

EXHIBIT NO. 1

5
6-15-02

Docket Item # 5
SPECIAL USE PERMIT #2002-0030

Planning Commission Meeting
June 4, 2002

ISSUE: Consideration of a request for a special use permit to operate a restaurant in conjunction with an existing bakery.

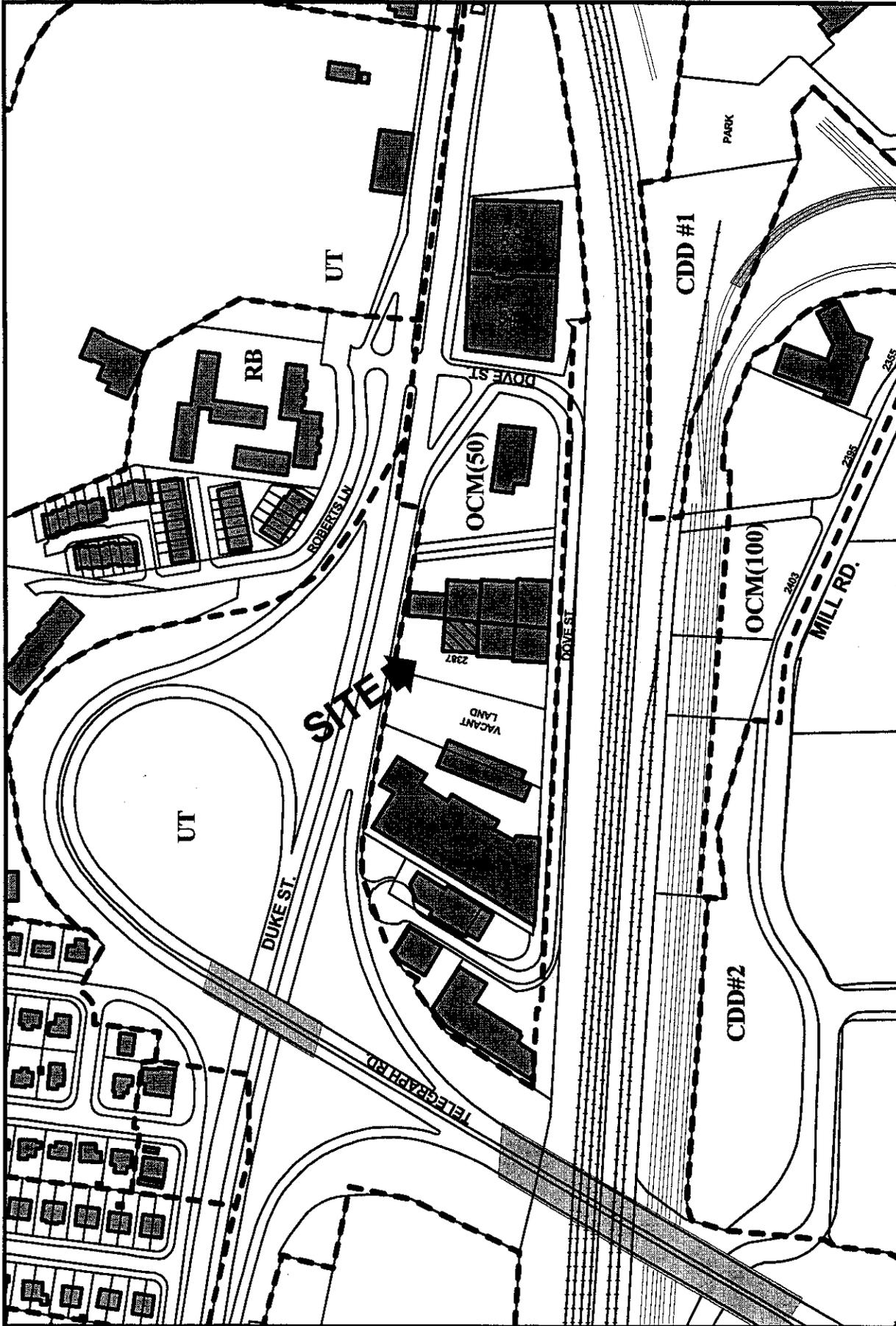
APPLICANT: OAVAR'S Inc., trading as Veronica's Bakery & Café
by Oswaldo A. Salinas

LOCATION: 2387 Dove Street

ZONE: OCM-50/Office Commercial Medium

PLANNING COMMISSION ACTION, JUNE 4, 2002: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



06/04/02

SUP #2002-0030



STAFF RECOMMENDATION:

Staff recommends approval subject to compliance with all applicable codes and ordinances and the following 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 12 patrons. (P&Z)
3. No outside dining facilities shall be located on the premises. (P&Z)
4. No live entertainment shall be provided at the restaurant. (P&Z)
5. The hours of operation shall be limited to 5:30 a.m. to 10:30 p.m. daily. (P&Z)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
7. No alcoholic beverages shall be sold for on or off-premises consumption. (P&Z)
8. No food, beverages, or other material shall be stored outside. (P&Z)
9. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z)
10. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
12. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)

13. No amplified sound shall be audible at the property line. Loudspeakers shall be prohibited from the exterior of the building. (P&Z) (T&ES)
14. The applicant shall require that its employees who drive use off-street parking. (P&Z)
15. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees prior to operation. (Police)
16. 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)
17. The applicant shall contribute \$250 to the City for the City's installation of one street tree along Duke Street, adjacent to the subject property; to the satisfaction of the Director of the Department of Planning and Zoning and the City Arborist. (P&Z)
18. 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 Notes:

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.

Any exterior changes to the property visible from a public way including, for example, signs, alterations to entryway, HVAC equipment, ventilating stacks and lights, require review and approval by the Board of Architectural Review.

Prior to the commencement of operation the applicant must obtain a business license from the Business Tax Branch.

DISCUSSION:

1. The applicant, Oavar's, Inc., trading as Veronica's Bakery and Café, requests special use permit approval to operate a restaurant in conjunction with an existing bakery located at 2387 Dove Street.
2. The subject property is one lot of record with 145 feet of frontage on Dove Street, 96 feet of frontage on Duke Street, 281 feet of depth and a total lot area of 32,632 square feet. The site is developed with a one-story, multi-tenant commercial/industrial building. Access to the property is from Dove Street. The proposed restaurant and bakery space is 2,047 square feet.
3. The applicant is requesting special use permit approval to add a restaurant to an existing bakery.
4. The existing bakery is a wholesale business with a retail component that operated before the zoning laws changed to require a special use permit for wholesale businesses, and continues as an existing noncomplying use. A special use permit is required to expand or intensify a noncomplying use under Section 12-302(A). A special use permit is also required for restaurants in the OCM-50 zone.
5. The proposed restaurant will have 12 seats and serve breakfast and lunch primarily. The menu includes eggs, waffles, tamales, pupusas, atoles, and, among other items, a buffet with beef stew, rice, lasagne, spaghetti, tacos, and cold cut sandwiches. No alcohol sales are proposed. The hours of operation for both the restaurant and the bakery will be from 5:30 a.m. to 10:30 p.m. daily. Approximately four restaurant employees will join the six bakers on staff. The applicant expects approximately 75 patrons daily.
6. The bakery is currently open between 6:00 a.m. and 4:30 p.m. daily, and provides wholesale and retail services.
7. The applicant does not expect noise, odors or litter to be a problem. Garbage will be stored in the on-site dumpster and collected two to three times a week.
8. Pursuant to Section 8-200(A)(8), a restaurant with 12 seats is required to provide three parking spaces. The wholesale/retail bakery is a noncomplying industrial use and, here has a parking requirement for six spaces. These two requirements total nine parking spaces.

The applicant provides four parking spaces and one loading space on-site that are dedicated to her business. She also has access to shared parking within the on-site parking lot. The parking lot has 34 parking spaces that are shared by six tenants, including the applicant. The other tenants who use this parking lot are retail and office tenants, including an interior design firm, pet store, printing office, sign company, and moving company. These tenants also have dedicated spaces, but the applicant has stated that there are always excess parking spaces that her customers can use. Staff concludes that the applicant can meet her parking requirement on-site.

9. The applicant expects that most of her new employees will use public transportation. The applicant has indicated that the current employees working at the bakery primarily use public transit.
10. Zoning: The subject property is located in the OCM-50 (Office Commercial Medium) zone. Section 4-903 (AA) of the zoning ordinance allows a restaurant in the OCM-50 zone only with a special use permit. Additionally, a special use permit is required to expand or intensify the noncomplying wholesale bakery under Section 12-302(A)
11. Master Plan: The proposed use is consistent with the Taylor Run/Duke Street Small Area Plan chapter of the Master Plan which designates the property for commercial use.

STAFF ANALYSIS:

Staff has no objection to the proposed restaurant located at 2387 Dove Street. The restaurant is an appropriate use for this commercial location. The restaurant will provide a food service to the other business tenants in the complex (there is no other food service available in the complex to date), and will not affect residential properties since there are no residential properties nearby. There is sufficient parking on-site for the proposed restaurant use and the adjacent office and retail uses. Noise, litter, and traffic are not likely problems since the complex is situated in a primarily industrial/commercial area, the applicant will provide trash receptacles on-site, and the main entrance is located on a secondary road that serves a small number of properties.

Staff does recommend that the applicant improve the site by funding the addition of one street tree on Duke Street. Staff has also included a condition requiring a review of the proposed restaurant one year after this approval so if there are any problems with it's operation, additional conditions may be imposed. Staff recommends approval of the proposed restaurant subject to the list of suggested conditions.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Mary Hashemi, Urban Planner.

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.

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 or 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 alteration 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 Section 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:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 This facility is currently operating as Veronica's Bakery & Café under permit #16F-1278-1, issued to Oavar's, Inc.
- C-3 This facility and all modifications must meet current Alexandria City Code requirements for or food establishments.
- C-4 Five sets of plans must be submitted to and approved by this department prior to construction/modifications. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-5 Permits and/or approval must be obtained prior to operation.
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.

- C-7 Certified Food Managers must be on duty during all hours of operation.
- C-8 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, chapter 2, requirements.
- C-9 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 Security survey and robbery awareness program for the business.

MVH

APPLICATION for SPECIAL USE PERMIT # 2002-0030

[must use black ink or type]

PROPERTY LOCATION: 2387 S. DOVE ST. (2387 Duke)

TAX MAP REFERENCE: 72.00-01-09.10911 ZONE: C

APPLICANT Name: CAVAR'S INC I/A VERONICA'S BAKERY & CAFE'

Address: 2387 S. DOVE ST. Alex. Va. 22314

PROPERTY OWNER Name: 2350 DUKE ST. ASSOCIATES, L.C.

Address: 7238 Fullerton Rd, P.O. Box 39, Springfield, VA

PROPOSED USE: Existing Bakery / with Proposed Restaurant (To prepare hot food) 22150

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.

Oswaldo A. SALINAS
Print Name of Applicant or Agent

Oswaldo A. Salinas
Signature

5406 WYCKLOW COURT
Mailing/Street Address

(703) 820-3725 (703) 837-8495
Telephone # Fax #

Alexandria, Va 22304
City and State Zip Code

3/21/02
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: _____

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.

Oswaldo A. SALINAS, President of Corporation
100% ownership

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.

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)

The proposed Cafe/Restaurant will operate similar to the one located at 4116 Mt. Vernon Ave. Serving breakfast in the morning (Eggs, waffles, Tamales, pupusas, atoles etc) and to have a Hot food buffet for lunch hosting a variety of food like Beef Stew, rice, Lasagne, spaghetti, Tacos, Cold Cut Sandwiches, etc. We anticipate to served to the neighborhood and nearby surrounding. Our main activity will be our baking. Our employees consist of 6 Bakers, 2 Cook, one asst. cook, and one hostess/asst. manager on site. Most of our employees ^{will use} public transportation and we are allow to have 4 parking spaces for our special used. There is public parking on the main street (Dove St.) The hours of operations will be from 5:30 a.m. 9:00 p.m. The use, ^(cooking) will not generate any uncontrollable noise.

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:

In/and out
not everyone at
same time →

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

It depend on how people respond to our Menu.
Breakfast 5:30-9:30 lunch 10:30-2:00 p.m. Dinner or in between
 Approx. 15 people APPROX. 20-25 people 3:00 | 6:30 ?

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

Beside the Bakers/Asst. Bakers - 2 cooks, 2 assist cooks
2 hostesses/assist managers. For 2 different shifts

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

Day:	Hours: a.m.
<u>Monday - Friday</u>	<u>5:30 - 10:30 p.m.</u>
<u>Saturday - Sunday</u>	<u>5:30 - 10:30 p.m.</u>
_____	_____
_____	_____

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

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

Other than cooking which it not an uncontrollable noise
there is nothing else that will disturb the neighborhood.

B. How will the noise from patrons be controlled?

Cooking will be done inside the premises and at
a designated area that in any matter will disturb
patrons or patrons will disturb other tenants.

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

a hood (Fan, exhaust) will be bid in order to control odor
which it is appropriate for this kind of work.

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?

Boxes, paper, plastic, etc. Trash cans are provide by
landlord with appropriate recycling bin

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

the usual

C. How often will trash be collected?

2 Twice a week

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

we have a Trash can nearby the door and we will
enforce that customer leave the trash before leaving the
store.

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:

~~Complying with City Code~~ All

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

Complying with City Code

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?

3 Parking spaces

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

3 Standard spaces

3 Compact spaces

✓ Handicapped accessible spaces.

 Other.

4 Spaces dedicated to our business.

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? 0

B. How many loading spaces are available for the use? 1 (Separate from 4 space of parking)

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

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

Early in the morning and late evening

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

1 every evening and
2-3 Times Early in the morning

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?

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?

2,047 sq. ft. (existing) + 0 sq. ft. (addition if any) = 2,047 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: Story Brick Warehouse

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: 3 Tables
4 seats each At a bar: _____ Total number proposed: 12 seats

2. Will the restaurant offer any of the following?

_____ alcoholic beverages _____ beer and wine (on-premises)
_____ beer and wine (off-premises)

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

Breakfasts (eggs, waffles, coffee etc) Ethnic food
(Papas, Taloles, atole, Tacos, etc) Hot Food display (Like a
Buffet For lunch)

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

table service _____ bar carry-out delivery

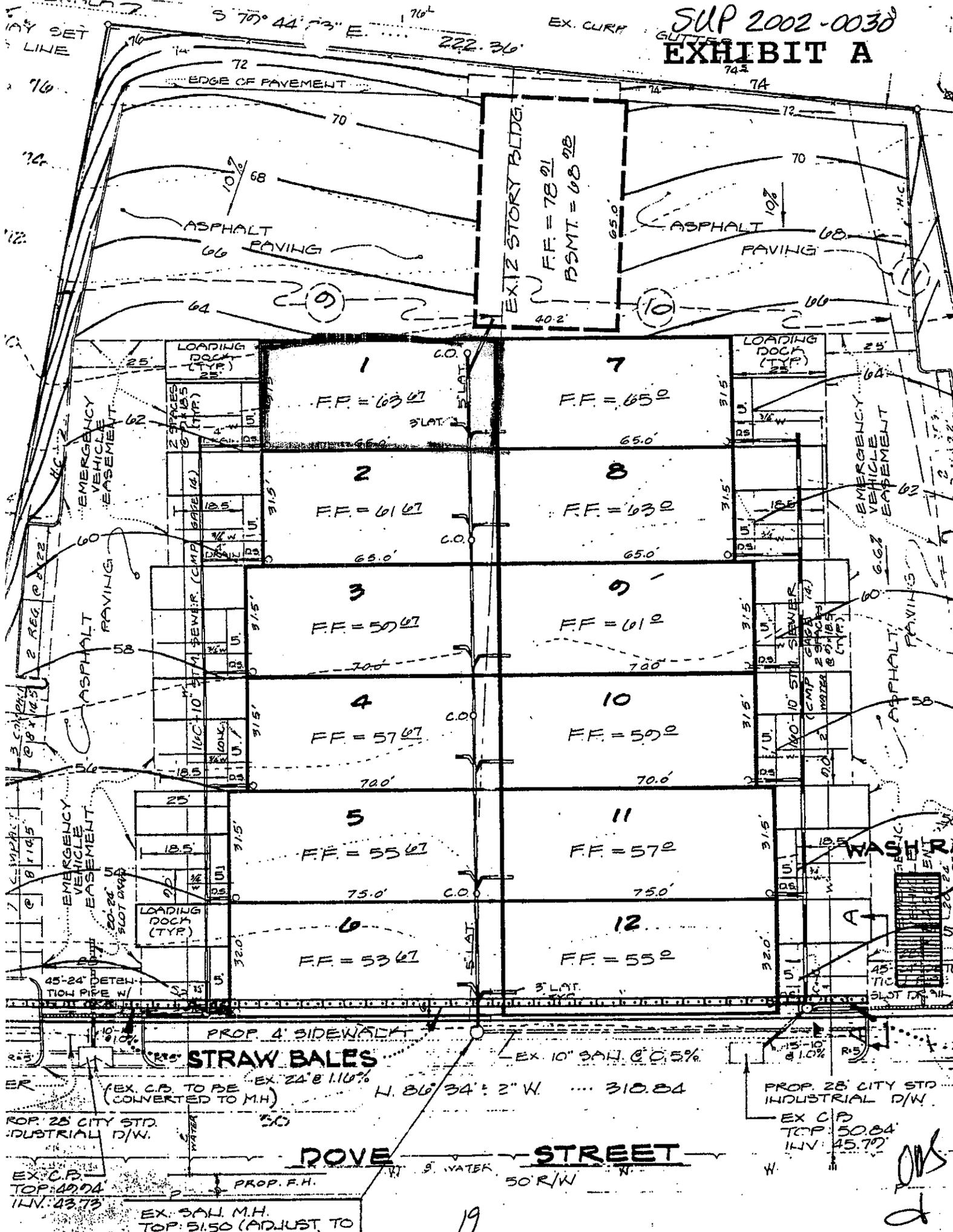
5. If delivery service is proposed, how many vehicles do you anticipate? 2

Will delivery drivers use their own vehicles? _____ Yes. No.

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

If yes, please describe: One Television on Dining area

SUP 2002-0030
EXHIBIT A



MVH

5

APPLICATION for SPECIAL USE PERMIT # 2002-0030

[must use black ink or type]

PROPERTY LOCATION: 2387 S. DOVE ST.

TAX MAP REFERENCE: (72.00-01-09)10911 ZONE: DCM-50

APPLICANT Name: CAVAR'S INC /T/A VERONICA'S BAKERY & CAFE'

Address: 2387 S. DOVE ST, Alex. Va. 22314

PROPERTY OWNER Name: 2350 DUKE ST, ASSOCIATES, L.C.

Address: 7238 Fullerton Rd, P.O. Box 39, Springfield, VA

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Oswaldo A. SALINAS
Print Name of Applicant or Agent

5406 WYCKLOW COURT
Mailing/Street Address

Alexandria, Va 22304
City and State Zip Code

Oswaldo A. Salinas
703-837-1612 Signature 703-837-8494 (work)
703-837-8703
(703) 820-3725 Telephone # (703) 837-8495 Fax #

3/21/02
Date

=====DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY=====

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

ACTION - PLANNING COMMISSION: 6/04/02 RECOMMEND APPROVAL UC

ACTION - CITY COUNCIL: 6/15/02PH-- CC approved the Planning Commission recommendation.