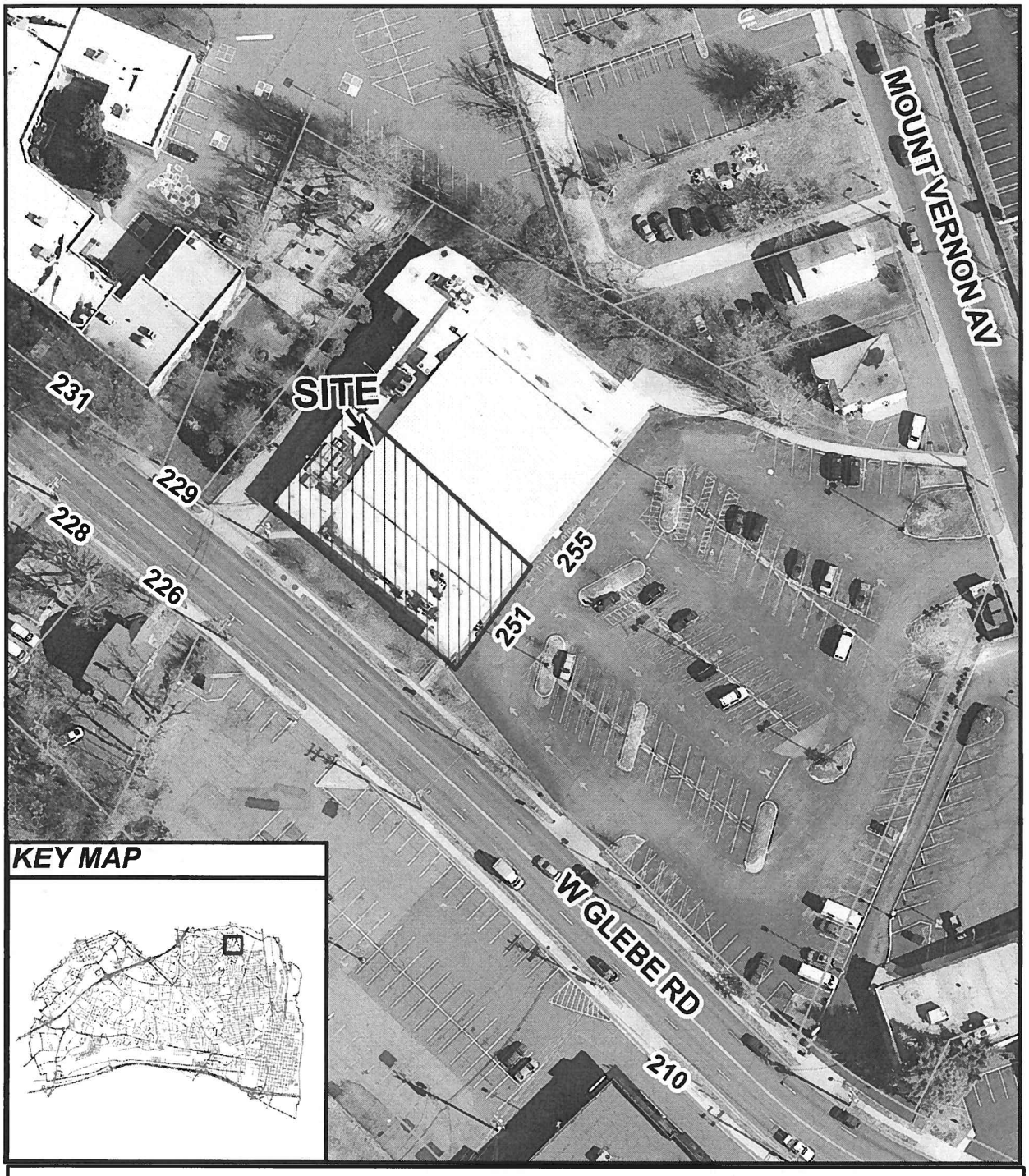
DOCKET ITEM #8
Special Use Permit #2012-0028
251 West Glebe Road – El Cuscaletco Restaurant
(Parcel Address: 221 West Glebe Road)

Application	General Data	
Consideration of a request to operate a restaurant.	**Planning Commission Hearing:**	May 1, 2012
	City Council Hearing:	May 12, 2012
Address: 251 West Glebe Road (Parcel Address: 221 West Glebe Road)	**Zone:**	CDD#12 / Coordinated Development District #12
Applicant: Fossal Inc. by Michael Kim, attorney	**Small Area Plan:**	Potomac West / Arlandria Neighborhood Plan

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: Nathan Randall nathan.randall@alexandriava.gov



SUP #2012-0028

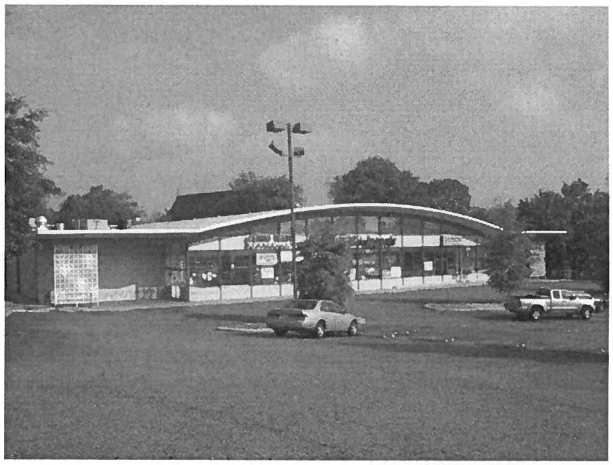
5/1/2012

N

I. DISCUSSION

The applicant, Fossal Inc. by Michael Kim, attorney, requests Special Use Permit approval to operate a restaurant at 251 West Glebe Road.

SITE DESCRIPTION



The subject site is a tenant space in a one-story commercial building formerly used as a grocery store. The Safeway site, as it is commonly known, is divided into three tenant spaces and has shared parking in the surface lot in front of the building. The two other tenants in the building are retail uses: Dollar Plus and Duron Paints.

The building is located on an irregularly-shaped lot with 438 feet of frontage on West Glebe Road, 63 feet of frontage on Mount Vernon Avenue, and a total lot area of 103,000 square feet (2.37 acres). The property can be accessed from either West Glebe Road or Mount Vernon Avenue.

The surrounding area is primarily commercial in character, with retail and restaurant uses predominating to the south, southeast, and west. Saint Rita's Catholic Church is located immediately to the north, and residential apartments are located some distance away to the east across both the on-site parking lot and Mount Vernon Avenue.

BACKGROUND

A restaurant first opened at this site in 2002. In 2004, City Council approved a significant expansion and a change of ownership. Staff administratively approved a change of ownership in 2007 to new owners who operated the business under the name of "Cerro Verde." Planning staff and Police determined that the owners of Cerro Verde were operating a nightclub business on the weekends by renting out the space to third-party promoters who assessed a cover charge and who advertised entertainment that predominated over food service. In addition, the Cerro Verde site recorded unusually high Police activity and the owners stayed open later than approved under their SUP. Staff had docketed the Special Use Permit for Planning Commission and City Council review as a result of the SUP violations in October 2010 but the restaurant permanently closed for business prior to the hearing dates. The tenant space has been vacant since that time.

The subject property, with the neighboring Datatel property, was identified as one of three high-priority redevelopment sites in the 2003 Arlandria Neighborhood Plan (the Safeway/Datatel site). The owner of the Safeway building was involved in the creation of the Arlandria plan and has maintained contact with staff since that time. In 2008, the City completed a feasibility study that

determined that redevelopment of the Safeway/Datatel site as envisioned in the Plan was not likely at that time.

PROPOSAL

The applicant proposes to operate a 6,600 square-foot family-friendly restaurant serving primarily Mexican and Salvadorian cuisine. The restaurant is relocating from its current location in the Arlington Ridge Shopping Center on South Glebe Road in Arlington. A total of 150 seats will be offered and both table and take-out service will be available. On-premises alcohol will be offered, but no live entertainment will be offered, which is a change from the previous restaurant at the site. Additional elements of the applicant's proposal are as follows:

Proposed Hours:	11 a.m. – 11 p.m. Sunday – Thursday 11 a.m. – 12 midnight Friday & Saturday (Prior Use: 7:30 a.m. – 1 a.m. daily)
Proposed Seats:	150 (Prior Use: 80)
Type of Service:	Table service, take-out
Customers:	150 - 200 customers/day
Alcohol:	On-premises alcohol service only
Entertainment:	No live entertainment is proposed. Several flat-screen televisions will be present inside the restaurant
Delivery:	No delivery of food to customers is proposed
Noise:	Regular restaurant operational noises expected
Trash/Litter:	About two to four bags of food waste, wrappers, and other paper/plastic products will be generated each day will be stored in a sealed container for twice weekly pick-up.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDD#12 / Coordinated Development District #12, which has an underlying zoning of NR / Neighborhood Retail (Arlandria). Section 4-1404(M) permits a restaurant in the NR zone with a full Special Use Permit when it does not meet eligibility criteria for Administrative SUP approval. The applicant's proposal does not meet Administrative SUP eligibility criteria since it exceeds 100 seats.

The proposed use, though not the existing building and surface parking, is consistent with the Arlandria Neighborhood Plan, a part of the Potomac West Small Area Plan chapter of the Master Plan, which designates the property for commercial use.

PARKING

According to Section 8-200(A)(8) of the Zoning Ordinance, one off-street parking space is required for every four restaurant seats plus one off-street loading space. A restaurant with 150 seats is required to provide a total of 38 off-street parking spaces. A total of 111 parking spaces exist in the surface parking lot on the property, 67 of which count toward the existing retail uses in the building. The remaining 44 parking spaces and on-site loading areas fulfill and exceed the parking requirement for the use.

II. STAFF ANALYSIS

Although staff was initially concerned with the reopening of a restaurant in this location given the multiple SUP violations observed at Cerro Verde coupled with the proximity of residential, church, and school uses within Saint Rita's Church, staff ultimately does not object to the applicant's request to relocate his restaurant from Arlington to Alexandria. The proposal is a good interim use with ample parking. It also represents an opportunity to fill tenant space that has been vacant for nearly two years.

Although the current applicant is not responsible for the violations found at Cerro Verde two years ago, staff nonetheless recognizes the need prevent a similar situation, and the related neighborhood impacts such as noise and nuisance customer behavior, from occurring again at the site. The applicant's proposal for a family-friendly restaurant addresses the prevention of these problems in three significant ways. First, no live entertainment is proposed at the site. Second, the closing hour will be 11 p.m. during the week and 12 midnight on the weekends compared to Cerro Verde, which had a 1 a.m. daily closing hour approved in the SUP and frequently stayed open until 2 a.m. Finally, the applicant has, as part of a lease addendum with the landlord, confirmed that the restaurant will be operated as it has been in Arlington and that it will not be a night club.

The potential for similar noise impacts is therefore virtually eliminated. The likelihood that this establishment will be an entertainment destination with significant amount of its business from the sale of alcohol is also diminished, which should in turn prevent instances of unruly, alcohol-induced behavior that occurred at Cerro Verde. Staff has included condition language in this report limiting the business to the requested closing hour (Condition #2) and prohibiting live entertainment (Condition #6). Condition #7 also requires the applicant to limit sound amplification inside the restaurant, not otherwise considered live entertainment, to soft background music to the satisfaction of the Director. This condition will further prevent noise impacts and ensure that the establishment retains the restaurant atmosphere represented in the application.

Staff has discussed the application with Saint Rita's Church, which does not object to the new restaurant as proposed but asks for the inclusion of four special conditions of approval. These conditions are reasonable requirements to ensure property maintenance and to limit the potential for noise and safety impacts on adjacent church uses. Condition #11 requires lighting in the rear alley to be maintained and shielded downward to prevent glare into the adjacent convent. Condition #12 requires that the property be maintained in good condition, including routine lawn

maintenance and litter pick-up (which is also stipulated in Condition #13.) Staff has included Condition #16 to require the applicant to refrain from placing empty bottles in the rear dumpster between the hours of 9 p.m. and 8 a.m. Finally, Condition #20 requires that the loading/unloading of supplies occur in front of the restaurant in the surface parking lot rather than in the existing rear loading dock. Sufficient room exists in front of the restaurant for trucks, and the relocation of these activities should prevent delivery noises from impacting church residents.

In conclusion, staff believes that despite problems with the previous use, a restaurant with limited operational elements is appropriate for this site. Subject to the conditions contained in Section III of this report, staff recommends approval of the applicant's request.

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 corporation in which the applicant has a controlling interest. (P&Z)

2. The maximum number of indoor seats at the restaurant shall be 150. No outdoor seats shall be allowed. (P&Z)

3. The hours of operation at the restaurant shall be limited to between 11 a.m. and 11 p.m., Sunday – Thursday and between 11 a.m. and 12 midnight Friday and Saturday. (P&Z)

4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)

5. On-premises alcohol service may be permitted but off-premises alcohol sales shall be prohibited. (P&Z)

6. No live entertainment shall be allowed at the restaurant. (P&Z)

7. No sound amplification louder than soft background music to the satisfaction of the Director of Planning and Zoning shall be permitted inside the restaurant. (P&Z)

8. No delivery service of food to customers shall operate from the restaurant. (P&Z)

9. 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)

10. 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)

11. No food, beverages, or other material shall be stored outside. (P&Z)

12. Lighting in the rear alley shall be maintained to the satisfaction of the Director of Planning & Zoning and shall be shielded downward to prevent glare from impacting adjacent residences. (P&Z)

13. The property shall be maintained in good condition, to include routine lawn maintenance and litter pick-up, to the satisfaction of the Director of Planning & Zoning (P&Z)

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

15. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)

16. The applicant shall be prohibited from placing empty bottles or other glass or similar products in the dumpster behind the restaurant between the hours of 9 p.m. and 8 a.m. (P&Z)

17. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)

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 & Environmental Services. (T&ES)

19. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)

20. Except for dumpster pick-ups, supply deliveries, loading, and unloading activities shall occur only in front of the restaurant and shall be prohibited at the existing rear loading driveway or dock. No supply deliveries, loading or unloading activities of any kind shall occur at the restaurant between the hours of 11:00pm and 7:00am. (P&Z) (T&ES)

21. The applicant shall require its employees who drive to 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. (T&ES)

22. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)

23. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-1920 regarding a security survey for the business and a robbery readiness program for all employees. (Police)

24. The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, 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) (Police)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: In accordance with Section 11-506(C) of the Zoning Ordinance, operation shall be commenced 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. (T&ES)

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. (T&ES)

R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)

R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

R-5 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)

R-6 The applicant shall require its employees who drive to 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. (T&ES)

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). (AUP2007-00003)

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, 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 Ken Granata, Acting Plan Review Supervisor at ken.granata@alexandriava.gov or 703-746-4193.

C-1 Building and trades permits are required for this project. Six sets of *construction documents* that fully detail the construction as well as layout and schematics of the mechanical, electrical, and plumbing systems shall accompany the permit application(s). If a design professional prepares drawings for the project the plans must bear the seal of the design professional in accordance with the Code of Virginia Section 54.1-410B.

C-2 Alterations to the existing structure and/or installation of equipment requires construction/alteration permits. Six sets of architectural quality drawings shall accompany the permit applications that fully detail the construction/alteration as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

C-3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

C-4 Any proposed future alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

C-5 Before a building permit can be issued on any proposed future alterations, a certification is required from the owner or owner's agent that the building has been inspected by a licensed asbestos inspector for the presence of asbestos.

C-6 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-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:

C-1 An Alexandria Health Department Permit is required for all regulated facilities.

C-2 Permits are non-transferable.

C-3 This facility must meet current Alexandria City Code requirements for food establishments. Contact Environmental Health at 703-746-4866 or 4867 to arrange for a "change of ownership" inspection.

C-4 If changes to the facility are to be done, six sets of plans must be submitted through the Permit Center 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 $200.00 fee for review of plans for food facilities.

C-5 Permits 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

R-1 The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Parks and Recreation:

F-1 No Comments Received

Police Department:

R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security survey for the business.

R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a robbery readiness program for all employees.

R-3 The applicant is seeking an "ABC On" license. **The Police Department has no objections to the "ABC On" license.**

R-4 The SUP is reviewed after one year

APPLICATION
SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2012-0028

PROPERTY LOCATION: 251 W. Glebe Rd., Alexandria, VA 22305

TAX MAP REFERENCE: ~~15587000~~ 015.01-04-09 **ZONE:** ~~CG~~ CDD#12

APPLICANT:

Name: FOSSAL, INC

Address: 1906 S. Langley St., Arlington, VA 22204

PROPOSED USE: Family Restaurant

[✓]**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.

Michael Kim and Oscar Salinas — Print Name of Applicant or Agent

Signature — Date: 3/22/2012

4600H Pinecrest Office Pk Dr — Mailing/Street Address

703-914-5624 — Telephone #

703-914-5625 — Fax #

Alexandria, VA 22312 — City and State, Zip Code

Michael@mwkimlaw.com — Email address

ACTION-PLANNING COMMISSION: _____ **DATE:** _____

ACTION-CITY COUNCIL: _____ **DATE:** _____

RECEIVED
MAR 27 2012
PLANNING & ZONING

SUP # 2012-0028

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 251 W. Glebe Rd., Alexandria VA, I hereby
(Property Address)

grant the applicant authorization to apply for the restaurant use as
(use)

described in this application.

Name: 3600 MT. VERNON, LLC, BY: WEISSBERG CORP., ITS MANAGER Phone:
Please Print

Address: Email: jcaine@weissberg corp.com

Signature: John D Caine Date: 23 MARCH 2012

JOHN D. CAINE
VICE PRESIDENT AND GENERAL COUNSEL

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.

WEISSBERG CORP.
28 BLACKWELL PARK LA.
WARRENTON VA 20186

[✓] **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.

Oscar Salinas, 1906 S. Langley St. Arlington, VA 22204.
Oscar Salinas is 100% owner/shareholder of applicant, FOSSAL, INC.

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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. Oscar Salinas	1906 S. Langley St. Arlington, VA 22204	100%
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 251 W. Glebe 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. See attached	Exhibit 4a(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 require 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 the12-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 indicated each person or entity below and "None" in the corresponding fields)**

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.	None	
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.

3/22/2012 Date — Oscar Salinas Printed Name — Signature

Exhibit 4a(1)
SUP 2012-0028

3600 MT. VERNON, LLC
as of
12/31/10
(Remains in effect 3/1/12)

NAME & ADDRESS	PERECENTAGE OF OWNERSHIP
Weissberg Corp. 28 Blackwell Park Lane Suite 202 Warrenton, VA 20186	1.00
Marvin F. Weissberg 1901 N. Moore Street, #803 Arlington, VA. 22209	59.00
Nina Victoria Weissberg and Stuart Benson Martin, Trustees of the Nina Victoria Weissberg Revocable Trust Dated November 11, 2008 28 Blackwell Park Lane, Suite 202 Warrenton, VA 20186	20.00
Weslie M. Weissberg 567-A Third Street Brooklyn, New York 11215	20.00
TOTAL	100.00

Note: The above changes were effective 11/1/02

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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.)

Applicant is seeking permission to operate a Hispanic, El Salvadorian & Mexican style, family restaurant.
Restaurant will open at 11 AM, Monday through Thursday and Sunday for lunch and close at 11 pm. On Friday + Saturday, restaurant will open at 11 AM but close at 12 AM.
There is no live entertainment, however, applicant is proposing to have numerous flat screen T.V.s around the restaurant for news, media and sports viewing.

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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,
[X] other. Please describe: Change of ownership

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).

Sunday – Thursday lunch – 50 dinner – 100
Friday – Saturday lunch – 70 dinner – 120

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

Sunday – Thursday lunch 5 dinner – 5
Friday – Saturday lunch 5 dinner – 8

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

Day:	Hours:
Sunday – Thursday	11:00 AM – 11:00 PM
Friday & Saturday	11:00 AM – 12:00 AM

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

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

- General people talking noise
- Light music in the back ground

B. How will the noise be controlled?

Noise should not be a problem.
There will be no live entertainment

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

There will be general cooking ~~order~~ which will be filtered through existing Ventilation and Hood system.

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)

paper, wrappers and food particles

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

Estimates 2 bags of trash on Week days & 4 bags of trash on Weekends.

C. How often will trash be collected?

Trash will be collected in Sealed container and picked-up twice a week.

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

Applicant will have employees pick-up trash around the exterior of restaurant every morning.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

[ ] Yes. [X] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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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. [X] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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

Applicant will work and coordinate w/ local and neighboring crime prevention units.

ALCOHOL SALES

13.

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

[X] 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.

Restaurant will serve On-Premises beer, wine and Mixed Beverages. Applicant expects alcoholic beverages will be accompanied mostly w/ main entree.

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PARKING AND ACCESS REQUIREMENTS

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

120 Standard spaces
_____ Compact spaces
5 Handicapped accessible spaces.
_____ Other.

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)*
[X] on-site
[ ] off-site

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

_____

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? 1

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

SUP # 2012-0028

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

C. During what hours of the day do you expect loading/unloading operations to occur?
10 AM, before restaurant opens.

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

Twice 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?

Access is adequate.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? [X] Yes [ ] No

Do you propose to construct an addition to the building? [ ] Yes [X] No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

6,600 sq. ft. (existing) + Ø sq. ft. (addition if any) = 6,600 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
[X] a shopping center. Please provide name of the center: _____
[ ] an office building. Please provide name of the building: _____
[ ] other. Please describe: _____

End of Application

SUP # 2012-0028
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: ~~[illegible]~~ 150 (mk) Outdoors: _____ Total number proposed: ~~[illegible]~~ 150 (mk)

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:

   Hispanic Style Restaurant
   (El Salvadorian & Mexican)

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? NA

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

   Where will delivery vehicles be parked when not in use?

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

   _____ Yes X No

   If yes, please describe:

SUP # SUP2012-0028

Parking impacts. Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)
   - X 100%
   - ____ 75-99%
   - ____ 50-74%
   - ____ 1-49%
   - ____ No parking can be accommodated off-street

2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)
   - X All
   - ____ 75-99%
   - ____ 50-74%
   - ____ 1-49%
   - ____ None

3. What is the estimated peak evening impact upon neighborhoods? (check one)
   - X No parking impact predicted
   - ____ Less than 20 additional cars in neighborhood
   - ____ 20-40 additional cars
   - ____ More than 40 additional cars

Litter plan. The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

Alcohol Consumption and Late Night Hours. Please fill in the following information.

1. Maximum number of patrons shall be determined by adding the following:
   - 138 Maximum number of patron dining seats
   - \+ 12 Maximum number of patron bar seats
   - \+ ____ Maximum number of standing patrons
   - = 150 Maximum number of patrons

2. 8 Maximum number of employees by hour at any one time

3. Hours of operation. Closing time means when the restaurant is empty of patrons.(check one)
   - ____ Closing by 8:00 PM
   - ____ Closing after 8:00 PM but by 10:00 PM
   - X Closing after 10:00 PM but by Midnight
   - ____ Closing after Midnight

4. Alcohol Consumption (check one)
   - ____ High ratio of alcohol to food
   - X Balance between alcohol and food
   - ____ Low ratio of alcohol to food

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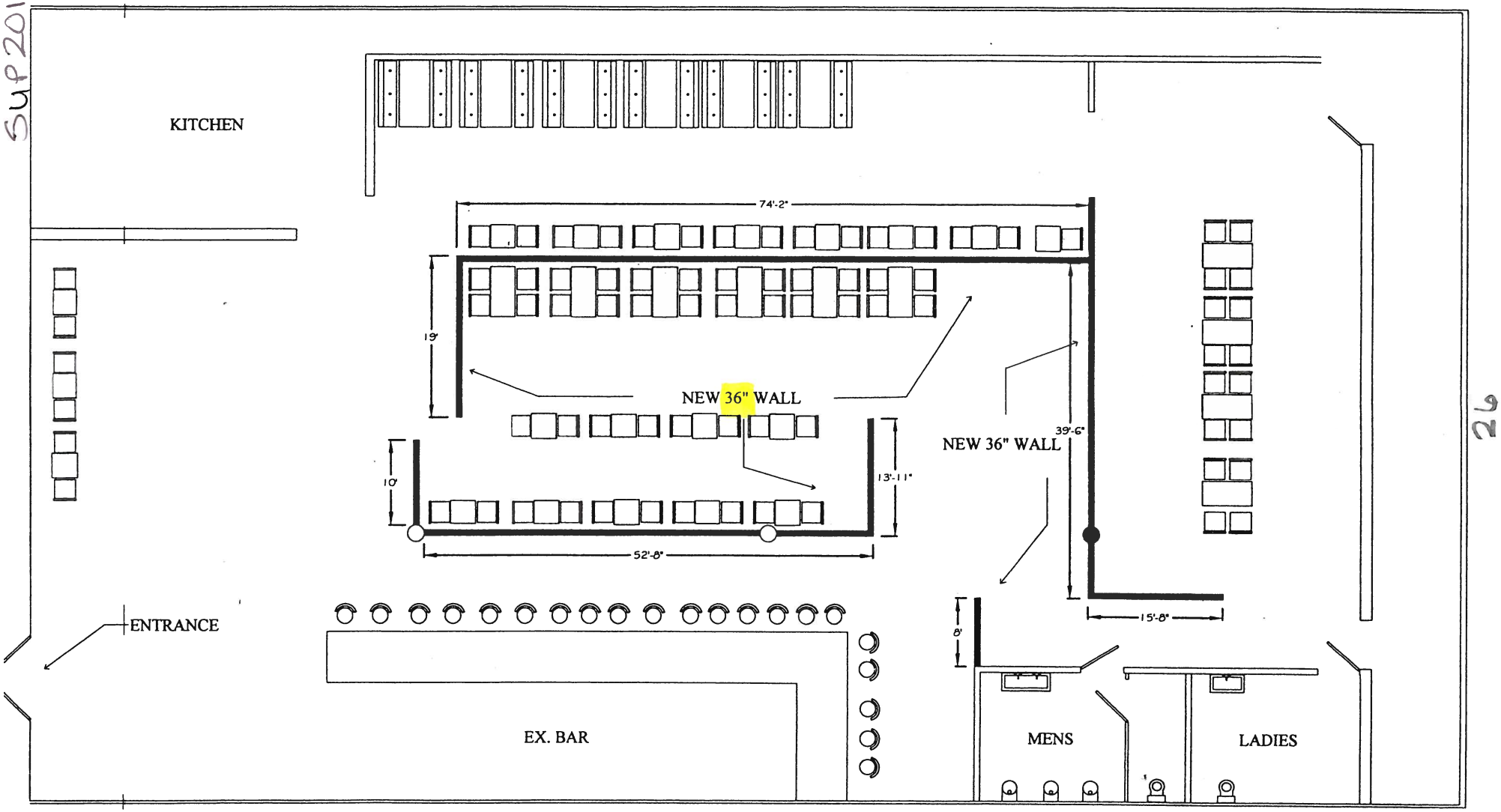
Tt Interior 6,600 sq ft



EL CUSCATLECO RESTAURANT

251 W GLEBE RD. ALEX. VA 22305

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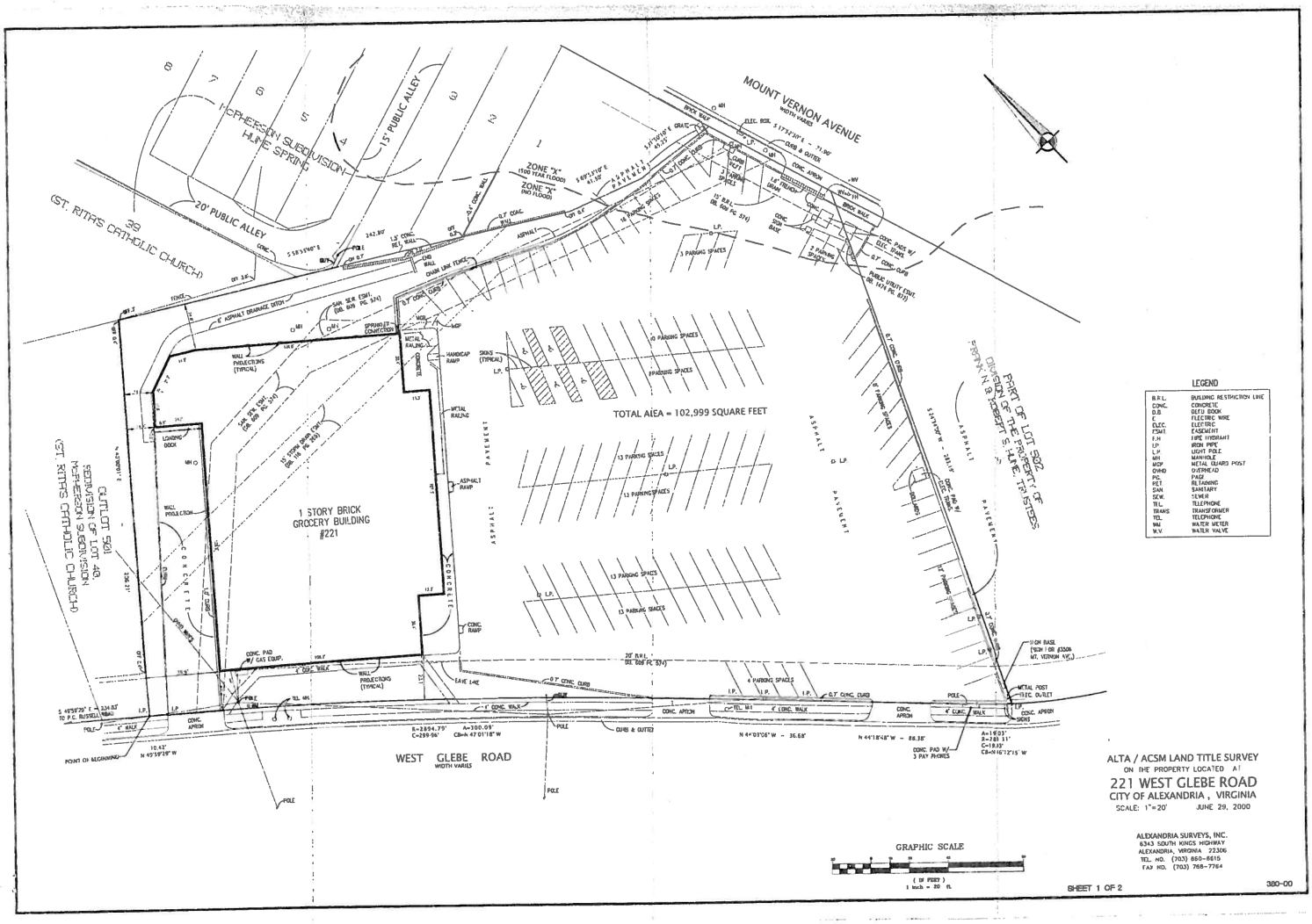

SUP 2012-0028

MICHAEL W. KIM & ASSOCIATES, P.C.
ATTORNEYS AT LAW

March 26, 2012

Department of Planning and Zoning
301 King Street
Alexandria, VA 22314

RE: Fossal, Inc.
t/a El Cuscatleco
521 W. Glebe Road, Alexandria, VA 22305
Special Use Permit Application

Dear Sir/Madam:

Please be advised that this office has been retained Fossal, Inc. ("Applicant"), for application of special use permit at above referenced premises.

Please do not hesitate to contact the undersigned if you have any question or comment regarding the enclosed special use permit application package.

Thank you.

Very truly yours,

Michael W. Kim

MWK/cp

4600-H PINECREST OFFICE PARK DRIVE • ALEXANDRIA, VA • 22312
PHONE: 703-914-5624 • FAX: 703-914-5625