

EXHIBIT NO. 1

11
10-19-02

Docket Item #16
SPECIAL USE PERMIT #2002-0054

Planning Commission Meeting
October 1, 2002

ISSUE: Consideration of a request for a special use permit to intensify an existing restaurant use.

APPLICANT: Bread and Chocolate Inc.
by Ernst Moser

LOCATION: 611 King Street

ZONE: CD/Commercial Downtown

PLANNING COMMISSION ACTION, OCTOBER 1, 2002: On a motion by Mr. Robinson, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation. The motion carried on a vote of 7 to 0.

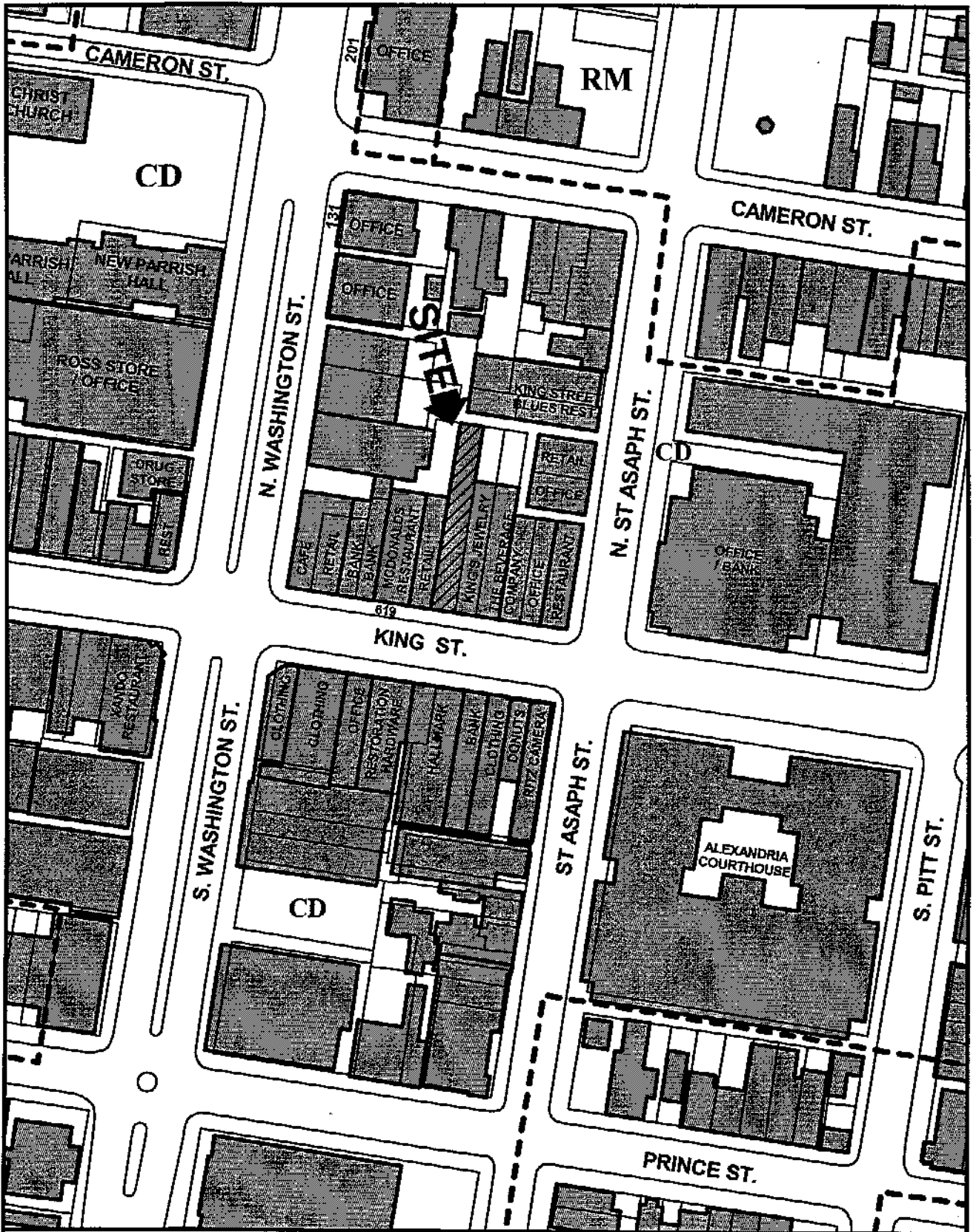
Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Carolyn Merck, President of the Old Town Civic Association, stated that the association does not oppose the use if it is approved subject to the recommended conditions. Ms. Merck voiced concern over the citation issued to the restaurant for seating in excess of that approved in the special use permit, and asked that the use be monitored closely in the future.

PLANNING COMMISSION ACTION, SEPTEMBER 3, 2002: The Planning Commission noted the deferral of the request.

Reason: The applicant failed to comply with the requirements for legal notice.



SUP #2002-0054

10/01/02



STAFF RECOMMENDATION:

Staff recommends approval subject to compliance with all applicable codes and ordinances and the following conditions:

1. **CONDITION AMENDED BY STAFF:** The special use permit shall be granted to the ~~Old Town Baking Corporation~~ applicant only or to any other ~~corporation business or entity~~ in which ~~any one or more of the principals in the Old Town Baking Corporation~~ the applicant has a controlling interest. (P&Z) (SUP #1352)
2. The applicant shall install an automatic sprinkler system. (Fire) (SUP #1352)
3. **CONDITION AMENDED BY STAFF:** The seating capacity be limited to ~~45~~ 50, as requested by the applicant. (P&Z) (SUP #1352)
4. **CONDITION AMENDED BY STAFF:** ~~If single rolls, coffee, etc., will be sold "to go" the applicant shall be held responsible for cleaning up all discarded elements from property line to property line of the subject building at 611-613 King Street.~~ (T&ES) (SUP #1352) 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)
5. **CONDITION DELETED BY STAFF:** ~~The applicant shall pay to the city the cost of two off-site trash containers, furnished by the Department of Transportation and Environmental Services for disposal of such off-site consumption by customers.~~ (T&ES) (SUP #1352)
6. **CONDITION AMENDED BY STAFF:** ~~Provide frequent private refuse collections for bakery itself. Store refuse within building.~~ (T&ES) (SUP #1352) Trash and garbage shall be place 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 and debris shall be allowed to accumulate on site outside of those containers. (P&Z)

7. CONDITION ADDED BY STAFF: Live entertainment shall be limited to two acoustic, non-amplified performances by one musician, generally a guitarist or violinist, per week. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. Live entertainment shall be limited to inside the restaurant and is not permitted outside. (P&Z)
8. CONDITION ADDED BY STAFF: No motor vehicle delivery service is permitted. (P&Z)
9. CONDITION ADDED BY STAFF: On-site beer and wine service is permitted; no off-premise alcohol sales are permitted. (P&Z)
10. CONDITION ADDED BY STAFF: The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
11. CONDITION ADDED BY STAFF: The hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. daily. (P&Z)
12. CONDITION ADDED BY STAFF: No food, beverages, or other material shall be stored outside. (P&Z)
13. CONDITION ADDED BY STAFF: Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (P&Z)
14. CONDITION ADDED BY STAFF: No amplified sound shall be audible at the property line. (T&ES)
15. CONDITION ADDED BY STAFF: The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
16. CONDITION ADDED BY STAFF: The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in the Park Alexandria program or an equivalent parking subsidy program by which the regular parking price is discounted by at least \$1. (P&Z)

17. CONDITION ADDED BY STAFF: The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (P&Z)
18. CONDITION ADDED BY STAFF: The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees. (P&Z)
19. CONDITION ADDED 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, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

DISCUSSION:

1. The applicant, Bread and Chocolate, Inc., represented by Ernst Moser, requests special use permit approval to allow the intensification of an existing restaurant use located at 611 King Street.
2. The subject property is one lot of record with 21.6 feet of frontage on King Street, 166.5 feet of depth and a total lot area of 3,596.4 square feet. The site is developed with a two-story commercial building and is largely surrounded by retail, restaurant and office uses. The Bread and Chocolate restaurant is located between King's Jewelry and McDonald's restaurant. There is one residential building behind the restaurant in the center of the subject block and approximately three residential buildings that face Cameron Street on the opposite side of the block. An alley runs between the restaurant and the nearby residential buildings. The subject restaurant is 800 square feet.
3. On October 18, 1980, City Council granted Special Use Permit #1352 for the operation of a restaurant that was described as a bakery. On June 18, 1983, City Council granted Special Use Permit 1352-A for the addition of a wholesale business to the existing retail bakery. The business was approved with 45 seats for patrons of the bakery, which sold a variety of baked goods, including croissants, rolls, Vienese pastry, coffee, tea, chocolate and soft drinks.
4. The current special use permit application requests approval for the intensification of the existing restaurant to allow for the change from a bakery to full-service restaurant, to add five seats for patrons, to sell beer and wine on the premises of the restaurant, and to add limited live entertainment.
5. On July 5, 2002, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found one violation of the special use permit. The restaurant has 73 seats instead of the 45 seats approved under the existing special use permit. The applicant has agreed to reduce the seating and has asked for approval for five new seats in this special use permit application.
6. Staff also found that the restaurant offered a much larger menu than originally approved under the special use permit in 1980 and 1983. The menu has grown over the years to include a variety of entrees, such as a variety of pasta and meat dishes, in addition to sandwiches, salads, soups, omelets, and assorted pastries and cakes. This application seeks approval of the change in the nature of the restaurant from a bakery with a limited menu to a full-service restaurant offering a wide range of breakfast, lunch and dinner options.

7. The applicant also requests approval to sell beer and wine on the premises. The applicant seeks the approval because patrons of the restaurant have asked the applicant for a glass of wine with their meal.
8. The wholesale business was moved to 1033 West Glebe Road in 1985. All vehicle deliveries are made from this location.
9. The restaurant does limited catering at its King Street location. The catering is accessory to main restaurant use. The restaurant fills orders up for up to a maximum of 20 people. These orders are usually picked up by the customer. No deliveries are made by vehicles from this location. The customers for these orders are often the businesses located along the King Street corridor.
10. The applicant is requesting approval to provide live entertainment, limited to acoustic performances, at the restaurant. The musicians will generally be guitarists or violinists that will perform an average of two times a week, likely Saturday and Sunday afternoons.
11. The business is open daily 7:00 a.m. to 9:00 p.m. There are approximately 50 to 100 patrons a day, and four to seven employees working each shift with two shifts a day.
12. Pursuant to Section 8-300 of the zoning ordinance, there are no parking requirements for restaurants in the Central Business District.
13. The Department of Planning and Zoning issued six tickets to the applicant for illegally using a portable A-frame sign for advertising in front of its store between April and August 2001. Staff regularly patrols the area and has not seen any portable sign violations since the last ticket was issued on August 30, 2001.
14. Zoning: The subject property is located in the CD/Commercial Downtown zone. Section 4-500 of the zoning ordinance allows a restaurant and wholesale business in the CD zone only with a special use permit.
15. Master Plan: The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan which designates the property for commercial use.

STAFF ANALYSIS:

Staff has no objection to the intensification of the restaurant use located at 611 King Street, which is part of a recent effort by the restaurant to upgrade its service and appearance. The subject restaurant is, in general, not likely to impact residential uses since it faces King Street and is separated from nearby residential buildings by an alley and one office building. Although originally approved as a bakery, the restaurant has operated as a full-service restaurant since the late 1980s. With no history of complaints from the surrounding community, staff does not expect any negative impacts from the business's continued operation as a full-service restaurant.

The proposed increase from 45 to 50 seats is a minor addition to the restaurant and not likely to cause any negative impacts for the surrounding community. The proposed number of seats is compatible with the number of seats approved for other restaurants within the block. Chipotle, located at 601 King Street, is the most recently approved restaurant in the block and it was approved for 50 seats in June 2001. Dunkin Donuts (602 King Street) has 25 seats, Virginia Beverage Company (603-605 King Street) has 176 seats, McDonald's (615 King Street) has 150 seats, and Café Mezzogiorno (631 King Street) has 32 seats.

The proposed addition of beer and wine sales is not likely to cause any of the noise or vandalism problems identified in the Old Town Restaurant Policy. The restaurant closes at 9:00 p.m. and does not have an interior designed to promote a bar, club or other nightlife atmosphere. The alcohol appears accessory to the main function of food service. The proposed service of alcohol is also consistent with service offered by other restaurants within the block. Chipotle, Virginia Beverage Company, and Café Mezzogiorno have ABC licenses.

The proposed live entertainment is limited to acoustic performances by a single musician, generally a guitarist or violinist, which occur no more than twice a week during weekend afternoons. Staff believes that this type of entertainment is not likely to cause noise problems and that it is consistent with that provided elsewhere along King Street. La Madeline (500 King Street) is permitted to offer acoustic music during the evening from Monday until Thursday between 7:00 p.m. and 10:00 p.m. Los Amigos (703 King Street) is permitted to offer acoustic guitar music Thursday, Friday and Saturday nights between 6:30 p.m. and 9:30 p.m. Las Tapas (710-714 King Street) is permitted to offer acoustic guitar music daily as well as limited dancing demonstrations.

The restaurant does not have a parking requirement under the Central Business District section of the zoning ordinance, however, the restaurant is required by the Old Town Restaurant Policy to address the need for off-street parking. Staff recognizes that the business is predominantly neighborhood serving, with most patrons – mainly local workers and tourists – coming for lunch,

but does recommend that the applicant be required to participate in the Park Alexandria Program to help mitigate any demand for parking created by its customers and that the applicant's employees be required to park off the street.

Staff has updated the conditions of the permit and included a condition requiring a review of the restaurant one year after this approval so if there are any problems with its operation, additional conditions may be imposed. With the proposed conditions, staff recommends approval of the subject application.

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 and live entertainment shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.

Code Enforcement:

- C-1 A dimensioned floor layout showing the proposed live entertainment area, aisle accessways, exit passageways, and aisles for seating/tables is required (USBC 811.0, 812.0, and 813.0).
- C-2 The applicant shall submit plans which provide detailed measurements of the existing tenant space, location of exit doors, exit door swing, automatic fire suppression systems, and change in elevation within tenant space for review.
- C-3 Exit door width and swing shall meet USBC requirements for proposed occupant load.
- C-4 A change in the existing Fire Prevention Permit is required due to the addition of live entertainment.
- C-5 Exit signage and emergency lighting shall conform to the USBC requirements for the proposed occupant load.

Health Department:

F-1 No comments.

Police Department:

R-1 "A.B.C. ON" permit only

F-1 There have been no alcohol related offenses at this location so far this year.

MNH

APPLICATION for SPECIAL USE PERMIT # 2002-0054

[must use black ink or type]

PROPERTY LOCATION: 611 KING ST, ALEXANDRIA

TAX MAP REFERENCE: 074.02 -03-09 ZONE: CD

APPLICANT Name: BREAD + CHOCOLATE INC.

Address: 1033 W. GLEBE RD ALEXANDRIA

PROPERTY OWNER Name: (HARRY B LYON) JIM REED PROPERTY

Address: 7722 NORTHDOWN ROAD ALEXANDRIA VA 22304

PROPOSED USE: ARC (WINE + BEER), ADD FIVE SEATS,
ADD LIVE ENTERTAINMENT *[Signature]* 7/10/02

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.

ERNST MOSEK
BREAD + CHOCOLATE INC.
Print Name of Applicant or Agent

[Signature]
Signature

1033 W. GLEBE RD
Mailing/Street Address

703 549 7524
Telephone #

ALEXANDRIA VA 22305
City and State Zip Code

6/13/02
Date

<p>RECEIVED</p> <p>JUN 13 2002</p> <p>PLANNING & ZONING</p>

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.

THEODORE MANOUSAKIS
ERLINT MOSE
TINA MANOUSAKIS (TRUST)

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)

TO ADD WINE TO THE EXISTING OFFERINGS
BY REQUEST OF LUNCH CUSTOMERS.

- ADDING 5 SEATS

- LIVE ENTERTAINMENT FOR WEEKEND AFTERNOONS

(GUITAR, VIOLIN)

7/10/02



WE PLAN NOT TO OPEN FOR NIGHT BUSINESS



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).

50 - 100 per Day

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

4-7 per shift 2 shift per Day

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

Day:

Monday - SUNDAY

Hours:

~~7 AM - 7 PM~~ 7 AM - 9 PM *per phone conversation with applicant 7902*

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

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

N/A

B. How will the noise from patrons be controlled?

N/A

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

N/A

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?

BOTTLES

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

1/2 BAG PER DAY

C. How often will trash be collected?

2 TIMES WEEKLY

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

DESIGNATED INCLOSED AREA IN THE BACK
OF BUILDING (EXISTING)

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

Yes. No.

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

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

Yes. No.

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

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

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.

ON PREMISES SALE ONLY OF WINE BY THE GLASS
AND BOTTLE.

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?

N/A

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

<u> </u>	Standard spaces
<u> </u>	Compact spaces
<u> </u>	Handicapped accessible spaces.
<u> </u>	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:

N/A

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? _____

B. How many loading spaces are available for the use? 1

C. Where are off-street loading facilities located? ROSS ALLEY

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

AM

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

1 PER DAY

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?

NO

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?

800 sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ 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: _____

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: 44 At a bar: 6 Total number proposed: 50

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:

SOUP, SANDWICHES, SALAD, LIGHT ENTREES,
DESSERT, BREAKFAST.

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

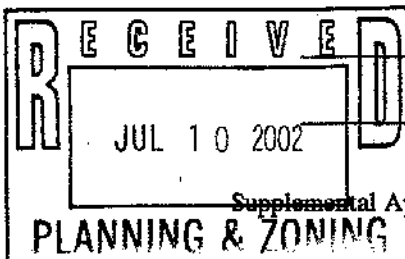
 ✓ table service N/A bar ✓ carry-out N/A delivery

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

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: BACKGROUND MUSIC (GUITAR, VIOLIN)



Restaurant

SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN

**CRITERIA TO BE USED TO EVALUATE NEW OR EXPANDED RESTAURANTS
ADOPTED BY CITY COUNCIL BY RESOLUTION, NOVEMBER 13, 1993**

Parking

1. The applicant must submit a parking management plan (PMP), which specifically addresses the following issues:
 - A. The parking demand generated by the proposed restaurant.
 - B. The availability of off-street parking for patrons. For the purpose of this policy, availability shall be measured in terms of the number of vacant off-street parking spaces within 500 feet from the entrance to the restaurant.
 - C. How employees who drive will be accommodated off the street at least in the evenings and on weekends.
 - D. The predicted impact of the restaurant on the parking supply at the evening peak, weekend peak, and daytime peak.
 - E. A proposal to reduce the impact of parking created by the restaurant on nearby areas. Acceptable alternatives for reducing parking impacts include, but are not limited to, the following: validated parking or valet parking for patrons, and off-street parking or transit subsidies for employees.

2. Additionally, please answer the following:
 - A. 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

 - B. 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

 - C. 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

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

1. Maximum number of patrons shall be determined by adding the following:

	<u>44</u>	Maximum number of patron dining seats
	<u>6</u>	Maximum number of patron bar seats
+	<u>10</u>	Maximum number of standing patrons
	<u>60</u>	
	<u>50</u>	Maximum number of patrons

2. 6 Maximum number of employees by hour at any one time

3. Hours of operation:
(check one)

- Closes by 8:00 P.M.
- Closes after 8:00 P.M. but by 10:00 P.M.
- Closes after 10:00 P.M. but by Midnight
- Closes after Midnight

[Closing time means when the restaurant is empty of patrons.]

4. Alcohol Consumption:
(Check one)

- High ratio of alcohol to food
- Balance between alcohol and food
- Low ratio of alcohol to food



ALEXANDRIA DEPARTMENT OF
PLANNING AND ZONING
301 King Street, Room 2100
Alexandria, Virginia 22314

NOTICE OF VIOLATION

**YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE**

7-5-02 Friday 5:00
Date ticket served Day of Week Time AM/PM

Location of Violation: 411 King St
Aerial + duplicate Post.

Ord. Section: _____

Description of Violation: Violation of
Condition #3 - Approval
for 45 seats + have
73 seats

Penalty \$: 50.00
 1st 2nd
 3rd/MORE

**IF THE VIOLATION IS NOT CORRECTED BY
10 days AN ADDITIONAL MONETARY
PENALTY WILL BE ASSESSED.**

Inspector's Signature: [Signature] ID Number: _____

I personally observed or investigated the commission of the violation noted above and/or violation was based upon signed affidavit.

- VIOLATORS COPY - WHITE
- CITY ATTORNEY COPY - YELLOW
- FINANCE COPY - PINK
- PLANNING AND ZONING COPY - ORANGE

(COM 2002-0408)

NOTICE SERVED ON:

SUP 1352

NAME: LAST FIRST MIDDLE

PROPERTY OWNER
 COMPANY

NAME

POSITION

OTHER

ADDRESS

CITY/TOWN STATE ZIP

SIGNATURE DATE

I hereby acknowledge receipt of this Notice of Violation. Signature is not an admission of guilt.

PERSON REFUSED TO SIGN DATE

CERTIFICATE OF SERVICE

Mailed/posted a true copy of this notice to the last known home or business address of the respondent or the respondent's agent

Name of Person or Business Served: Ernest Moser Inc. (Architect)

Address of Service: 1033 W. Glebe Road

City/State: Alexandria, VA 22305

Posted true copy of this notice at the site of the infraction

The undersigned states that he/she is an employee of the City of Alexandria Department of Planning and Zoning and knows this Certificate of Service to be true to the best of his/her knowledge.

Signature _____

Print Name _____

Date Phone # _____

WARNING
YOU ARE REQUIRED TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 15 DAYS OF THE DATE OF SERVICE IN ONE OF THE FOLLOWING WAYS

Z-03 TICKET NO. 2314

1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A HEARING:

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail;
- Print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4949.

2. TO REQUEST A COURT HEARING:

- Check the "Contest in Court" box below and; (a) Mail this completed notice to the Office of the City Attorney, City Hall, Suite 1300, 301 King Street, Alexandria, Virginia, 22314; or (b) Appear in person or by an authorized representative, at the above address between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4433.
- If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

3. TO CONTEST THE INTERPRETATION OF THE ORDINANCE:

- You have the right to appeal the interpretation of the zoning ordinance upon which this violation is based to the Board of Zoning Appeals within 30 days in accordance with 15.2-2311 of the Code of Virginia. The interpretation shall be final and unappealable if not appealed within 30 days.

FOR INFORMATION CONCERNING THIS TICKET CALL PLANNING AND ZONING AT 703-838-4688

FAILURE TO RESPOND AS PROVIDED ABOVE WILL RESULT IN THE ISSUANCE OF A SUMMONS TO APPEAR IN COURT AND ANSWER TO THE VIOLATION FOR WHICH THIS NOTICE WAS ISSUED

YOU MUST COMPLETE AND SIGN THIS CERTIFICATION:

ADMIT VIOLATION NO CONTEST CONTEST IN COURT

Name (print) _____
Street Address _____
City _____ State _____ Zip _____

I hereby certify under penalty of law, that I have answered as indicated above, and corrected or made substantial efforts to correct the violation that I have admitted or for which I have pleaded no contest.

Signature _____ Date _____

SUP 2002 0054

APPLICATION for SPECIAL USE PERMIT # 2002-0054 //

[must use black ink or type]

PROPERTY LOCATION: 611 KING ST, ALEXANDRIA

TAX MAP REFERENCE: 074.02 -03-09 ZONE: CD

APPLICANT Name: BREAD + CHOCOLATE INC.

Address: 1033 W. GLEBE RD ALEXANDRIA

PROPERTY OWNER Name: (HARRY B LYON) J M REED PROPERTY

Address: 7722 NORTHDOWN ROAD ALEXANDRIA VA 22308

PROPOSED USE: ABC (WINE + BEER), ADD FIVE SEATS,
ADD LIVE ENTERTAINMENT *[Signature]* 7/10/02

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.

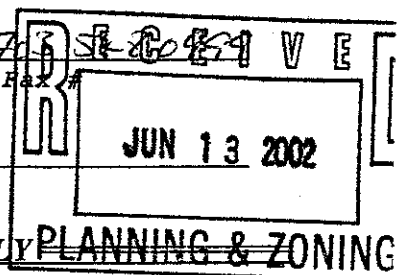
THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, 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.

ERNST MOSEK
BREAD + CHOCOLATE INC.
Print Name of Applicant or Agent

[Signature]
Signature

1033 W. GLEBE RD
Mailing/Street Address

703 549 7524
Telephone #



ALEXANDRIA VA 22305
City and State Zip Code

6/13/02
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: 10/01/02 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 10/19/02PH -- CC approved the Planning
Commission recommendation