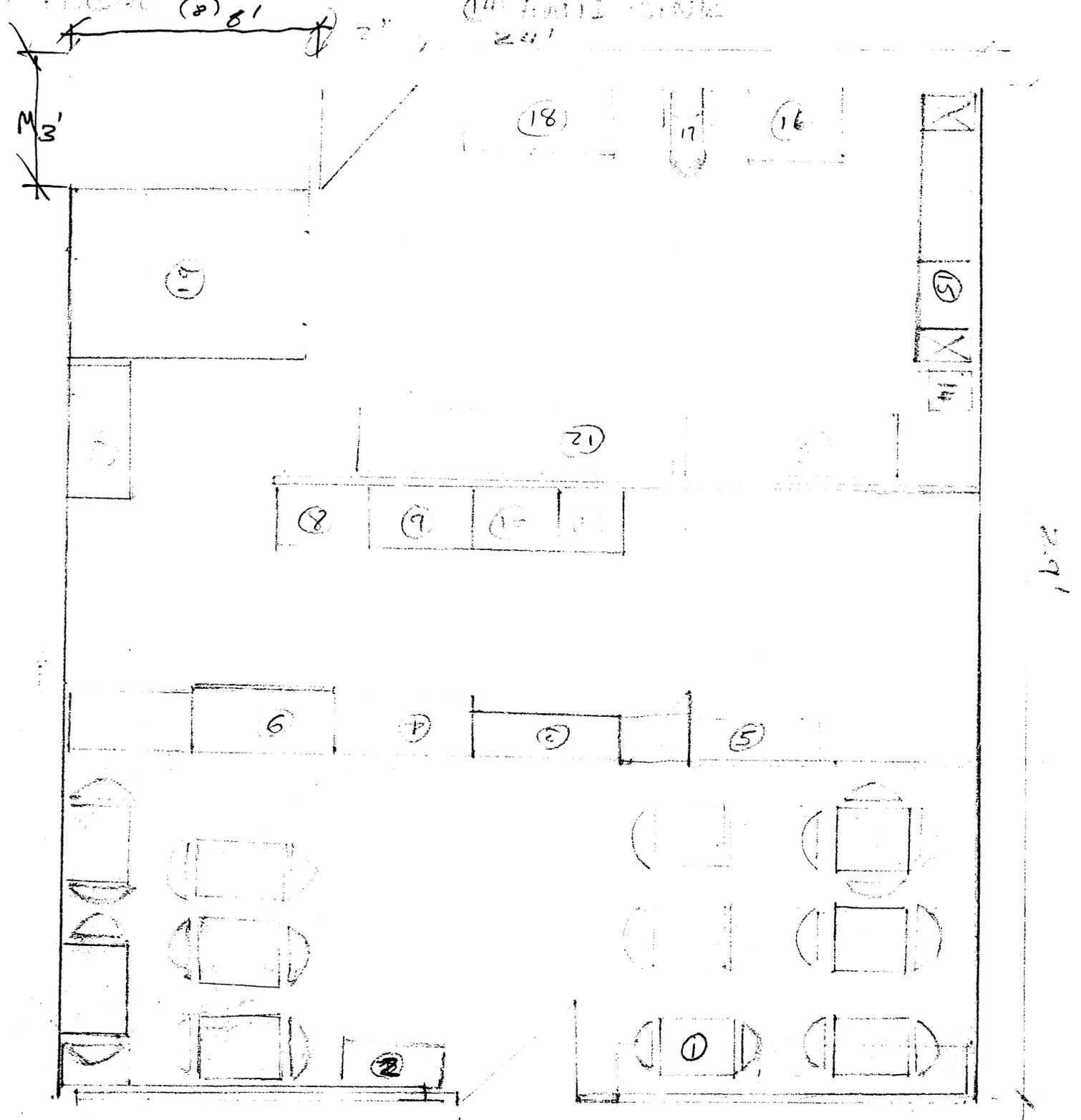
I, KENNETH W. WHITE, A DULY AUTHORIZED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE PROPERTY DELINEATED HEREON IS NOW IN THE NAME OF PICKETT CENTER LIMITED PARTNERSHIP AND WAS ACQUIRED BY DEED DATED JULY 1, 1988 AND RECORDED IN DEED BOOK 1179 AT PAGE 1275 AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA.

I FURTHER CERTIFY THAT THIS DRAWING IS ACCURATE, WITHIN NORMAL TOLERANCES, AND COMPLIES WITH SECTION 55-79.58 (B) OF THE CONDOMINIUM ACT, AND THAT THE BUILDING AND PHYSICAL IMPROVEMENTS SHOWN HEREON ARE SHOWN AS NOTED.

12

LEGEND

- ① TABLE
- ⑧ SAND COUNTER
- ⑫ 3 COMP PAN
- ② CONSUMERS
- ⑨ COFFEE COUNTER
- ⑬ CASH BOY
- ③ HAND WASHING STATION
- ⑩ MICROWAVE
- ⑭ MUGS
- ④ BREAD DISPLAY CASE
- ⑪ HAND SINK
- ⑮ FRYER
- ⑤ SANDWICH COUNTER
- ⑫ PREP TABLE
- ⑯ STOVE
- ⑥ FOOD PREPARATION
- ⑬ PREP TABLE
- ⑭ HAND SINK



④ amended by Abey Kassa, applicant for SUP# 2003-100,
10/21/03.

Abey Kassa