

EXHIBIT NO. 1

7
9-15-07

Docket Item # 6
SPECIAL USE PERMIT #2007-0056

Planning Commission Meeting
September 6, 2007

ISSUE: Consideration of a request for a special use permit to operate a restaurant.

APPLICANT: Caltor-Hoffman, LLC, t/a California Tortilla

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

LOCATION: 2461 Eisenhower Avenue
Unit Address: 240 Swamp Fox Road

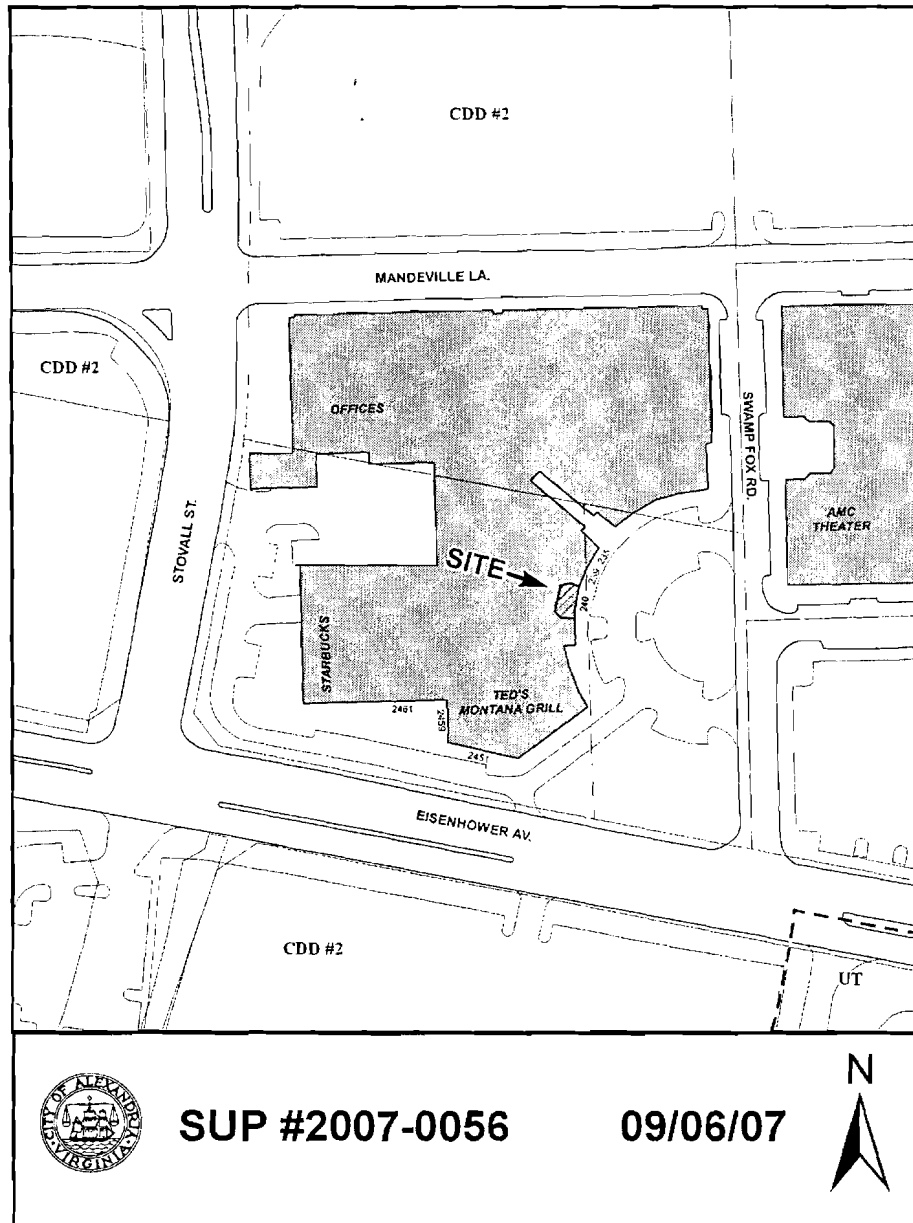
ZONE: CDD#2/Coordinated Development District

PLANNING COMMISSION ACTION, SEPTEMBER 6, 2007: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.

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

SUP #2007-0056
2461 Eisenhower Ave
Unit Address: 240 Swamp Fox Road



I. DISCUSSION

REQUEST

The applicant, Caltor-Hoffman, LLC, trading as California Tortilla requests special use permit approval for the operation of a restaurant located at 2461 Eisenhower Avenue.

SITE DESCRIPTION

The subject property is part of what is known as the Hoffman Town Center and is developed with the Hoffman office buildings (Hoffman I and II), with one-story retail and restaurant space that wraps around the south and east sides of the buildings, and a crescent-shaped pedestrian plaza oriented toward Swamp Fox Road. The applicant proposes to occupy a 2,566 square foot tenant space facing Eisenhower Avenue. To the northeast of the subject tenant space is a Bread and Chocolate Restaurant, Cold Stone Creamery, barber shop, dry cleaner and a Starbucks coffee bar. To the west is a Ted's Montana Grill. A full service Thai restaurant was also recently approved in the subject building.



In addition to the immediate retail tenant spaces along the pedestrian plaza, surrounding uses include Ruby Tuesday's restaurant, the San Antonio Grill restaurant, a movie theater, surface parking and offices. The Eisenhower Metrorail station is located southeast of the subject property.

BACKGROUND

On June 13, 1998, City Council granted Special Use Permit #98-0042, with site plan, to construct a theater with retail and restaurant uses. Condition #2 of that special use permit states that each restaurant is required to obtain a separate special use permit for operation. On October 14, 2000, City Council approved DSUP #2000-0028 amending SUP#98-0042 to add an office building and parking garage behind the movie theaters, and add facade details for the subject property.

PROPOSAL

The applicant proposes to operate a casual quick serve restaurant in the Hoffman Town Center. The applicant also proposes to have one delivery vehicle to accommodate a small catering operation delivering food prepared in the restaurant.

Hours: 11:00 am – 11:00 pm

Number of seats: 78

Noise: No adverse noise impacts anticipated.

Trash/Litter: Employees will patrol for litter and the site has commercial trash pick-up once a day.

PARKING

According to Section 8-200 of the Zoning Ordinance, the proposed restaurant is required to provide 20 spaces (one space for every four seats). Parking requirements for the subject restaurant space were analyzed and met under the special use permit approved in 1998 for the theater building and pedestrian plaza area at the Hoffman office buildings (SUP#98-0042).

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDD-2/Coordinated Development District. According to Section 5-602 of the zoning ordinance, the underlying zoning of the CDD-2 zone is OC/Office Commercial. According to Section 4-803 (AA) of the Zoning Ordinance, a restaurant is allowed in the OC zone only with a special use permit. The proposed use is consistent with the Eisenhower East Small Area Plan chapter of the Master Plan which designates the property for commercial uses.

II. STAFF ANALYSIS

Staff supports the proposed restaurant in the Hoffman Town Center. The restaurant will accommodate movie patrons and provide an alternative to the many full service restaurants in the area. California Tortilla has a successful franchise model that focuses on locating their restaurants in proximity to theaters. Incorporated into that theme are meals that include food and movie passes at bundled prices. In this way the restaurant and theater support each other in business generation. The catering portion of the business will utilize one vehicle and will operate as an accessory to the primary function of the restaurant.

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 corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the restaurant shall be limited to 11:00 am and 11:00 pm, 7 days a week. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
5. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
6. 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)
7. On site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z)
8. 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)
9. No food, beverages, or other material shall be stored outside. (P&Z)
10. The applicant shall comply with any requirements adopted as a part of a smoke-free restaurant ordinance. (P&Z)
11. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
12. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)

13. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
14. 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. (T&ES)
15. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
16. 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. (T&ES)
17. 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)
18. 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, (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.)
- 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:

- C-1 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-2 Toilet Rooms for Persons with Disabilities:
 - (a) Water closet heights must comply with USBC 1109.2.2
 - (b) Door hardware must comply with USBC 1109.13
- C-3 Toilet Facilities for Persons with Disabilities: Larger, detailed, dimensioned drawings are required to clarify space layout and mounting heights of affected accessories. Information on door hardware for the toilet stall is required (USBC 1109.2.2).
- C-4 Required exits, parking, and facilities shall be accessible for persons with disabilities.
- C-5 The applicant must obtain a Certificate of Occupancy prior to occupancy (use) of the structure (USBC 116.1).
- C-6 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- 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 Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operation.
- C-3 Five sets of plans must be submitted to 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 \$135.00 fee for plans review of food facilities.
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Parks & Recreation:

- F-1 No comment

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the program for all employees.
- F-1 The applicant is seeking an "ABC On" license only. The Police Department has no objections.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0056

Unit 240 Swamp Fox Rd

PROPERTY LOCATION: HOFFMAN TOWN CENTER, BLOCKS 3, 4, 6 2401 Eisenhower Ave

TAX MAP REFERENCE: 72.00-03-15 ZONE: CDD#2

APPLICANT

Name: CALTOR - HOFFMAN, LLC (DBA: CALIFORNIA TORTILLA)
Address: 301 SWAMP FOX ROAD, ALEXANDRIA, VA 22331

PROPERTY OWNER

Name: HOFFMAN BUILDINGS, LP
Address: 2401 EISENHOWER AVE, LOBBY FLOOR, ALEXANDRIA VA 22331

PROPOSED USE: THE OPERATION OF A FRANCHISED FAST CASUAL RESTAURANT
TRADING AS CALIFORNIA TORTILLA.

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 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.

CALTOR - HOFFMAN, LLC
Print Name of Applicant or Agent
9812 FALLS ROAD, SUITE 205
Mailing/Street Address
POTOMAC, MD 20854
City and State Zip Code

[Signature]
Signature
(301) 299-1201 (301) 299-1210
Telephone # Fax #
dan@caltor.biz
Email address
06/11/07
Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

SUP # 2007-0056



APPLICATION

SPECIAL USE PERMIT

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

1. 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, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

DANIEL L. KOCH - 100%

9812 FALLS ROAD - SUITE 205

POTOMAC, MD 20854

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? N/A

- 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 11" x 17" or smaller. Twenty-four copies are required for plans larger than 11" x 17" 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. The description should include 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 INTENDS TO OPERATE A FRANCHISED FAST CASUAL RESTAURANT UNDER THE TRADE NAME OF CALIFORNIA TORTILLA.

THE RESTAURANT WILL SERVE 400-500 CUSTOMERS PER DAY.

THE RESTAURANT WILL EMPLOY APPROXIMATELY 15 FULL TIME EMPLOYEES AND 10 PART TIME EMPLOYEES. THE HOURS OF

OPERATION WILL BE 11AM - 11PM, DAILY. THE HOFFMAN TOWN

CENTER PROVIDES SUFFICIENT PARKING SPACES FOR THE REQUIREMENTS OF THE RESTAURANT'S CUSTOMERS AND EMPLOYEES. THE BUSINESS OF

THE RESTAURANT IS CONDUCTED STRICTLY WITHIN THE LEASED

PREMISES AND WILL NOT CREATE ANY NOISE.

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).
THE RESTAURANT EXPECTS TO SERVE 400-500 MEALS PER DAY, SPREAD EVENLY THROUGHOUT THE 11AM-11PM OPERATING HOURS.

- B. How many employees, staff and other personnel do you expect?
Specify time period (i.e., day, hour, or shift).
THERE WILL BE APPROXIMATELY 15 FULL TIME AND 10 PART TIME EMPLOYEES. THE STORE WILL BE OPERATED BY 5 EMPLOYEES BETWEEN 8-11 AM, AND 10 EMPLOYEES FROM 11AM-11PM.

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

Day: <u>DAILY</u>	Hours: <u>11AM - 11PM</u>
_____	_____
_____	_____
_____	_____

- 7. Please describe any potential noise emanating from the proposed use.
 - A. Describe the noise levels anticipated from all mechanical equipment and patrons.
THE RESTAURANT'S MECHANICAL EQUIPMENT AND ITS PATRONS WILL NOT CREATE ABNORMAL LEVELS OF NOISE.
 - B. How will the noise from patrons be controlled?
THE ENTRY DOOR WILL BE KEPT CLOSED AT ALL TIMES. NO ABNORMAL PATRON NOISES ARE ANTICIPATED.

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

THE RESTAURANT DOES NOT CREATE ANY ODORS. FILTRATION AND VENTILATING EQUIPMENT WILL BE NEW AND IN OPTIMAL OPERATING ORDER.

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?

CARDBOARD BOXES, PAPER GOODS TRASH AND GARBAGE COMMON TO A FOOD PREPARATION USE.

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

APPROXIMATELY 12 LARGE BAGS PER DAY.

C. How often will trash be collected?

WITHIN THE STORE, TRASH IS CHECKED AND REMOVED THROUGHOUT THE DAY. THE LANDLORD'S DUMPSTER IS EMPTIED DAILY.

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

ADEQUATE TRASH RECEPTACLES WILL BE PROVIDED WITHIN THE RESTAURANT AND THE LANDLORD CURRENTLY PROVIDES ADEQUATE RECEPTACLES THROUGHOUT THE PROPERTY.

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:

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 residents, employees and patrons?

THE STORE WILL BE MAINTAINED WITH A SAFE AND SANITARY ENVIRONMENT.
MANAGERS OF CALIFORNIA TORTILLA RESTAURANTS ARE TRAINED TO MAKE
CUSTOMER AND EMPLOYEE SAFETY A PRIMARY OPERATING RESPONSIBILITY.

ALCOHOL SALES

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

[X] 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.

A LICENSE WILL BE OBTAINED
FOR THE ON PREMISES SALE OF BEER, WINE AND MARGARITAS.

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?

20

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

1625 Standard spaces
875 Compact spaces
74 Handicapped accessible spaces.
_____ Other.

C. 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?

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?

1

B. How many loading spaces are available for the use? 3

C. Where are off-street loading facilities located? OFF OF STOVALL STREET, BETWEEN HOFFMAN BLDGS 1 AND 2, FULL LOADING DOCK FACILITY.

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

8AM - 11AM

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

TWICE PER 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?

NO CHANGES WOULD BE REQUIRED.

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?

2566 sq. ft. (existing) + 0 sq. ft. (addition if any) = 2566 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: A MIXED USE RETAIL AND OFFICE COMPLEX
KNOWN AS HOFFMAN TOWN CENTER.



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: 78 Outdoors: 0 Total number proposed: 78

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:
FRESH TEX MEX: BURRITOS, TACOS, SALADS, SIDE ORDERS
AND BEVERAGES. A MENU IS ATTACHED.

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? ONE, FOR CATERING ONLY
Will delivery drivers use their own vehicles? Yes No
Where will delivery vehicles be parked when not in use?
IN AN OFF STREET SPACE WITHIN THE HOFFMAN TOKIN CENTER

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?
 Yes No
If yes, please describe:

OLD TOWN RESTAURANT POLICY

Changes to Old Town Small Area Plan Chapter of the Master Plan Adopted by City Council on November 13, 1993

On November 13, 1993, the City Council adopted Resolution No. 1672, which outlines new policy and criteria used in applying the revised Old Town Restaurant Policy. Individuals who apply for a special use permit to operate a restaurant in Old Town must address in their entirety five criteria in order to be considered for a special use permit. An application will not be formally accepted for processing until this questionnaire is completed.

GOALS OF THE OLD TOWN RESTAURANT POLICY

1. To lessen the on-street parking impact of restaurants in Old Town and adjacent areas;
2. To prevent rowdiness and vandalism from patrons leaving restaurants, particularly in the late evening; and
3. To control the spread of litter in Old Town.

POLICIES TO ATTAIN THE GOALS OF THE OLD TOWN RESTAURANT POLICY

City Council shall not approve a request for special use permit for any new restaurant, carry-out or fast food establishment or an expansion of an existing restaurant, carry-out or fast food establishment, unless it finds that the request does not significantly impact nearby residential neighborhoods. City Council shall consider the cumulative impact of the proposal and the number of already established restaurants, carry-outs, fast food establishments and the number of food service seats, bar seats and standing service areas in the immediate area. In the case of an expansion or other intensification, the entire operation of the establishment may be taken into account in determining its impact upon the nearby residential neighborhoods. In making that determination, City Council shall consider the following factors:

- The availability of off-street parking.
- The predicted impact of the restaurant on parking supply in the adjacent neighborhood.
- The extent to which the restaurant is open in the late night hours.
- The extent to which alcohol (such as spirits, mixed drinks, wine, and beer) consumption will predominate over food consumption, including consideration of the number of bar seats, if any, and the standing areas in the vicinity of bars.
- The predicted extent of litter generated in nearby neighborhoods.

CRITERIA TO BE USED TO EVALUATE NEW OR EXPANDED RESTAURANTS

Parking Management Plan. The applicant must submit a parking management plan (PMP), which specifically addresses the following issues:

- The parking demand generated by the proposed restaurant.
- 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.
- How employees who drive will be accommodated off the street at least in the evenings and on weekends.
- The predicted impact of the restaurant on the parking supply at the evening, weekend, and daytime peaks.
- 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.

SUP # _____

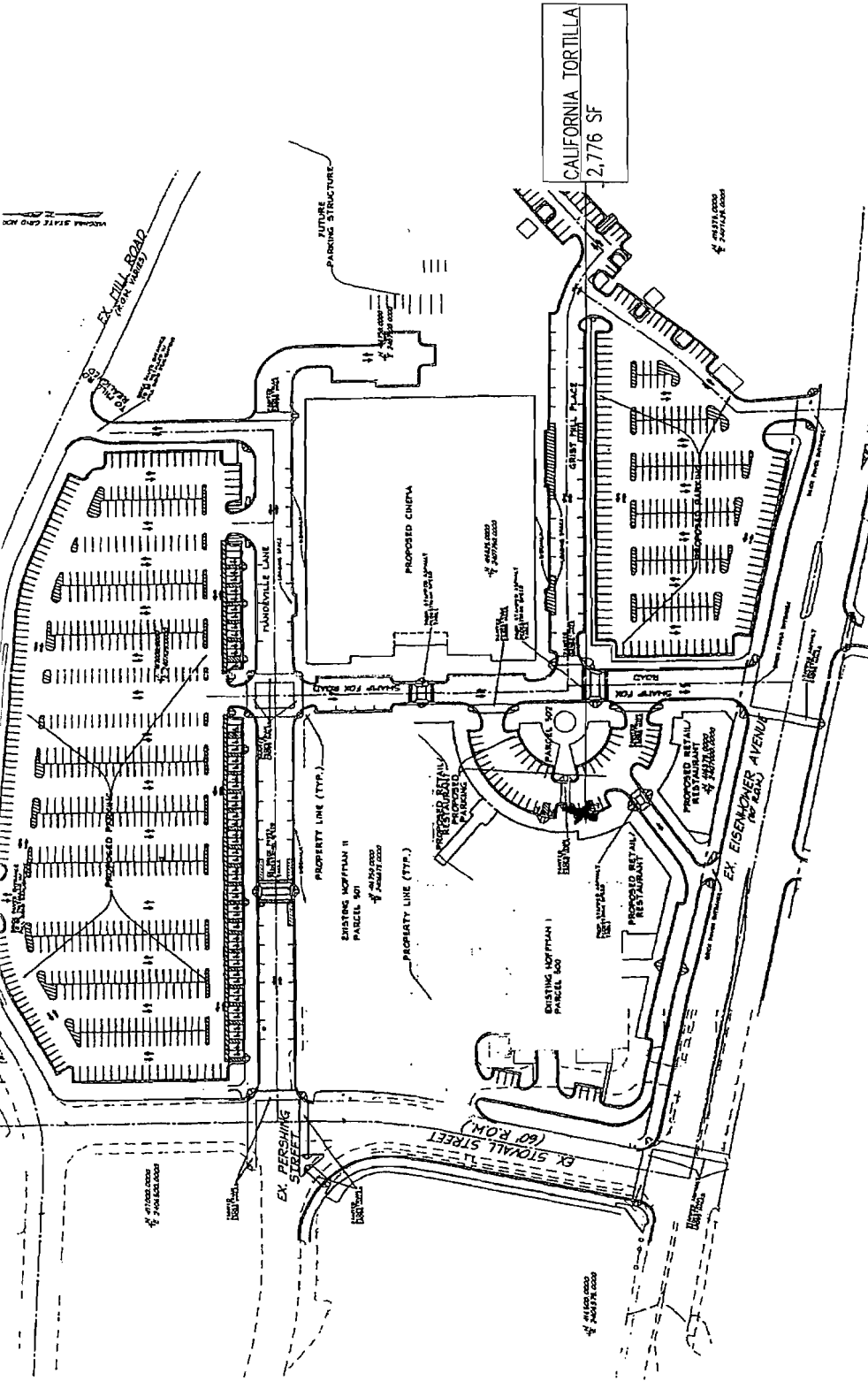
Parking impacts. Please answer the following:

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:
$$\begin{array}{r} \underline{78} \text{ Maximum number of patron dining seats} \\ + \quad \underline{0} \text{ Maximum number of patron bar seats} \\ + \quad \underline{0} \text{ Maximum number of standing patrons} \\ = \quad \underline{78} \text{ Maximum number of patrons} \end{array}$$
2. _____ 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



DRAWN BY: WVM
 DATE: 04/22/07
 JOB NUMBER: 07000
 ISSUED: #1
 DRAWING NUMBER: SK-1



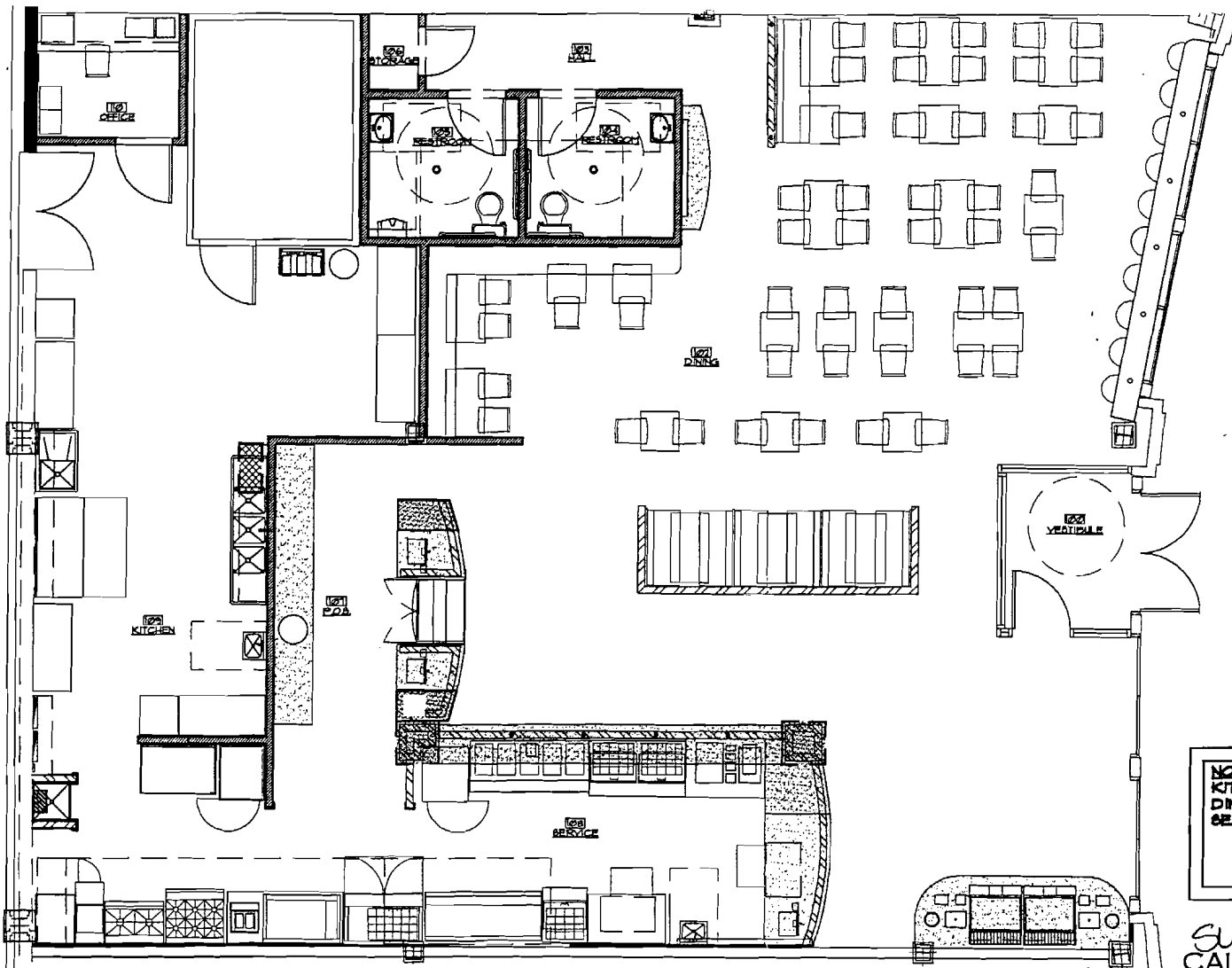
SUP2001-0056
 CALIFORNIA TORTILLA
 HOFFMAN CENTER, VA

MASTER DESIGN

SITE PLAN
 SCALE: NTS

1
 SK-1

21



NOTES:
 KITCHEN AREA-1151 SQ. FT.
 DINING AREA-1365 SQ. FT.
 SEATS - 18

DRAWN BY: ww
 DATE: 06/22/07
 JOB NUMBER: 07-000
 ISSUED: #1
 DRAWING NUMBER:

SUP2007-0056
 CALIFORNIA TORTILLA
 HOFFMAN CENTER, VA

SK-2

202

1
 SK-2
CONCEPTUAL FLOOR PLAN
 SCALE: 3/16" = 1'-0"

MASTER DESIGN





APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0056

Unit 240 Swamp Fox Rd

PROPERTY LOCATION: HOFFMAN TOWN CENTER, BLOCKS 3, 4, 6 2401 Eisenhower Avenue

TAX MAP REFERENCE: 72.00-03-15 **ZONE:** CDD#2

APPLICANT

Name: CALTOR-HOFFMAN, LLC (DBA: CALIFORNIA TORTILLA)
Address: 301 SWAMP FOX ROAD, ALEXANDRIA, VA 22331

PROPERTY OWNER

Name: HOFFMAN BUILDINGS, LP
Address: 2401 EISENHOWER AVE, LOBBY FLOOR, ALEXANDRIA VA 22331

PROPOSED USE: THE OPERATION OF A FRANCHISED FAST CASUAL RESTAURANT TRADING AS CALIFORNIA TORTILLA.

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 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.

CALTOR-HOFFMAN, LLC
Print Name of Applicant or Agent
9812 FALLS ROAD, SUITE 205
Mailing/Street Address
POTOMAC, MD 20854
City and State Zip Code

[Signature]
Signature
(301) 299-1201 (301) 299-1210
Telephone # Fax #
dan@caltor.biz
Email address
06/11/07
Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY
Application Received: _____ Date & Fee Paid: \$ _____
ACTION-PLANNING COMMISSION by unanimous consent recommended approval 9-6-07
ACTION-CITY COUNCIL: 9/15/07- CC approved the PC recommendation 7-0

10

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