



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: ~~CE~~ 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] 3/22/2012
Signature Date

4600H Pinecrest Office Pk Dr.
Mailing/Street Address

703-914-5624 703-914-5625
Telephone # Fax #

Alexandria, VA 22312
City and State Zip Code

Michael@mwkimlaw.com
Email address

ACTION-PLANNING COMMISSION: _____	DATE: _____
ACTION-CITY COUNCIL: _____	DATE: _____

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@weissbergcorp.com

Signature: [Signature]

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.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

WEISSBERG CORP.
28 BLACKWELL PARK LA.
WARRENTON VA 20186

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.

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 the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please 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

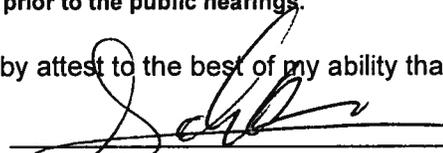

Signature

Exhibit 4a(1)
SUP 2012-0028

3600 MT. VERNON, LLC

as of
12/31/10

(Remains in effect
3/1/12)

NAME & ADDRESS

PERCENTAGE
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

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.

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,

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
Friday & Saturday

11:00 AM - 11:00 PM
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

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

There will be general cooking odor 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. No.

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

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

[] Yes. No.

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

12. What methods are proposed to ensure the safety of 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?

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.

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

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)

- 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

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? 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?
6,600 sq. ft. (existing) + 0 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
 a shopping center. Please provide name of the center: _____
 an office building. Please provide name of the building: _____
 other. Please describe: _____

End of Application



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: ~~0~~ 150 ^{mk} Outdoors: _____ Total number proposed: ~~0~~ 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? N/A

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 No

If yes, please describe:

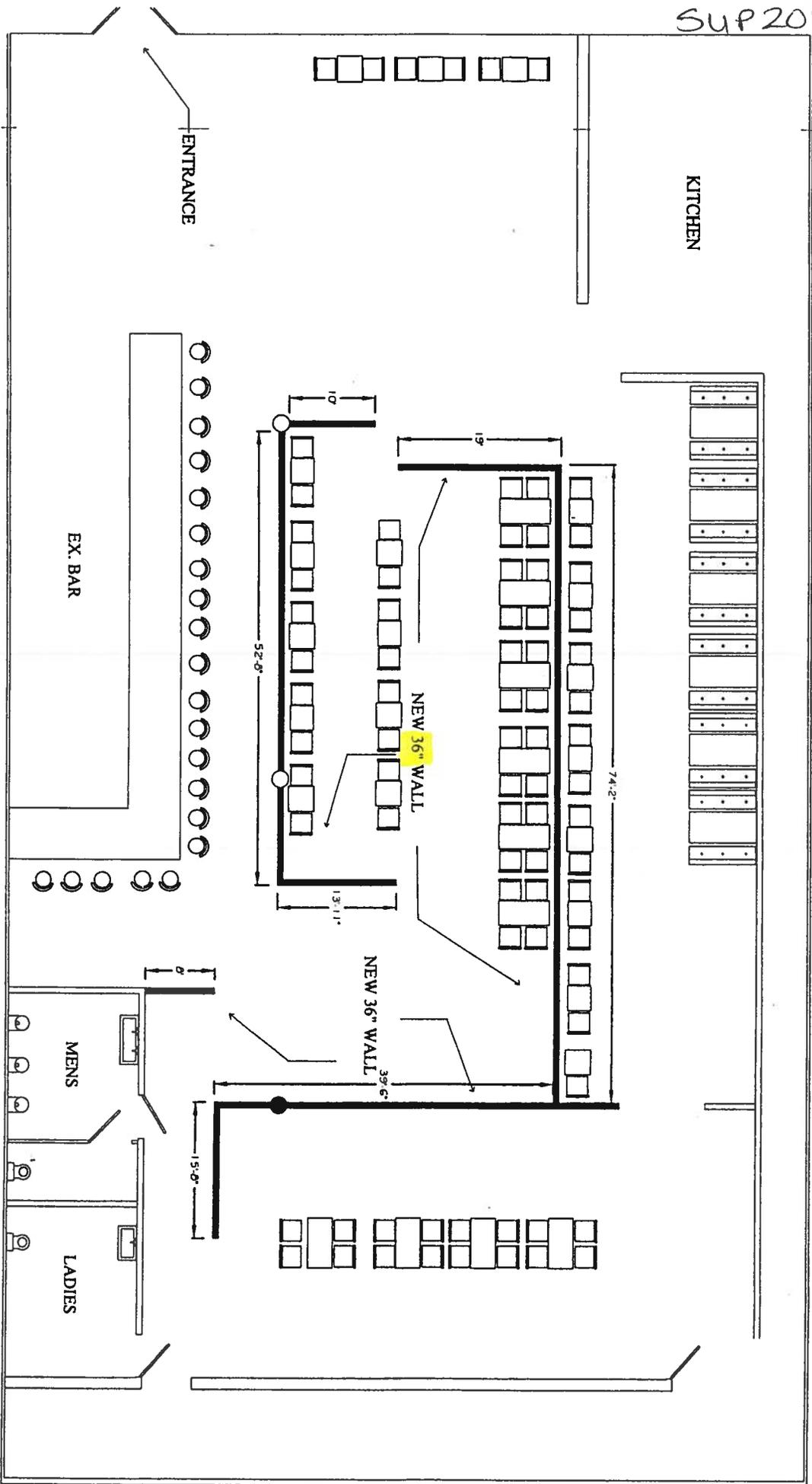
Parking impacts. Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)
 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)
 All
 75-99%
 50-74%
 1-49%
 None
3. What is the estimated peak evening impact upon neighborhoods? (check one)
 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.

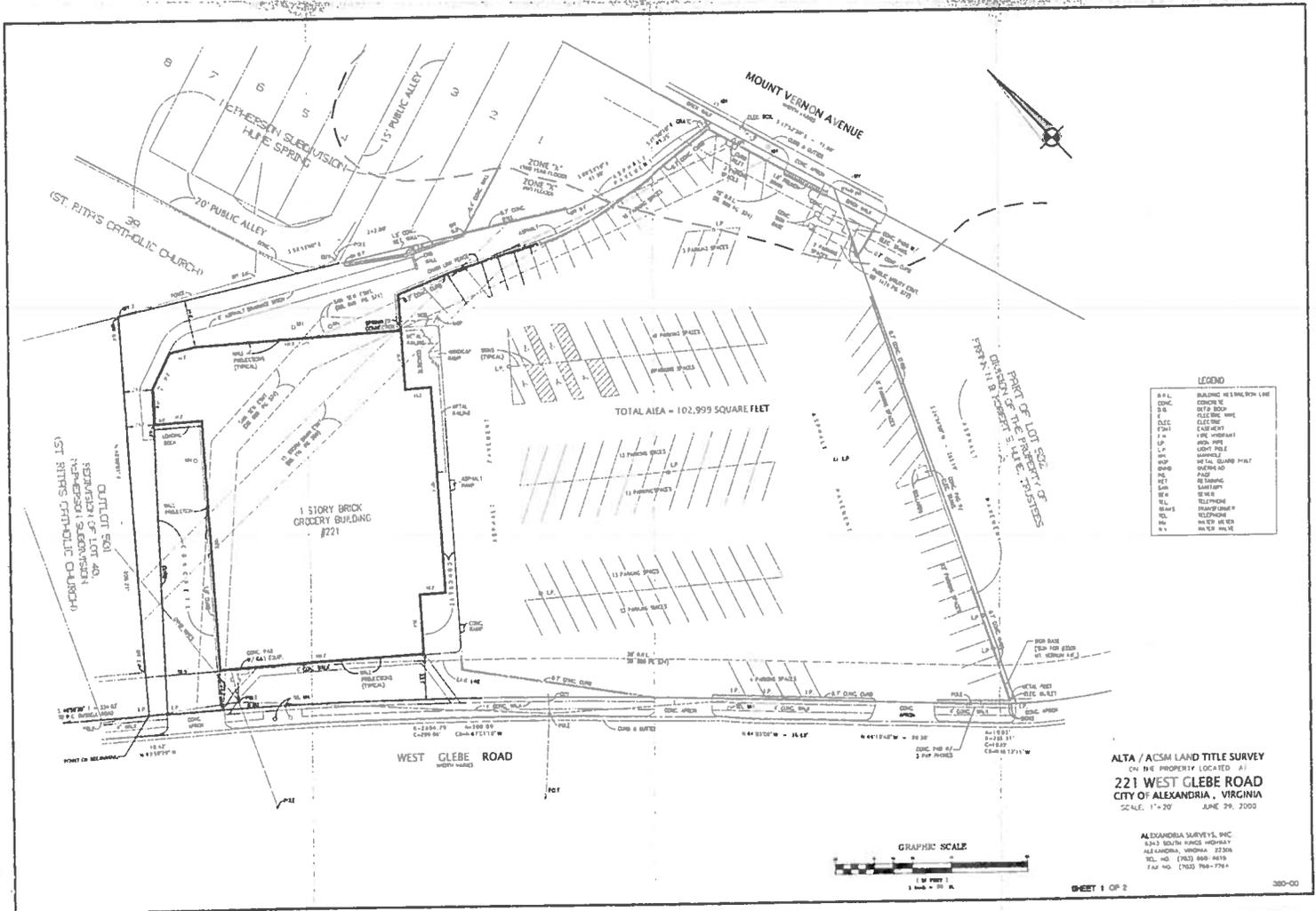
Alcohol Consumption and Late Night Hours. Please fill in the following information.

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
 Closing after 10:00 PM but by Midnight
 Closing after Midnight
4. Alcohol Consumption (check one)
 High ratio of alcohol to food
 Balance between alcohol and food
 Low ratio of alcohol to food



EL CUSCATELECO RESTAURANT
 251 W GLEBE RD. ALEX. VA 22305

TE Interior 6,600 sq ft



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

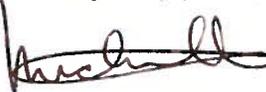
Dear Sir/Madam:

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