

EXHIBIT NO. 1

14
9-15-07

Docket Item #18
SPECIAL USE PERMIT #2007-0069

Planning Commission Meeting
September 6, 2007

ISSUE: Consideration of a request to amend a special use permit to allow a later closing time for an existing restaurant.

APPLICANT: OAVAR's Inc.
by Oswaldo A. Salinas
Lilian's Restaurant

STAFF: Richard W. Bray
Richard.bray@alexandriava.gov

LOCATION: 3901 Mt. Vernon Avenue

ZONE: NR/Neighborhood Retail

PLANNING COMMISSION ACTION, SEPTEMBER 6, 2007: On a motion by Mr. Jennings, and seconded by Mr. Dunn, the Planning Commission voted to recommend approval subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 7 - 0.

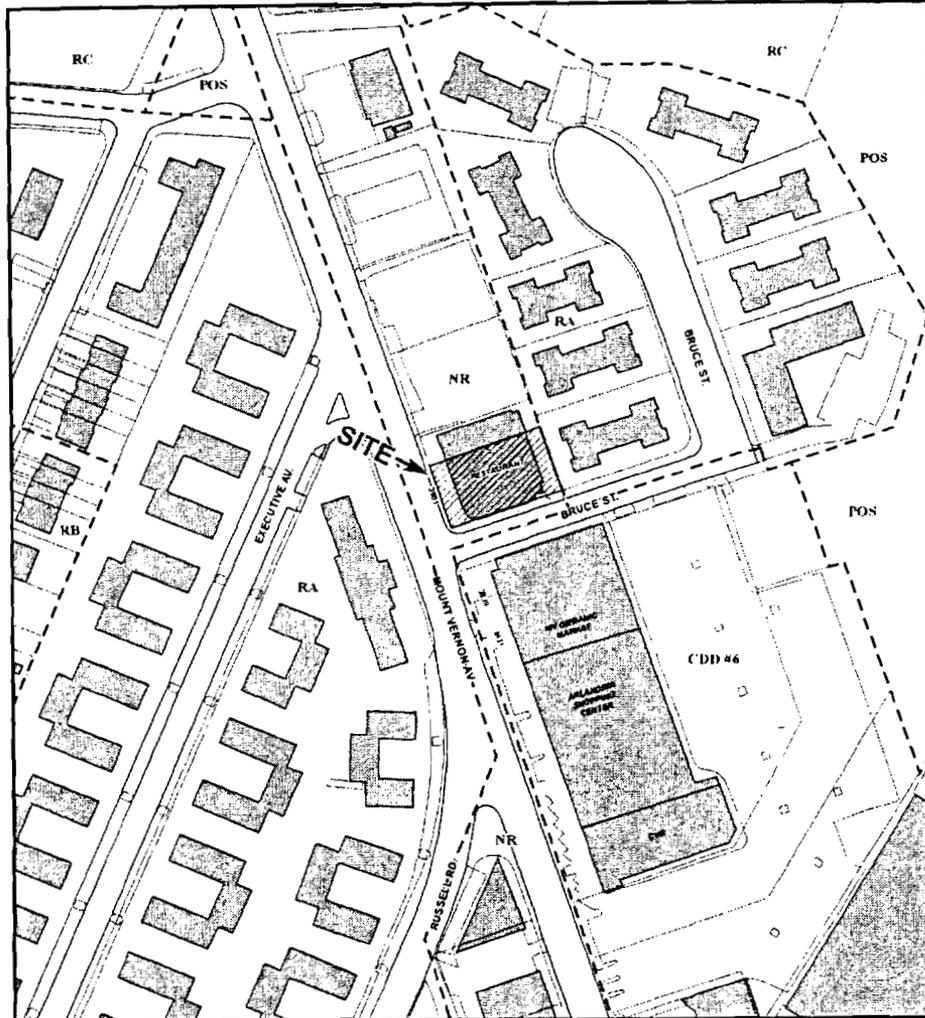
Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Duncan Blair, representing the applicant, stated that although the applicant had his late hours revoked 4 years ago, his business is now a credit to the community and has received a glowing recommendation from the Alexandria Police.

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

SUP #2007-0069
3901 Mount Vernon Avenue



SUP #2007-0069

09/06/07



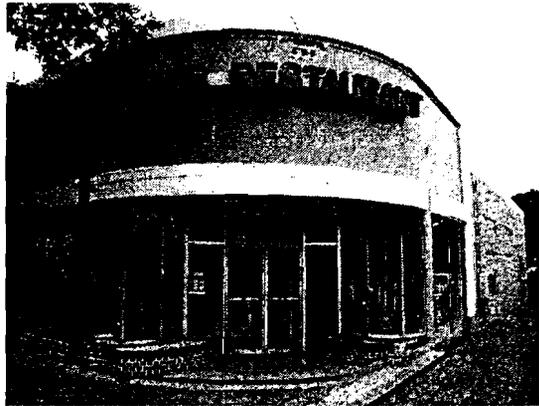
I. DISCUSSION

REQUEST

The applicant, Oswaldo Salinas, requests an amendment to his special use permit to allow for a later closing time for the restaurant located at 3901 Mount Vernon Avenue.

SITE DESCRIPTION

The subject property is one lot of record with approximately 70 feet of frontage on Mount Vernon Avenue, 126 feet of frontage on Bruce Street and a total lot area of approximately 8,820 square feet. The subject lot is part of a larger site developed with a one story building with three tenant spaces and a large parking lot to the north of the building. The other tenants in the building include an H&R Block office and a retail business. An alley runs along the building to the east and separates the subject restaurant from the adjacent Chirilagua residential community. The Presidential Greens apartments are located across the street to the west. A shopping center is located to the south.



BACKGROUND

On March 13, 1999, City Council granted Special Use Permit #99-008 to the applicant for the operation of a restaurant. On September 15, 2001, City Council granted Special Use Permit #2000-0138 to the applicant to allow limited live entertainment on the first floor of the restaurant, to increase the hours of operation, to provide outdoor dining and to offer an annual outdoor event. As part of that Council action, the applicant's request for live entertainment and dancing in the basement of the restaurant was denied. On April 13, 2002, City Council granted Special Use Permit #2002-0001 to allow an increase in the hours of operation. On January 25, 2003, City Council reviewed the Special Use Permit and considered an amendment to add a dance floor to the premises (SUP#2002-0104). At that session the application for a dance floor was denied and City Council determined that the restaurant could remain open but the hours were scaled back to a midnight closing time. Council cited the increase in police calls for service to the restaurant and an inability of the owner to control the establishment as reasons for the reduction in hours.

On July 25, 2007, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.

PROPOSAL

The applicant proposes to extend his weekend hours of operation until 1:30 am.

Hours: Sunday – Thursday: 10:00 am – Midnight
 Friday and Saturday: 10:00 am – 1:00 am

Number of seats: 300

Noise: The applicant will comply with the prohibition of amplified sounds at the property line.

Trash/Litter: Weekly garbage collection, staff patrols property for litter.

PARKING

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 300 seats is required to provide 75 off-street parking spaces. The applicant has a shared lot to the north of the restaurant that has enough spaces to accommodate the required parking. Since the peak demand for restaurant parking will occur after the other businesses in the building have closed, staff believes that the parking arrangement will be sufficient.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CL/Commercial Low zone. Section 4-103(M) of the Zoning Ordinance allows a restaurant in the CL zone only with a special use permit.

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for small scale retail and service uses.

II. STAFF ANALYSIS

In the past Lilian's had problems with late closing hours. In January of 2002, City Council moved the closing hour back to midnight after a six month period in which the restaurant was allowed to be open until 1:00 am. The police did not support the 1:00 am closing hour in 2002 due to the increase in calls for service and disruptions in the neighborhood. The police were also troubled by a lack of cooperation from the applicant. Since 2002 Mr. Salinas has taken steps to ensure that his business is an asset to the neighborhood rather than a nuisance. The applicant now has doormen who control the crowd and made sure that customers do not get out of hand. The applicant also educates his staff on the dangers of over-serving customers and how to serve alcohol responsibly.

Based on the above, staff supports the request for a later weekend closing hour at Lilian's restaurant. There are other establishments in the area that have similar closing hours to

those requested by the applicant. In September of 2005, City Council approved a restaurant and bakery (My Bakery & Café, SUP2005-0084) at 3839 Mount Vernon Avenue with a weekend closing hour of 1:00 am with an option to extend to 2:00 am after six months.

Captain Reyes, the Arlandria Community Liaison for the Alexandria Police Department, reports that in his tenure in Arlandria Mr. Salinas has run a successful restaurant that serves the community well. Captain Reyes further points out that calls for service to 3901 Mount Vernon Avenue are not all attributable to Lilian's Restaurant. When the payphones on the side of the building are used to call the police, the call for service is listed as 3901 Mount Vernon Avenue regardless of where the issue originated.

Due to the history of late hours at this location, staff has recommended a six month review condition instead of the standard one year period. Staff urges the applicant to continue to be a responsible business owner and an asset to the Arlandria community.

With the following conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

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

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP #99-008)
2. Seating shall be provided for no more than 300 patrons. (P&Z) (SUP #99-008)
3. Outside dining facilities may be provided in a manner consistent with the plan dated August 28, 2001, provided that alternative flood proofing to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services is provided. (PC) (SUP #2000-0138)
4. Live entertainment may be provided at the restaurant and shall be limited to a three or four piece instrumental and singing group on the first floor only. No live entertainment and no dance floor shall be provided in the basement of the restaurant. (P&Z) (SUP #2000-0138)
5. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to between 10:00 a.m. and 1:00 a.m. on Fridays and Saturdays and until Midnight Sunday through Thursday. The hours of operation of the outdoor dining area shall be limited from 10:00 a.m. to 10:00 p.m. daily. The outdoor dining area shall be cleared of all diners by 10:00 p.m. and shall be cleaned and washed by 10:30 p.m. (P&Z)

6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #99-008)
7. The applicant may serve beer, wine and liquor for on premise consumption only. (P&Z)(SUP #99-008)
8. The applicant may not provide alcohol service to standing customers. (P&Z) (SUP #99-008)
9. No food, beverages or other material shall be stored outside. (P&Z) (SUP #99-008)
10. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #99-008)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #99-008)
12. The applicant shall control cooking odors and smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP #2002-0001)
13. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed containers which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (SUP #99-008)
14. No music or amplified sound shall be audible at the property line. (P&Z) (SUP #99-008)
15. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for the employees. (Police) (SUP #99-008)
16. **CONDITION ADDED BY STAFF:** The applicant shall comply with any requirements adopted as a part of a smoke-free restaurant ordinance. (P&Z)
17. **CONDITION DELETED BY STAFF:** ~~In order to ensure compliance with its affidavit, the applicant shall provide a quarterly update to the Police Department. (Police) (SUP #2000-0138)~~

18. The applicant shall obtain at their expense, one Model SD-42 Bethesda Ironside Series trash container to replace existing container located on the adjacent located on the adjacent right-of-way. (T&ES) (SUP #2000-0138)
19. The outdoor community event as described by the applicant shall be coordinated through the City of Alexandria Special Events Committee. Not more than one event shall occur annually and the hours of operation of the event shall be restricted to between 10:00 a.m. and 6:00 p.m. (Police) (P&Z) (SUP #2000-0138)
20. The outdoor event shall occur only in the on-site parking lot located to the north of the building and only with the permission of the owner of the property. (P&Z) (SUP #2000-0138)
21. No music or other amplified sound shall be audible at the property line and no speakers or entertainment be permitted outside of the building without first obtaining a noise permit from T&ES Division of Environmental Quality. (T&ES) (SUP #2000-0138)
22. The applicant shall apply for a temporary food event permit from the Health Department at least two weeks prior to the event. (Health) (SUP #2000-0138)
23. 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) (SUP #2000-0138)
24. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all Special Use Permit provisions and requirements. (P&Z)
25. The Director of Planning and Zoning shall review the special use permit six months after this 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: Richard Josephson, Deputy Director, Department of Planning and Zoning;
Richard Bray, Urban Planner.

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.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
- R-2 The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line.
- R-4 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- 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.
- 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.
- R-7 The applicant shall obtain, at their expense, one Model SD-42 Bethesda Ironside Series trash container to replace existing container located on the adjacent right-of-way.
- 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.

- 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).

Code Enforcement:

- F-1 No comments.

Health Department:

- F-1 No comments.

Parks and Recreation:

- F-1 No comments.

Police Department:

- F-1 The applicant has requested an extension of hours for the business. The Police Department's comments are as follows:

The Police Department has no objections to the below proposed hours

- | | |
|----------------------|-------------------------|
| 1) Monday – Thursday | 10:00 A.M. – 12:00 A.M. |
| 2) Sunday | 10:00 A.M. – 12:00 A.M. |

The Police Department will only support the below listed hours if the condition reads **“all patrons must leave the premises by 2:00 A.M.”**

- | | |
|------------------------|------------------------|
| 1) Friday and Saturday | 10:00 A.M. – 2:00 A.M. |
|------------------------|------------------------|

- F-2 The Police Department **does not support** the business closing at 2:00 A.M. and then the patrons leaving at 3:00 A.M.

- F-3 Condition #17 under SUP #2002-0104 requires the applicant to provide an update to their affidavit to the Police Department quarterly.

The Police Department requests this condition be rescinded.

Special Use Permit # 2007-0069

APPLICATION for SPECIAL USE PERMIT # _____

PROPERTY LOCATION: 3901 Mt. Vernon Avenue, Alexandria, Virginia

TAX MAP REFERENCE: 007.01 02 13 ZONE: NR-Arlandria Neighborhood Retail

APPLICANT Name: OAVAR's Inc., by Oswaldo A. Salinas
Address: 3901 Mt. Vernon Avenue, Alexandria, Virginia 22305

PROPERTY OWNER Name: Palmas Investments LLC
Address: 3903 Mt. Vernon Avenue, Alexandria, Virginia 22305

PROPOSED USE: Amendment of Special Use Permit #2002-0104 to extend the hours of operation.

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Oswaldo A. Salinas
Print Name of Applicant or Agent


Signature

3901 Mt. Vernon Avenue (703) 819-4720
Mailing/Street Address Telephone # Fax #

(703) 819-8236

Alexandria, Virginia 22305 June 25, 2007
City and State Zip Code Date

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

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (*check one*) the Owner Contract Purchaser
 Lessee or Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

No change from SUP #2002-0104.

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 82" 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.

No change from SUP #2002-0104.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

The Applicant is requesting an amendment to Special Use Permit No. 2002-0104 to extend the hours of operation.

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).

No change from SUP #2002-0104.

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

No change from SUP #2002-0104.

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

Day:

Hours:

Monday - Thursday

10:00 A.M. – 12:00 P.M.

Friday and Saturday

10:00 A.M. – 2:00 A.M.

Sunday

10:00 A.M. – 12:00 P.M.

No change from SUP #2002-0104 with regards to hours of outdoor seating.

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

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

No change from SUP #2002-0104.

B. How will the noise from patrons be controlled?

No change from SUP #2002-0104.

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

No change from SUP #2002-0104.

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?

No change from SUP #2002-0104.

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

No change from SUP #2002-0104.

- C. How often will trash be collected?

No change from SUP #2002-0104.

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

No change from SUP #2002-0104.

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:

No change from SUP #2002-0104.

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:

No change from SUP #2002-0104.

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

No change from SUP #2002-0104.

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.

No change from Special Use Permit #2002-0104.

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?

No change from SUP #2002-0104.

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

- 75 Standard spaces
- Compact spaces
- ✓ Handicapped accessible spaces.
- Other.

C. Where is required parking located? on-site off-site (check one)

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

Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the

use with a special use permit.

- D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.
15. Please provide information regarding loading and unloading facilities for the use:
- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? **No change from SUP #2002-0104.**
 - B. How many loading spaces are available for the use? **No change from SUP #2002-0104.**
 - C. Where are off-street loading facilities located? **No change from SUP #2002-0104.**
 - D. During what hours of the day do you expect loading/unloading operations to occur?
No change from SUP #2002-0104.
 - E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
No change from SUP #2002-0104.
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 change from SUP #2002-0104.

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? N/A square feet.
18. What will the total area occupied by the proposed use be?
_____ 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: N/A

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? **NO CHANGE FROM SUP #2002-0104**

At tables: _____ At a bar: _____ Total number proposed: _____

2. Will the restaurant offer any of the following? **NO CHANGE FROM SUP #2002-0104**

_____ Alcoholic beverages _____ beer and wine (on-premises)

_____ Beer and wine (off-premises)

3. Please describe the type of food that will be served: **NO CHANGE FROM SUP #2002-0104**

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

NO CHANGE FROM SUP #2002-0104

_____ Table service _____ bar _____ carry-out _____ delivery

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

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

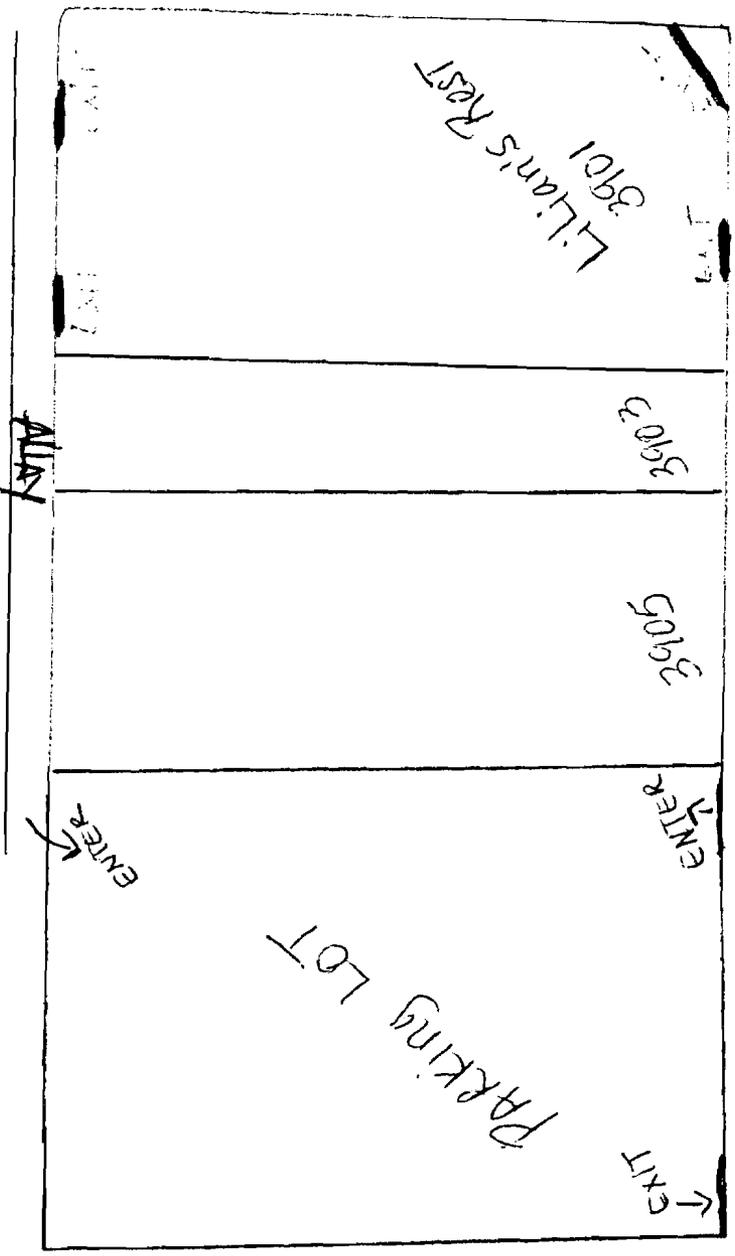
NO CHANGE FROM SUP #2002-0104

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? ___ Yes. ___ No. **NO CHANGE FROM SUP #2002-0104**

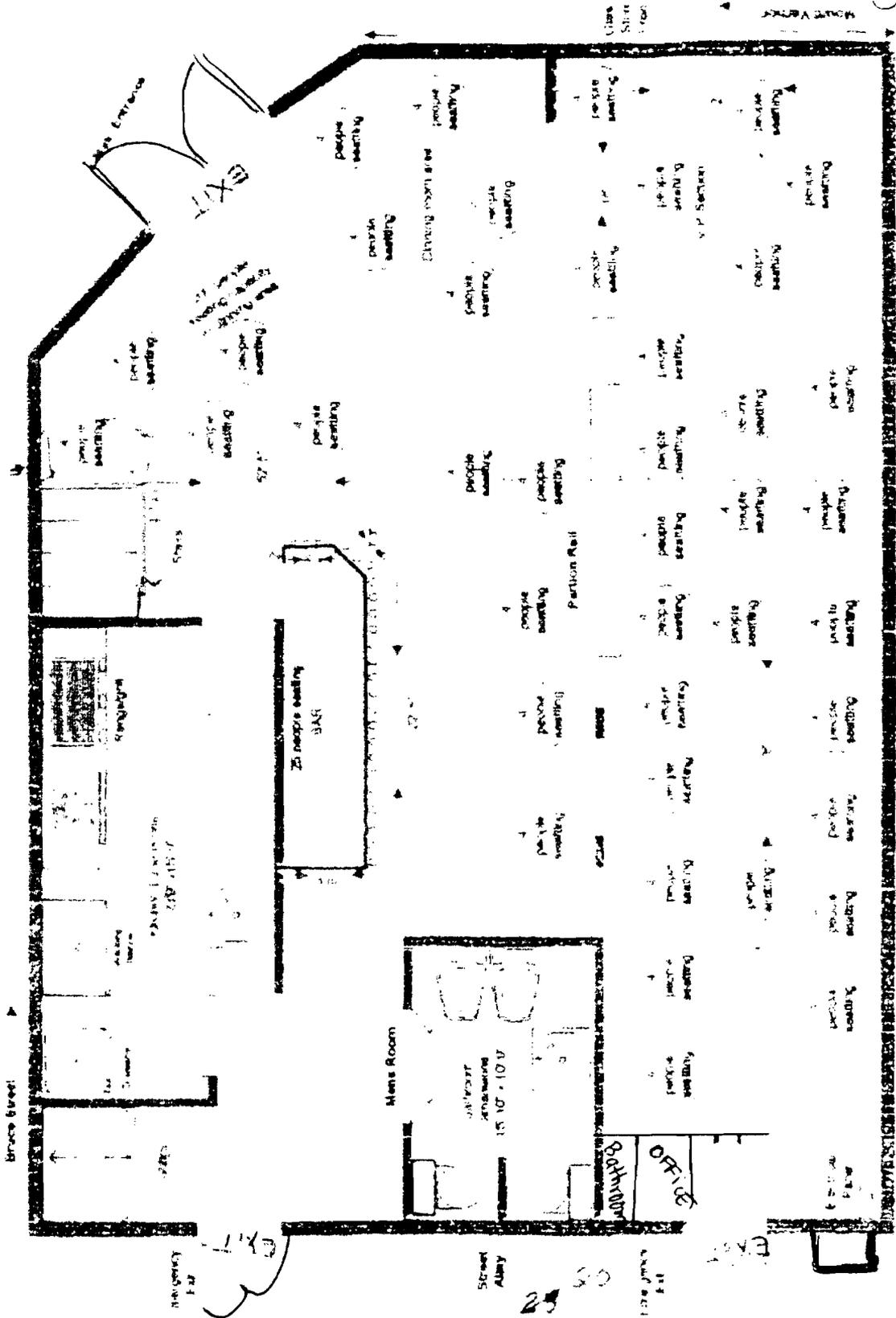
If yes, please describe:

BRUCE ST

MT VERNON AVENUE

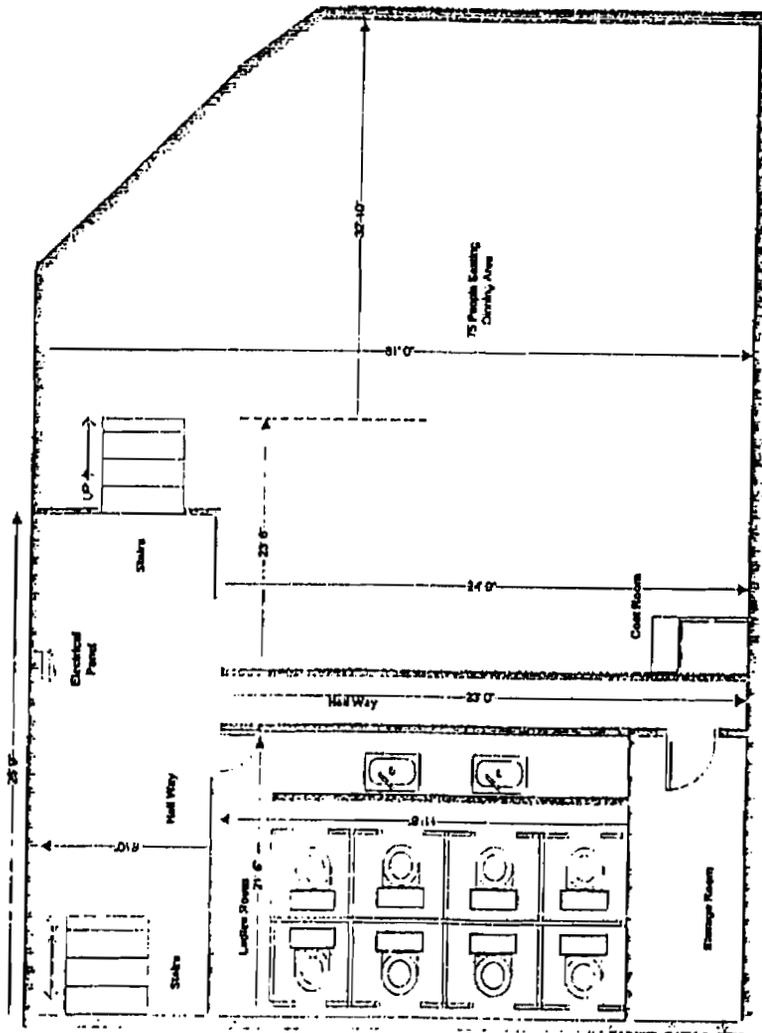


SUP2007-00009



STAIRS SITE PLAN
 3801 Mount Vernon Ave
 Alexandria, VA

~~SUP 99-0008~~
SUP 2007-069



DOWNSTAIRS SITE PLAN
3901 Mount Vernon Ave.
Alexandria, VA

21

Special Use Permit # 2007-0069

APPLICATION for SPECIAL USE PERMIT # _____

PROPERTY LOCATION: **3901 Mt. Vernon Avenue, Alexandria, Virginia**

TAX MAP REFERENCE: **007.01 02 13** ZONE: **NR-Arlandria Neighborhood Retail**

APPLICANT Name: **OAVAR's Inc., by Oswaldo A. Salinas**
Address: **3901 Mt. Vernon Avenue, Alexandria, Virginia 22305**

PROPERTY OWNER Name: **Palmas Investments LLC**
Address: **3903 Mt. Vernon Avenue, Alexandria, Virginia 22305**

PROPOSED USE: **Amendment of Special Use Permit #2002-0104 to extend the hours of operation.**

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THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Oswaldo A. Salinas
Print Name of Applicant or Agent

Oswaldo A. Salinas
Signature

3901 Mt. Vernon Avenue **(703) 819-4720**
Mailing/Street Address Telephone # ~~Fax #~~

(703) 819-8236

Alexandria, Virginia 22305 **June 25, 2007**
City and State Zip Code Date

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

Action - PLANNING COMMISSION: Recommended approval 7-0 9-6-07

Action - CITY COUNCIL: 9/15/07- CC approved the PC recommendation w/ amendments (see attachment) - 7-0

CRMU-H/Commercial Residential Mixed Use High. Applicant: Diamond Commercial, LLC by Harry P. Hart, attorney

PLANNING COMMISSION ACTION : Recommend Approval 7-0

14. SPECIAL USE PERMIT #2007-0069
3901 MOUNT VERNON AVENUE
RESTAURANT AMENDMENT
Public Hearing and Consideration of a request for an amendment to extend the hours of operation at a restaurant; zoned NR/Neighborhood Retail. Applicant: OAVAR's Inc., by Oswaldo A. Salinas

PLANNING COMMISSION ACTION : Recommend Approval 7-0

END OF ACTION CONSENT CALENDAR

City Council adopted the consent calendar, with the removal of items #4, 7 and 14, and noted the withdrawal of item #6, as follows:

3. City Council approved the Planning Commission recommendation .
4. City Council approved the Planning Commission recommendation. **(separate motion)**
5. City Council approved the Planning Commission recommendation .
6. This item was withdrawn by the applicant .
7. City Council approved the Planning Commission recommendation , with an amendment to change condition #2 so the latest closing hour is 1:30 a.m. **(separate motion)**
8. City Council approved the Planning Commission recommendation .
9. City Council approved the Planning Commission recommendation .
10. City Council approved the Planning Commission recommendation .
11. City Council approved the Planning Commission recommendation .
12. City Council approved the Planning Commission recommendation .
13. City Council approved the Planning Commission recommendation .
14. City Council approved the Planning Commission recommendation , with an amendment to condition #5 and 25, an amendment that the Police Department and

Planning Director be given, after a one year review, the opportunity to extend the hours to bring them in line with the other retail in the area, provided that both the Police and Planning Director are comfortable with it, with an additional condition that prior to any administrative action, the applicant shall schedule meetings with the surrounding residential neighborhoods once every two months for the first six months of operations and then regularly as needed and/or requested by the neighborhood or applicant thereafter to identify or address any neighborhood impact issues added by Planning and Zoning. **(separate motion)**

Council Action: _____

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

15. Public Hearing to Consider the Recommendation of the Naming Committee to Name the City Baseball Field at Four Mile Run Park in Honor of the Late Former Mayor Frank E. Mann. (#28, 6/26/07)

City Council approved the naming of the City baseball field at Four Mile Run Park in honor of the late former Mayor Frank E. Mann.

Council Action: _____

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

16. SPECIAL USE PERMIT #2007-0055
480 KING STREET
HOTEL MONACO - VALET PARKING
Public Hearing and Consideration of a request to operate valet parking for a hotel; zoned CD/Commercial Downtown. Applicant: CLPF King Street Venture, LP by M. Catherine Puskar, attorney.

PLANNING COMMISSION ACTION: Recommend Approval 7-0

City Council approved the Planning Commission recommendation .

Council Action: _____

17. SPECIAL USE PERMIT #2007-0063
105, 107 & 109 KING STREET
FISH MARKET RESTAURANT - AMENDMENT
Public Hearing and Consideration of request for an amendment to increase the seating at a restaurant; zoned CD/Commercial Downtown. Applicant: Old Town Food Service Corporation by Glenda Giovannoni

PLANNING COMMISSION ACTION: Recommend Approval 7-0

City Council approved the Planning Commission recommendation .