EXHIBIT NO. 1

7
6-12-04

Docket Item #7
SPECIAL USE PERMIT #2004-0033

Planning Commission Meeting
June 1, 2004

ISSUE: Consideration of a request for a special use permit amendment to increase the number of seats and change the hours of operation at a restaurant.

APPLICANT: Gholamreza Sanjideh

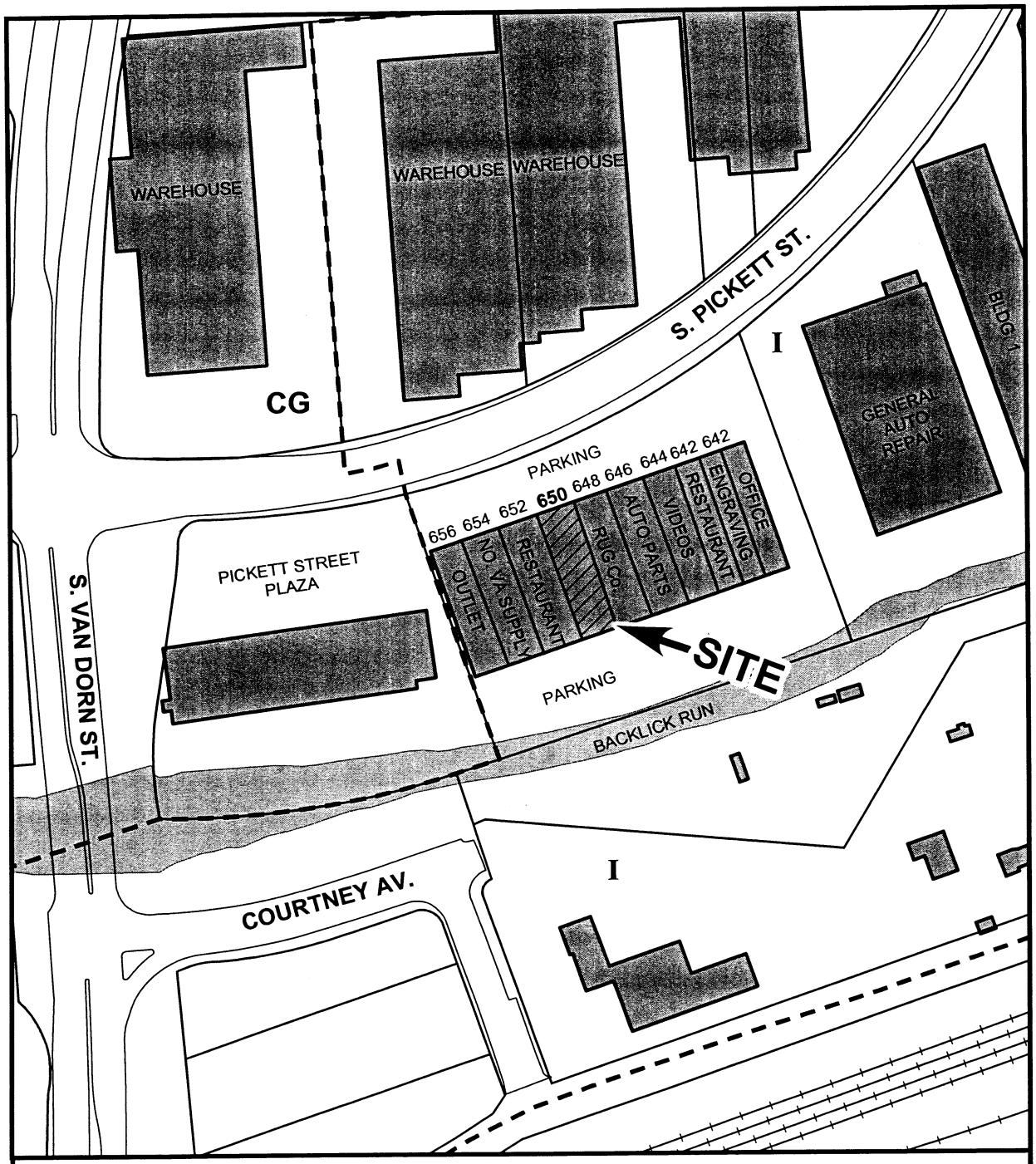
LOCATION: 650 South Pickett Street

ZONE: I/Industrial

PLANNING COMMISSION ACTION, JUNE 1, 2004: 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.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the permit conditions found in Section III of this report.



CITY OF ALEXANDRIA VIRGINIA

SUP #2004-0033 **06/01/04**

N

I. DISCUSSION

REQUEST
The applicant, Gholamreza Sanjideh, requests special use permit amendment to increase the number of seats and change the hours of operation of the restaurant located at 650 South Pickett Street.

SITE DESCRIPTION
The subject property is one lot of record with 416 feet of frontage on South Pickett Street, a depth of 362 feet and totals 132,130 square feet. A two story warehouse building of 61,600 square feet is located on the property. The building was constructed in 1962 and sections of the building were renovated in 1977. Surface parking of an estimated 144 spaces is located at the front, rear and east sides of the building. Other tenants in the building include Shenandoah Brewing Company (SUP#99-0022), Nick's Restaurant (SUP#2816), and office and wholesale uses.

CURRENT RESTAURANT CHARACTERISTICS
The existing 44-seat restaurant is part of a retail/wholesale bakery that serves international foods, breads, and pastries and offers take-out and delivery service. The business is operated by three employees per shift, with three shifts daily between 6:00 A.M. and 6:00 P.M. Occasionally, the applicant provides live entertainment in the form of soloists or small musical ensembles. The sale of alcoholic beverages is not permitted. Trash is collected three times a week from the dumpster located at the rear of the building.

Staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.

PROPOSED SUP AMENDMENTS
The applicant seeks permission to amend the following conditions:

Condition # 2: "Seating shall be provided for no more than 44 patrons." The applicant is proposing to add 20 seats for a total of 64 seats.

Condition #3: "No outside dining facilities shall be located on the premises." The applicant seeks permission to allow outdoor seating for up to 16 patrons on a proposed deck, which will be located on private property and not eliminate required parking spaces. (See attached plan)

Condition # 5: "The hours of operation shall be limited to 6:00 A.M. to 6:00 P.M. daily." The applicant is requesting approval to close at 11:00 P.M. daily.

Should the amendment be approved, the applicant will add a handicap accessible ramp to the proposed deck at the front of the building. The extended operation will increase the shifts from three to up to five shifts per day. The applicant anticipates between 70 and 100 patrons daily.

No additional changes to the restaurant are proposed.

PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance, a restaurant with 64 seats is required to provide 16 parking spaces. As part of the existing special use permit staff determined that pursuant to the previous use as a retail/wholesale bakery, 14 spaces were already allocated to the subject space. Due to an increase in the parking demand, staff conducted a parking analysis and found that 137 spaces are required for all businesses in the industrial/commercial center. A total of 144 parking spaces is provided, thus allowing the two additional spaces to be occupied by the applicant. Therefore, the applicant meets the parking requirement. Staff notes that most of the other tenants operate during office hours, making additional parking spaces available after 6:00 P.M.

ZONING / MASTER PLAN

The subject property is located in the I/Industrial zone. Section 4-1202 (R.1) of the Zoning Ordinance allows a restaurant in the I zone only with a special use permit. The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for industrial use.

II. STAFF ANALYSIS

Staff supports the proposed special use permit amendment for the restaurant located at 650 South Pickett Street. The restaurant adds to the mix of uses at the building and will contribute to a more vibrant appearance once the proposed sundeck is added to the front of the building. In addition to retaining all the standard restaurant conditions, staff included a condition for landscape planters to be placed on the deck. Although the applicant proposes to be open no later than 11:00 P.M., staff recommends a closing hour of 12:00 midnight in order to give the applicant more flexibility.

Staff has also included a condition requiring a review one year after approval. With these conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

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) (SUP#2003-0063)

2. **CONDITION AMENDED BY STAFF:** Seating shall be provided for no more than ~~44~~ 64 patrons. ~~(P&Z) (SUP#2003-0063)~~ (P&Z)

3. **CONDITION AMENDED BY STAFF:** ~~No outside dining facilities shall be located on the premises. (P&Z) (SUP#2003-0063)~~ Outside dining facilities may be located on private property but shall not eliminate required parking spaces. Prior to the installation of an outdoor dining deck, the applicant shall submit plans and obtain approval of the Director of Planning and Zoning for the deck's design, location and construction. The applicant shall ensure that access is provided per code requirements and that the seating area is cleaned at the close of each day of operation. ~~(P&Z) (SUP#2003-0063)~~ (P&Z)

4. Live entertainment is permitted. (P&Z) (SUP#2003-0063)

5. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to 6:00 A.M. ~~to 6:00 P.M.~~. 12:00 midnight daily. ~~(P&Z) (SUP#2003-0063)~~ (P&Z)

6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2003-0063)

7. No alcoholic beverages shall be sold for on or off-premises consumption. (P&Z) (SUP#2003-0063)

8. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2003-0063)

9. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (SUP#2003-0063)

10. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP#2003-0063)

11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2003-0063)

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) (SUP#2003-0063)

13. **CONDITION REVISED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building and n~~N~~o amplified sounds shall be audible at the property line. (T&ES) (SUP#2003-0063)

14. The applicant shall require that its employees who drive use off-street parking. (P&Z) (SUP#2003-0063)

15. **CONDITION DELETED BY STAFF:** ~~The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey and a robbery awareness program for all employees. (Police) (SUP#2003-0063)~~

16. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2003-0063)

17. The applicant shall conduct an employee training session on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z) (SUP#2003-0063)

18. **CONDITION AMENDED BY STAFF:** 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, which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has

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

20. **CONDITION ADDED BY STAFF:** The applicant shall install and maintain landscaped planters, to include four seasons of plants in at least two containers of a style and at a location approved by the Department of Planning and Zoning. (P&Z)

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

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.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

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 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.

R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line.

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.

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. Five 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 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC.

C-5 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.

C-6 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-7 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:

F-1 No comments.

Police Department:

F-1 A security survey and robbery awareness program have been completed.

F-2 The applicant is not seeking an A.B.C. permit and the Alexandria Police Department concurs with this.

APPLICATION for SPECIAL USE PERMIT # 2004-0033

[*must use black ink or type*]

PROPERTY LOCATION: 650 South Pickett Street Alexandria, VA 22304

TAX MAP REFERENCE: 067.02-02-09 ZONE: I

APPLICANT Name: Gholamreza Sanjideh

Address: 650 South Pickett Street Alexandria, VA 22304

PROPERTY OWNER Name: SN2 Real Estate LLC

Address: 644-652 Southpickett St. Alex. VA

PROPOSED USE: Restaurant - Amendment to increase hours of operation & number of seats.

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.

Gholamreza Sanjideh
Print Name of Applicant or Agent

X Sanjideh
Signature

650 South Pickett Street
Mailing/Street Address

(703) 370 2900 (703) 370 4996
Telephone # Fax #

Alexandria, VA 22304
City and State Zip Code

03/16/2004
Date

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

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

Special Use Permit # 2004-0033

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.

   Gholamreza Sanjideh – 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.

Special Use Permit # 2004-0033

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 expansion of the seating of the restaurant from 44 seats to 64 These seats are being added to the existing restaurant and existing 44 seats. In addition to this expansion we plan on adding a new door to the restaurant in order to comply with handicaps accessibility laws. This entrance will be added with a handicap accessible ramp in a currently unoccupied space infront of the restaurant. By adding this ramp, we will not only add another door and accessibility for handicaps, but also a sun deck with 3-4 tables. This deck will not cover any parking spots or block anything. We also would extend our hours of operation to serve our customers into dinner hours (11pm). By extending operation hours we will be employing more employees and expanding our number of shifts, which will have at least 4-5 patrons per shift.

Special Use Permit #2004-0033

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).

   Mornings: 20-30; Afternoon: 30-40; Evenings: 20-30.

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

   3/shift

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

Day:	Hours:
Monday - Friday	6:30 am - 11:00 pm
Saturdays	7:00 am - 11:00 pm
Sundays	9:00 am - 11:00 pm

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

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

   Minimal.

B. How will the noise from patrons be controlled?

Concrete walls between neighbor stores.

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

Food : controlled by high-tech fans and vents.

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?

Food / Waste.

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

Approximately 30-40 gal. / day.

C. How often will trash be collected?

3 / week

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

Providing trash cans.

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:

~~Preparation and equipment of the facility by the guidelines of the Fire Marshall.~~

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

Preparation and equipment of the facility by the rules and guidelines of the Fire Marshall.

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?

One space / 4 seats.

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

20 Standard spaces (Estimated, not designated/shared)

0 Compact spaces

1 Handicapped accessible spaces.

0 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? One loading space

B. How many loading spaces are available for the use? One loading space

C. Where are off-street loading facilities located? N/A

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

Early morning and noon.

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

5 days / 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?

Street access is 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?

1,600 sq. ft. (existing) + 0 sq. ft. (addition if any) = 1,600 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: _____

Special Use Permit # 2004-0033

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: 4 seat At a bar: N/A Total number proposed: 64

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:

   Sandwich, ~~BBQ~~ Grill, Kabab, Pizza Bread

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

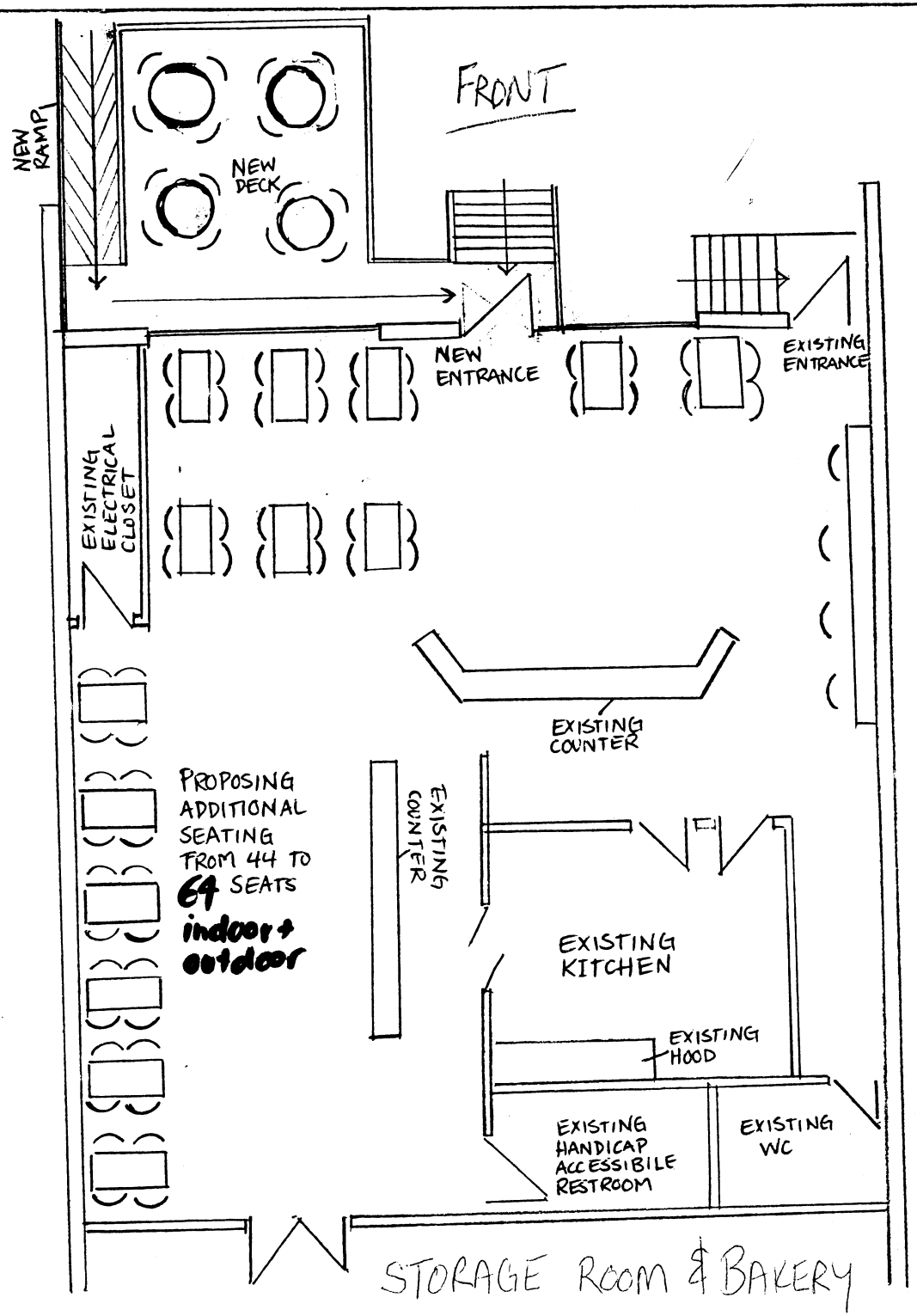
   NO table service NO bar Yes carry-out NO delivery

5. If delivery service is proposed, how many vehicles do you anticipate? ✓ N/A

   Will delivery drivers use their own vehicles? N/A Yes. N/A No.

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

   If yes, please describe: Already approved for live music



FIRST FLOOR PLAN

ANADOLLA, INC.
650 SOUTH PICKETT ST.
ALEXANDRIA, VA 22304

SUP2004-0033

#7

APPLICATION for SPECIAL USE PERMIT #2004-0033

[*must use black ink or type*]

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TAX MAP REFERENCE: 067.02-02-09 ZONE: I

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Gholamreza Sanjideh
Print Name of Applicant or Agent

X Sanjideh
Signature

650 South Pickett Street
Mailing/Street Address

(703) 370 2900
Telephone #

(703) 370 4996
Fax #

Alexandria, VA 22304
City and State Zip Code

03/16/2004
Date

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

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

ACTION - PLANNING COMMISSION: 06/01/04 RECOMMENDED APPROVAL UC

ACTION - CITY COUNCIL: 6/12/04 Approved 6-0