EXHIBIT NO. 1

DOCKET ITEM # 7

Special Use Permit #2009-0064
3401 Mt Vernon Avenue – Restaurant

6
2-20-10

Application	General Data	
Request: Consideration of a request to operate a restaurant and for a parking reduction.	Planning Commission Hearing:	February 2, 2010
	City Council Hearing:	February 20, 2010
Address: 3401 Mount Vernon Avenue	Zone:	CSL/Commercial Service Low
Applicant: Jose Mario Cabero, Jose Guillermo Cabero, Marisol J. Gonzalez	Small Area Plan:	Potomac West

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Maya Contreras maya.contreras@alexandriava.gov

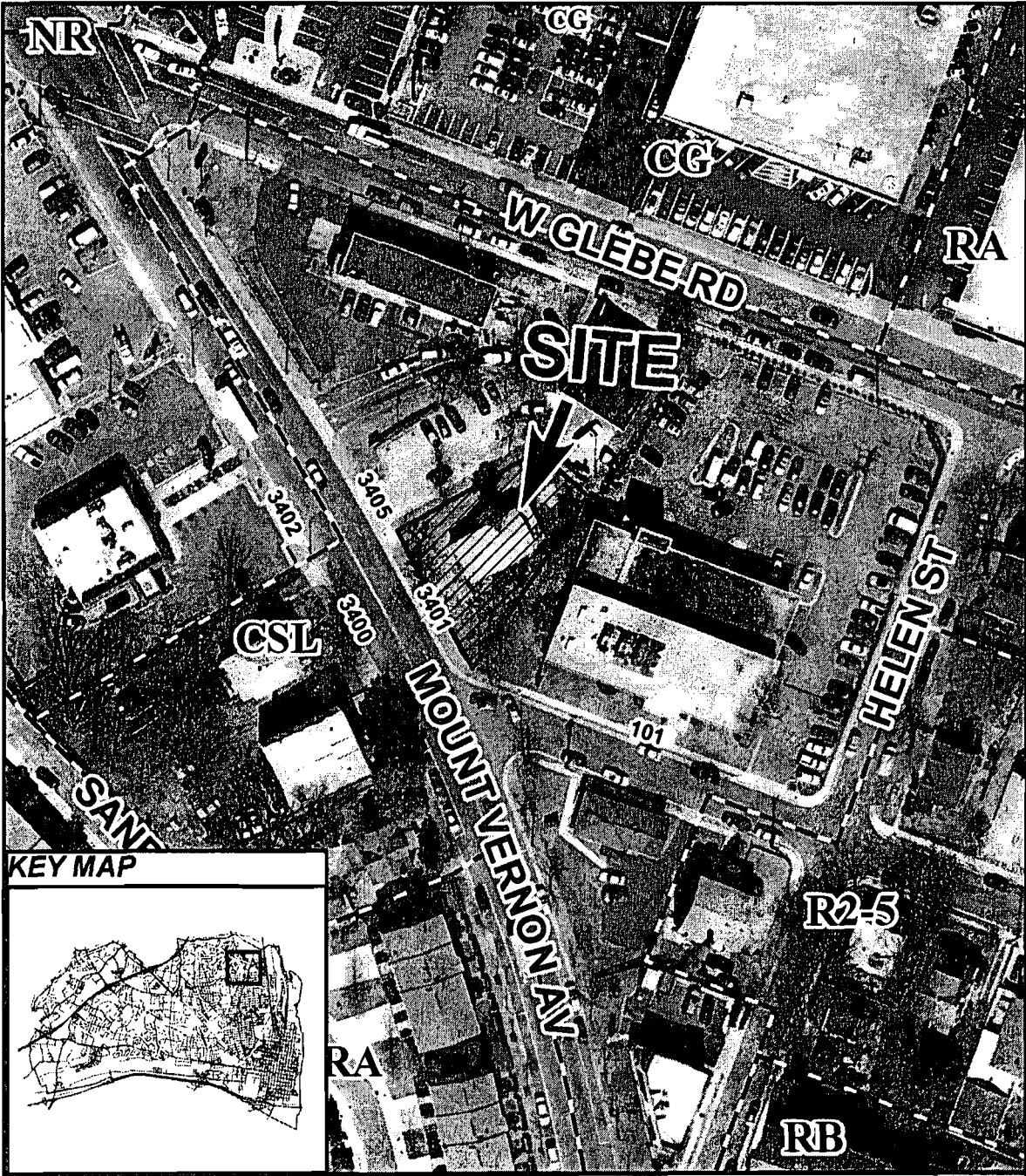
PLANNING COMMISSION ACTION, FEBRUARY 2, 2010: On a motion by Commissioner Fossum, seconded by Commissioner Robinson, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers: Amy Slack, Del Ray Land Use Committee, spoke in favor of the application, and requested that they be given the opportunity to increase the number of seats and cover the patio areas. She also stated that the Hume Springs Citizens Association had requested that she state their support of the application as well.

Maria Wasowski, 306 Hume Avenue, spoke in support of the application, citing the quality of architectural design.

Mabel Twiddle, the project architect, represented the application.



SUP #2009-0064

02/02/10



I. DISCUSSION

REQUEST

The applicants, Jose Mario Cabero, Jose Guillermo Cabero, Marisol J. Gonzalez, request special use permit approval for the operation of a restaurant located at 3401 Mount Vernon.

SITE DESCRIPTION

The subject property is one lot of record with 91 feet of frontage on Mount Vernon Avenue, 120 feet of depth and a total lot area of 7,480 square feet. The site is developed with a one-story residential building, with basement, and a gravel driveway. The owners plan to demolish the existing building; the new restaurant will occupy 2,926 square feet of floor space, with a new paved driveway and five parking spaces. Access to the site remains from the existing curbcut on Mount Vernon Avenue.

The surrounding area is occupied by a mix of commercial, residential, and industrial uses. Immediately to the north and east is a Pennzoil oil change shop and Mr. Wash carwash business. To the east is the Love of Christ Church. To the west is a t-shirt printing shop and a former Popeye's Chicken restaurant.

BACKGROUND

The building on the site was constructed as a private residence in the 1920's, and was last occupied as a beauty salon in 1995. Ownership of the property has changed several times since 2001. A previous attempt to convert the building to a restaurant use in 2008 did not move forward, and the property was cited several times as a vacant building.

PROPOSAL

The applicant proposes to operate a Peruvian chicken restaurant at this location with indoor and outdoor seats and on-premises alcohol sales. The restaurant will feature carry-out and partial counter service, whereby customers would order at the counter and food would be brought to their table.

<u>Hours of Operation</u>	8:00 am – 11:00pm Sunday-Monday 7:00 am – 11:00pm Tuesday-Thursday 7:00 am – midnight Friday-Saturday
<u>Number of Seats</u>	20 indoor, 16 outdoor – 36 total seats
<u>Type of Service:</u>	Counter service and takeout
<u>Customers:</u>	Average of 45 per day
<u>Alcohol:</u>	On-premises alcohol sales (beer and wine)
<u>Entertainment:</u>	No live entertainment is proposed

Delivery: No delivery service is proposed

Noise: No noise impacts are expected

Trash/Litter: Trash will be collected from the site three times per week. Employees will closely monitor site to prevent 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 twenty seats will be required to provide five off-street parking spaces, and the applicant satisfies this requirement. The applicant has applied for an additional parking reduction request of four spaces for sixteen seasonal outdoor seats.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CSL/Commercial Service Low zone. Section 4-303 (Y) of the Zoning Ordinance allows a restaurant in the CSL zone only with a special use permit unless it meets Administrative SUP eligibility standards. The proposed restaurant is not eligible for an Administrative SUP because it does not offer full table service, as defined in the Zoning Ordinance, and because it is requesting a parking reduction for the outdoor seating.

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff supports the applicant's request to operate a restaurant at 3401 Mount Vernon Avenue. The restaurant use is reasonable and appropriate, and rehabilitates a site that has been vacant for a number of years. The building design incorporates the architectural and green building goals of the City and community, with the additional benefit of creating a new pedestrian-oriented business in a neighborhood where such uses have been sought. Staff also supports the parking reduction under the terms stated by the applicant, as they are meeting the parking requirement for all interior seating, and a request for sixteen outdoor seats could be administratively approved within many areas of the City.

The current owners purchased the property in July, 2009, and contacted Planning & Zoning to discuss options for the site. Their first choice was to build and operate a restaurant, and initial designs were for a take-out business that followed the typical area model of parking spaces fronting the street, with the building set to the rear of the site. Retail or bakery uses were considered, as these uses would be approved administratively, and utilizing the existing building was discussed. This was ultimately deemed unfeasible due of the deterioration of the building and because it sits at the center of its lot, which would make it impossible to add the required parking.

After several meetings, the applicants opted to pursue the restaurant option and contacted a local engineer to determine the costs of site plan design and engineering. Because of concerns about the

cost of engineering drawings and the overall budget of the project, staff and the applicant worked extensively and found that the size and location of the proposal make it possible to meet the narrow criteria for a site plan exemption under Zoning Ordinance Section 11-404. The total site area is less than 10,000 square feet; the gross floor area is less than 3,000 square feet; no part of the building is within sixty-six feet of land used or zoned residential. No excessive changes may be made to the grade, and no more than five new parking spaces may be added to the site. Because more than 2,500 square feet are being disturbed, a grading plan is required.

These circumstances save the applicant the significant additional expense of the site plan process. Exemption from the site plan requirement also exempts the project from the City's Green Building policy; however, the applicants and their architect have demonstrated a high degree of willingness to meet the design and green building goals of the City and the neighborhood.

Building Design

The applicants propose to create a small, architecturally interesting building, emphasizing the front patio, outdoor seating and colorful building materials. Several design features, including bike racks, plantings and eco-friendly lighting have been adjusted in consultation with the community.

The site has a sharp change in grade between the public sidewalk along Mount Vernon and the property. The drop-off ranges from one to three feet, and is currently shielded by a metal railing along the sidewalk. The architect proposes to take advantage of this change in grade to create a sunken patio area in front of the restaurant, lined with planter boxes. The resulting landscape buffer between diners and vehicles creates a visually appealing view from street.

Sustainable materials will be incorporated into the building wherever feasible. These include polished concrete interior floors, permeable pavers in the front patio, recycled metal sheeting for the tower element, split-face CMU for the building sides, and Hardi-Panel in a vibrant color for the area fronting the patio. The applicants' goal is to create an attractive location for customers and a pleasant working environment for employees

Restaurant Use

While staff recognizes the potential for neighborhood impacts from restaurant uses, in this instance, many of the typical issues are mitigated by the small size of the proposed restaurant, and the location. The auto-oriented commercial uses adjacent to it, and the church to the south, will generally have their peak uses at differing hours from the restaurant, minimizing traffic and parking conflicts.

The most frequent concern with new restaurant uses are noise concerns, particularly when they are adjacent to residential uses. The nearest residential use is at 3301 Mount Vernon, which is on the other side of Mount Vernon Avenue, and more than sixty-six feet from the proposed building. This provides a reasonable buffer. The owners have agreed to conditions to mitigate trash and noise, and have pledged to work with the community to incorporate further amenities, such as additional bike racks, once the business is open and such needs can be determined.

Outdoor Dining

Although outdoor dining can present potential for impacts on the surrounding neighborhood, staff has determined that at this location, they can be mitigated. Within the adjacent Del Ray neighborhood, outdoor dining has generally been encouraged, so long as the applicant keeps operations within the citywide and neighborhood-specific outdoor dining standards.

The proposal includes sixteen outdoor seats; eight of these are proposed for the front patio area, and eight are located on an upstairs patio, which is only accessible through a stairway within the restaurant. The seating areas are buffered by plantings, which will help to absorb sound. There are no exterior speakers, and no entertainment uses are proposed. Both seating areas will be subject to seasonally appropriate use.

Parking Reduction

Staff supports the parking reduction request of four parking spaces for outdoor seating for several reasons. If the property were located within the NR/Neighborhood Retail Zone, one block to the north, at the intersection of West Glebe Road and Mount Vernon Avenue, or within the Mount Vernon Avenue Urban Overlay Zone, which is three blocks to the south, the applicants could administratively request sixteen outdoor seats without any off-street parking requirement.

The stretch of Mount Vernon Avenue in which this property is located is undergoing dramatic change. The Del Ray Central (Triangle) apartment buildings, two blocks to the south, will be occupied within the next year, which adds 141 new units to the immediate neighborhood. When combined with Warwick Village, which is located across the street, and the proposed redevelopment of the Calvert building, which is two blocks south, it is reasonable to assume that a significant number of this restaurant's customers will be neighborhood residents who may walk to the establishment. Finally, the technical parking reduction is entirely to support outdoor seating, which is seasonal.

As discussed, the applicant has worked closely with staff to utilize the site to the best extent possible to create an attractive, pedestrian-oriented design within a section of the Avenue that has traditionally been heavily auto-oriented.

Staff recommends approval of the Special Use Permit request, subject to the conditions listed in Section III of this report.

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 between 7:00am and 11pm Sunday-Thursday and 7:00am and midnight, Friday and Saturday. (P&Z)

3. The maximum number of indoor seats at the restaurant shall be 20. The maximum number of outdoor seats at the restaurant shall be 16. This limitation may be increased, subject to the review and approval of the Director of Planning & Zoning, to the extent that any additional parking is secured within 500 feet of the business, at the ratio of four seats per parking space. (P&Z)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. No live entertainment shall be permitted either inside the restaurant or in the outdoor dining area. (P&Z)
6. On-premises alcohol sales may be permitted at this location. (P&Z)(Police)
7. 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.
8. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.
9. The applicant shall submit a final exterior design plan to the satisfaction of the Director of Planning & Zoning that shall depict the existing building façade and all proposed building façade changes, including but not limited to existing and proposed: signage, awnings, building finishes, window treatments, and outdoor dining. (P&Z)
10. The applicant shall submit a final outdoor dining area plan to the satisfaction of the Director of Planning & Zoning. The plan shall include dimensions showing the layout for the outdoor dining area and depicting the design, location, size and space of the dining area, chairs, tables, barriers, umbrellas, planters, wait stations, and other components to be located within the area, and such additional information as the Director may reasonably require. (P&Z)
11. Outdoor dining, including all its components such as planters, wait stations, and barriers, shall not encroach onto the public right-of-way unless authorized by an encroachment ordinance. (P&Z)
12. Outdoor seating areas shall not include advertising signage, including on umbrellas. (P&Z)
13. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z)
14. Meals ordered before the closing hour may be sold, but no new patrons may be admitted after the closing hour and all patrons must leave by one hour after the closing hour. (P&Z)
15. 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)
16. No food, beverages, or other material shall be stored outside. (P&Z)

17. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
18. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)(T&ES)
19. 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. (P&Z)(T&ES)
20. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
21. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
22. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
23. The applicant shall contribute \$500 to the SUP Streetscape Improvement Fund for street trees and trash cans. Monetary contribution shall be submitted to the Department of Transportation & Environmental Services, Room 4130, 301 King Street prior to the issuance of the Special Use Permit Certificate. Reference SUP number and condition number on all correspondence. (T&ES, RP&CA)
24. 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)
25. The applicant shall submit a Landscape Plan consistent with the Arlandria Streetscape Guidelines, and Alexandria Landscape Guidelines that includes parking lot screening and plantings along Mount Vernon Avenue frontage. A copy of the Guidelines are available at <http://alexandriava.gov/uploadedFiles/planning/info/Arlandria/Glebe%20to%20Herbert%20Facade%20Guidelines%20and%20Zoning%20FINAL2.pdf> Guidelines and http://alexandriava.gov/uploadedFiles/recreation/info/040907_land_guidelines.pdf (P&Z, RP&CA)
26. Per section 7-2307, for any construction that requires a grading plan, the applicant must provide a minimum 25 percent canopy cover from existing or planted trees. (P&Z, RP&CA)
27. Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owners' front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1) (P&Z, RP&CA)

28. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
29. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)(Police)
30. 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).

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 519-3486, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

31. The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
32. Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.8-1-22) (T&ES)
33. All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
34. Pay sanitary sewer tap fee prior to release of Grading Plan. (Sec. 5-6-25) (T&ES)
35. Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61) (T&ES)
36. Drive aisles shall meet the requirements of Sec.8-200 (D)(2). (T&ES)
37. Turning movements for the following parking spaces shall be provided with the first submission of the Grading Plan: HC-1 and 5. (T&ES)
38. A Grading Plan showing all improvements and alterations to the site must be approved by T&ES prior to issuance of a building permit. (T&ES)

39. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
40. All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
41. No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
42. No plantings shall be permitted within the 10' Drainage Outlet easement. (T&ES)
43. An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet. An erosion and sediment control bond shall be posted prior to release of the grading plan. (T&ES)
44. If construction results in land disturbing activity in excess of 2500 square feet, the applicant is required to comply with the provisions of Article XIII of the City's Zoning Ordinance for stormwater quality control. (T&ES)
45. The applicant shall obtain a sign permit for the proposed sign and/ or wall lettering. (Code)
46. Wall letters / signs must comply with USBC [H103-H111] Please indicate the method to be used for anchoring the letters to the wall. (Code)
47. Projecting, hanging signs must comply with USBC [H103-H107, H112] for type of materials, maximum projection, vertical clearance below all parts of the sign, and additional loads. (Code)
48. Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers. (Code)
49. A demolition permit is required for the proposed project (USBC 108.1). (Code)
50. Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property. (Code)
51. Roof drainage must not run toward adjacent property. If the footprint area of the addition: (1) exceeds the footprint area of the existing structure, or (2) the roof drainage of the existing structure is hard piped, or (3) the roof drainage from the addition will cause erosion or damage to an adjacent property, then run-off water must be hard piped (schedule 40 PVC pipe; $\geq 3''$ in diameter) to the storm, sewer, inlet box, building sub drain, street flume or curb. (Code)

52. 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. (Code)
53. Sufficient toilet rooms must be provided to accommodate the total occupancy load for restaurant staff and the combined indoor and outdoor patron seating capacity (USBC 2902.1). (Code)
54. Separators are required for repair with grease racks, grease pits, or work racks. The design of oil separators must comply with USBC. (Code)
55. Required exits, parking, and accessibility for persons with disabilities must be provided to the building. (Code)
56. The following code requirements apply where food preparation results in the development of grease laden vapors (Code):
 - (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.
57. A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following (Code):
 - (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.
58. The proposed space used for outdoor seating with tables must provide a minimum of 15 square feet per person. (Code)
59. Any configuration of outdoor seating shall comply with the following conditions:
 - Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
 - Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
 - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
 - The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures. (Code)
60. Any increase in occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code. (Code)
61. Any increase in occupancy will only be considered for the exterior of the structure and will not modify the approved interior approved occupant load. At no time shall any approved outdoor seating be incorporated inside due to foul weather or other situations. (Code)

62. The restaurant is on two levels. Required exits and accessibility for persons with disabilities must be provided on both levels, including, but not limited to, code requirements for toilet rooms, seating, and accessibility to the building. (USBC 1114.4). (Code)
63. An Alexandria Health Department Permit is required for all regulated facilities. (Health Dept)
64. This facility and all modifications must meet current Alexandria City Code requirements for food establishments. (Health Dept)
65. 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 \$ 200.00 fee for review of plans food facilities (Payable to City of Alexandria). (Health Dept)
66. Permits and/or approval must be obtained prior to operation.(\$100.00 Payable to VDH) (Health Dept)
67. The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions. (Health Dept)
68. Certified Food Managers must be on duty during all hours of operation. (Health Dept)
69. Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements. (Health Dept)
70. Provide a menu or list of foods and equipments specification to be handled at this facility to the Health Department with your plans. (Health Dept)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Maya Contreras, 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.



APPLICATION
SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2009-0064

PROPERTY LOCATION: 3401 Mount Vernon Avenue, Alexandria, VA

TAX MAPREFERENCE: 015.04-03-02 - Lote 30, Sec. 2 St. Elmo **ZONE:** CSL - General Commercial

APPLICANT:

Name: Jose Mario Cabero, Jose Guillermo Cabero, Marisol J. Gonzalez

Address: 1413 South Oakland Street, Arlington, VA 22204

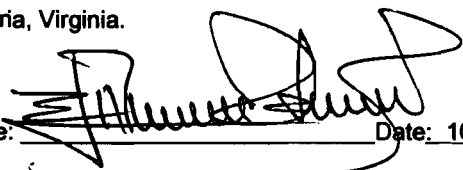
PROPOSED USE: Special Use Permit to built and operate a Fast Food Restaurant

[X]**THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 411500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[X]**THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

[x]**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 41404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[x]**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 11207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Print Name of Applicant or Agent : José Mario Cabero Signature:  Date: 10/20/2009

Mailing/Street Address: 1413 South Oakland Street, Telephone #: 571-220-9484 Fax #: _____

City and State: Arlington, VA Zip Code: 22204 Email address: mariocabero@aol.com

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

SUP 2009-00604

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 3401 Mount Vernon Avenue, I hereby
(Property Address)

grant the applicant authorization to apply for the Specific Use Permit use as
(use)
described in this application.

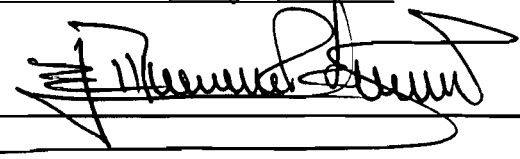
Name: José Mario Cabero

Phone 571-220-9484

Please Print

Address: 1413 South Oakland Street, Arlington, VA 22204

Email: mariocabero@aol.com

Signature: 

Date: October 20th, 2009

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. The applicant is the

(check one): Owner

Contract Purchaser

Lessee or Other:

_____ of the subject property.

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

REVISED

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

Yes. Provide proof of current City business license

No. The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

C2M, llc, is requesting a Special Use Permit to build, open, and operate a Rotisserie Chicken Restaurant.

The property is located on the northern border with Del Ray Neighborhood of Alexandria. Is a one-story wood building; built in 1920 and it is in not in safe conditions. The proposed project includes the removal of the existing building and the construction of a one story and roof deck restaurant.

Revised

The Restaurant, will be a moderately priced restaurant catering to families, businesses in the area, and a going-out crowd on weekends; with twenty (20) seats inside, located on the ground floor and seasonal outdoor dining in the ground floor patio (8 seats) and a small green roof terrace (8 seats), for a total of sixteen (16) seats outdoor. The Restaurant is compatible with the existing residential; commercial uses on site. The Restaurant will count with five (5) parking spaces for customers located behind the building, and will includes one parking space for handicap. We are requesting four-space parking reduction for the 16 outdoor seats.

The menu focuses on the Peruvian Rotisserie Chicken, cooked in charcoal grill. The menu will be the traditional ¼ or ½ chickens with French fries or traditional yucca fries, served with hot and/or mild sauce. The Restaurant, will also offer diners a selection of salads and housed-based sandwiches.

The Restaurant will offer a business lunch menu featuring specials every day. Prices will be competitive with other casual restaurants in the area. However, it is the strategy of the Rotisserie Chicken Restaurant, to give a perception of higher value than its competitors, through its high quality ingredients, atmosphere, and service.

The Restaurant will open seven days a week. The décor will feature original and sustainable exposed concrete floors, permeable driveway, and patio, in addition to a functional green roof and an organic herb garden around the patio, that will provide shade and screening for the restaurant patrons, and to further promote pedestrian traffic. It is the goal of the owner and designers to incorporate Green Building Technology throughout the life of the new building.

Even though this is a small family restaurant, the service will be attentive, professional, and very friendly, and will hire the best people in the neighborhood.

Through proper training, motivation, and encouragement, we aim to retain the friendliest, more efficient staff possible.

USE CHARACTERISTICS

4. The proposed special use permit request is for (check one):
 a new use requiring a special use permit,
 an expansion or change to an existing use without a special use permit,
 an expansion or change to an existing use with a special use permit,
 other. Please describe: _____

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).

Weekday: (Monday – Friday) Lunch – up to 30 patrons
Weeknight: (Monday – Thursday) Dinner – up to 45 patrons
Weekend: (Saturday - Sunday) Lunch – up to 40 patrons
Weekend nights: (Saturday - Sunday) Dinner – up to 55 patrons

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

Total employees four (3) full time working in shifts as follow:
Weekday lunch shift – 4 employees
Weekend lunch shift – 4 employees
Weeknight dinner shift – 3 employees
Weekend dinner shift – 4 employees

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

Day: Hours:
Sunday – Monday 8:00 am – 11:00 pm
Tuesday – Wednesday – Thursday 7:00 am – 11:00 pm
Friday – Saturday 7:00 am – 12:00 midnight

Revised

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

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

It is not anticipated that noise levels will exceed permitted levels under the Alexandria City Code

B. How will the noise be controlled?

It is not anticipated that patron noise will be a source of complaints, as such, no extraordinary noise mitigation and control measures are warranted. The project will follow the Alexandria City Code regulations.

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

It is not anticipated that offensive odors will emanate from the use of the property as a Restaurant. The only cooking conducted will be in the charcoal grill, and this will have a mechanical control. The kitchen design, will provide a mechanical control system consistent in exhaust hood, filters, etc.

9. Please provide information regarding trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

The volume type of trash and garbage generated by the restaurant will be mainly from the products received (cardboard boxes), and disposable items used in serving of products sold and consumed by patrons at the restaurant. Trash and garbage will be deposit and stored in commercial dumpsters within the project site.

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

We expect, that the restaurant will generate approximately 3 bags of trash per day, and approximately 2 bags per day of recyclables (bottles, cans and cardboard)

C. How often will trash be collected?

Trash and garbage will be collected by a commercial collector, at least three (3) days a week.

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

- Litter is not an anticipated problem, however, the restaurant's staff will maintained the restaurant site and sidewalk.

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:

Small quantities of organic compounds, generally recognized to be appropriate for use by restaurants in the operation of the business. This will be stored safely and disposed of in accordance with applicable regulations.

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:

Small quantities of organic compounds, generally recognized to be appropriate for use by restaurants in the operation of the business. This will be stored safely and disposed of in accordance with applicable regulations, and great effort will be made to use environmentally friendly materials and disposal methods.

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

The location and hours of operations of the restaurant, should provide a safe environment for its patrons and staff.

Low voltage lighting fixtures will be positioned around the building to illuminate the parking lot and sidewalks. The roof deck, will provide light fixture with glare reduction control and uniform lighting.

ALCOHOL SALES

13.

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

Yes No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on premises and/or off premises sales.

On-premise consumption of beer. Alcohol will be served to patrons who are seated on a table, and will be consumed by patrons eating a lunch or dinner meal.

PARKING AND ACCESS REQUIREMENTS

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

- 4 Standard spaces
- 0 Compact spaces
- 1 Handicapped accessible spaces.
- Other.

Planning and Zoning Staff Only
Required number of spaces for use per Zoning Ordinance Section 8200A

Does the application meet the requirement?
?
 [] Yes [] No

B. Where is required parking located? (check one) [] on-site [] offsite

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

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

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

[] Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are available for the use? one

Planning and Zoning Staff Only Required number of loading spaces for use
per Zoning Ordinance Section 8200

Does the application meet the requirement? [] Yes [] No

REVISED

Revised

B. Where are offstreet loading facilities located? Rear of Restaurant – Service Entrance

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

It is anticipated that loading and unloading activities will occur Monday – Friday from 8:00 am – 11:00 am. And 3:00 – 4:00pm. After or before restaurant pick- hours.

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

It is anticipated that there will be four (4) deliveries 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?

Street access to the property is adequate.

SITE CHARACTERISTICS

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

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

How large will the addition be? _____ square feet.

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

_____ sq. ft. (existing) + _____ sq. ft. (addition if any) = 2,926 sq. ft. (total)

19. The proposed use is located in: (check one)

a stand alone building a house located in a residential zone a warehouse
 a shopping center. Please provide name of the center: _____

an office building. Please provide name of the building: _____
 other. Please describe: _____

End of Application

Revised



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: 20 Outdoors: 16 Total number proposed: 36

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:

The restaurant is a fast food Rotisserie Chicken Restaurant; and will served ¼, ½ or entire chicken, with French fries or yucca fries and hot/mild sauce. In addition variety of sandwiches will be prepared, as well as side salads.

4 The restaurant will offer the following service (check items that apply):
 table service bar carry-out delivery Self Service

5 If delivery service is proposed, how many vehicles do you anticipate? no delivery service

Will delivery drivers use their own vehicles? Yes No

Where will delivery vehicles be parked when not in use?

N/A

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

Yes No

If yes, please describe:



APPLICATION -

PARKING REDUCTION

Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).

1. Describe the requested parking reduction. (e.g. number of spaces, stacked parking, size, off-site location)

The proposed restaurant building requires 9 parking spaces (1 per every four seats). With the parking reduction of 50% - four (4) spaces are required.

2. Provide a statement of justification for the proposed parking reduction.

The property is located in The Mount Vernon Urban Overlay zone and therefore qualifies for a reduction of 50% of parking spaces (6-606E-3B-2). Because of site restrictions, it is necessary to take this reduction.

3. Why is it not feasible to provide the required parking?

The relatively small size and shape of the site limits the space needed for parking. Every effort was made to maximize the parking space count, while maintaining a ground floor occupancy.

4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces?

Yes. No. The property was used as a single family home, before it was used as a Beauty Parlor.

5. If the requested reduction is for more than five parking spaces, the applicant must submit a **Parking Management Plan** which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction.

6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood.

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.

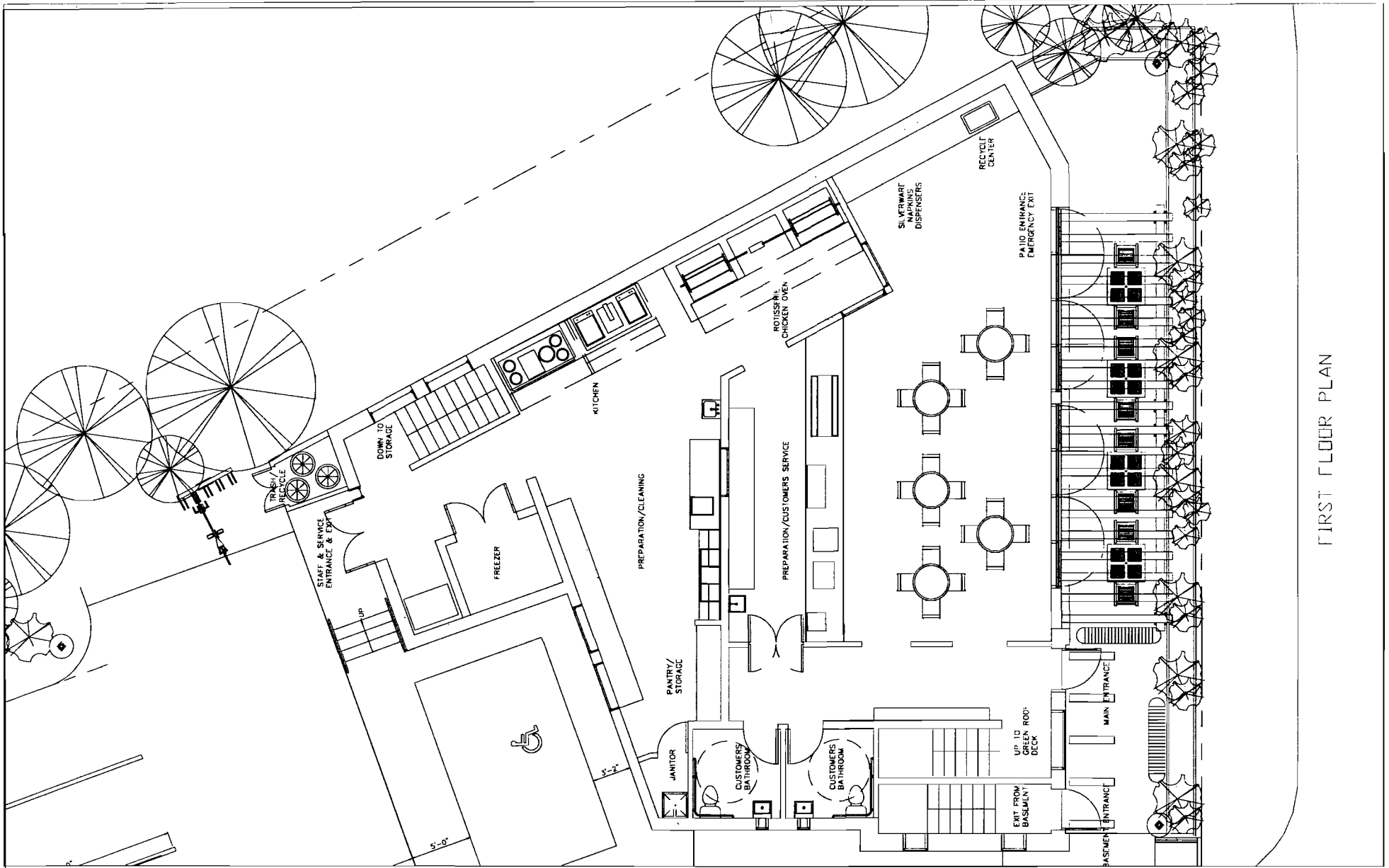
Alcohol Consumption and Late Night Hours. Please fill in the following information.

1. Maximum number of patrons shall be determined by adding the following:
10 Maximum number of patron dining seats
 0 Maximum number of patron bar seats
 2 Maximum number of standing patrons =
12 Maximum number of patrons

2. 4 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



FIRST FLOOR PLAN

ore



CONCEPT.0 LLC
eco-design

7445 Gillingham Row . Alexandria . VA . 22315
703.732.4411 concept.0@live.com

C2M, LLC
JOSE MARIO CABERO
RESTAURANT PROJECT

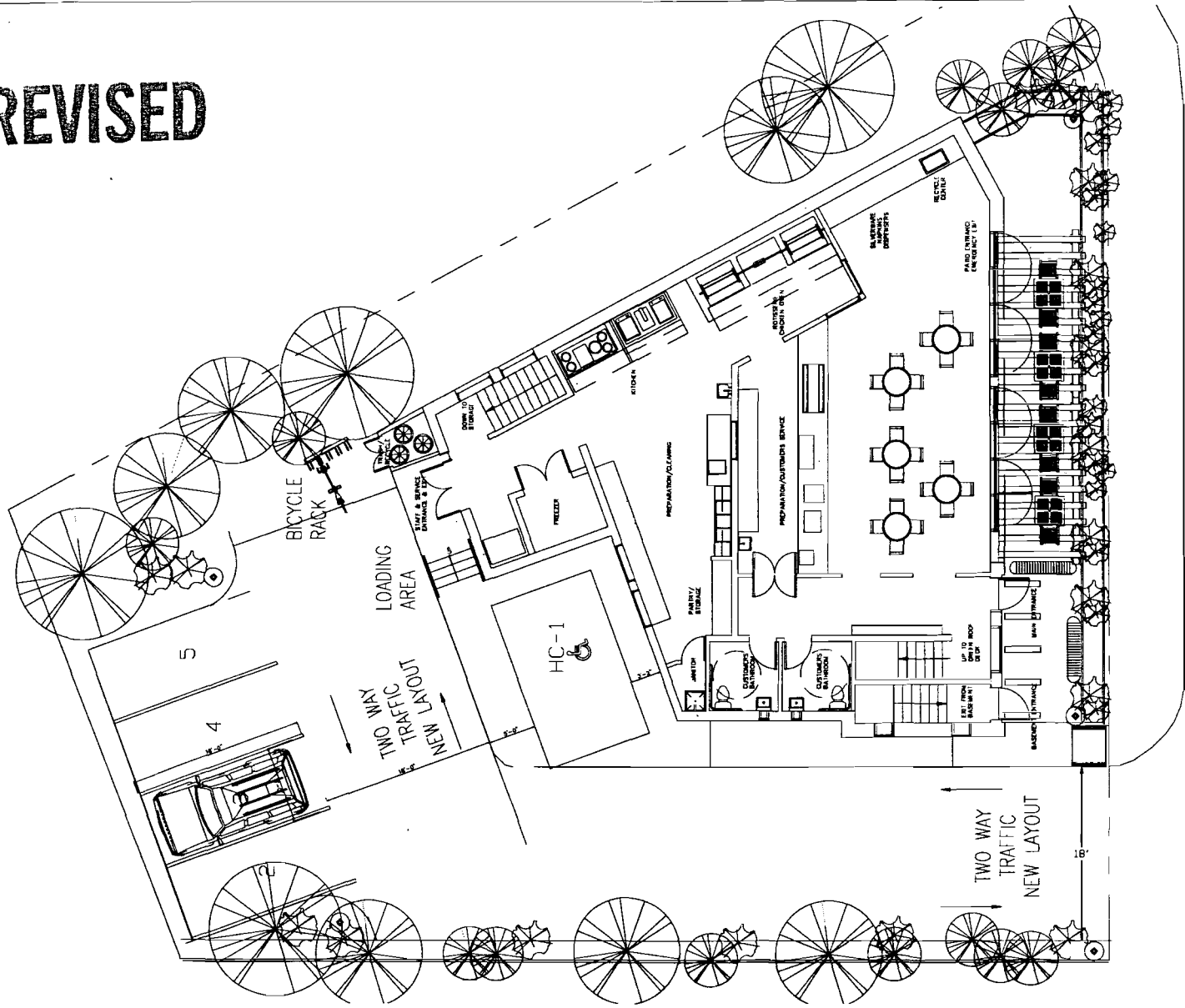
FIRST FLOOR PLAN

Project Number:	10022009
Date:	Dec. 29, 2009
Drawn by:	mt
Checked by:	mt

A-01.1
Scale: 3/32" = 1'-0"

R&L Received 12/29/09

REVISED



FIRST FLOOR PLAN

LTG

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C2M, LLC
JOSE MARIO CABERO

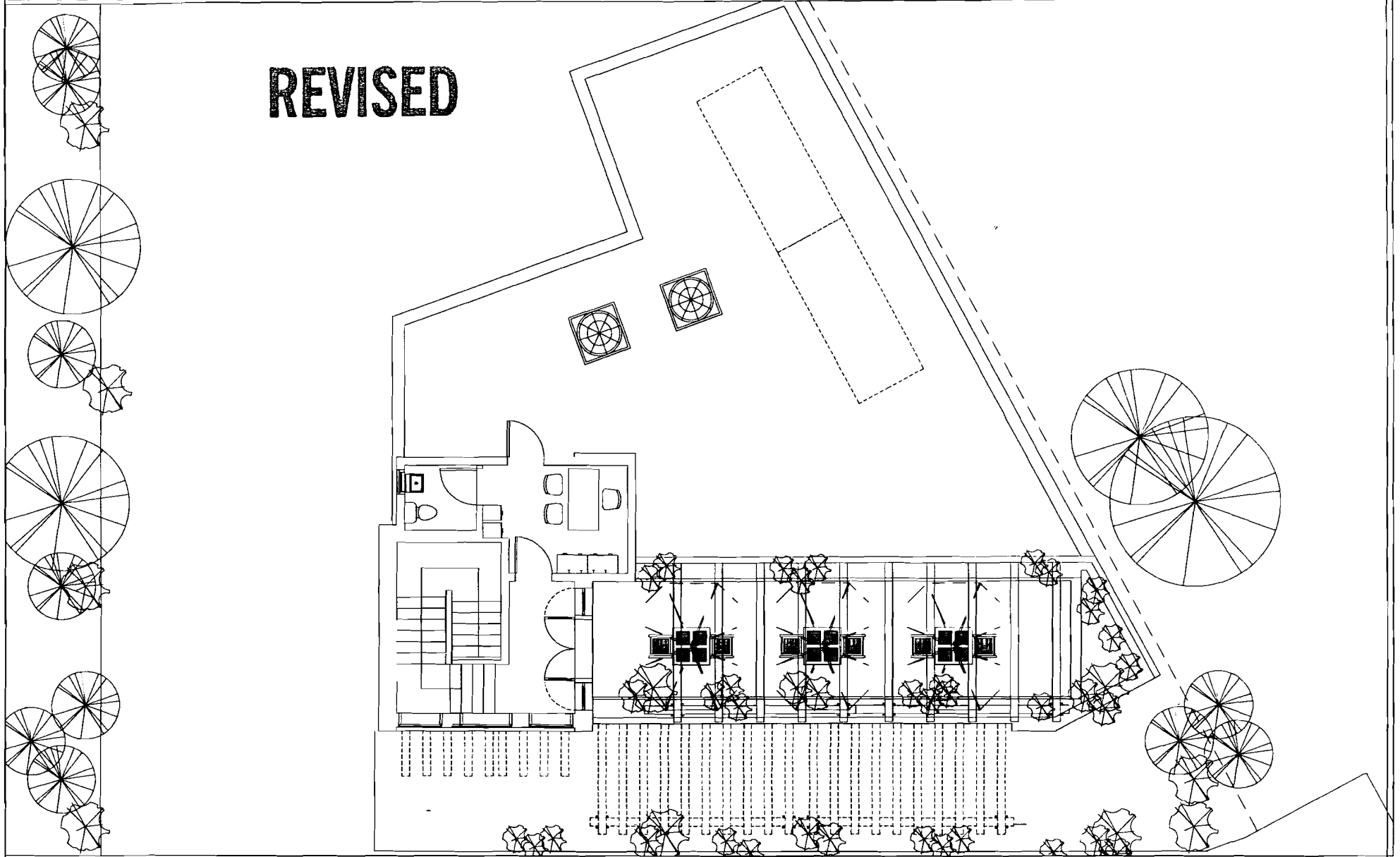
RESTAURANT PROJECT

FIRST FLOOR PLAN

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Date:	Dec. 29, 2009	
Drawn by:	mt	
Checked by:	mt	
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BL Received 12/29/09

REVISED



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JOSE MARIO CABERO

RESTAURANT PROJECT

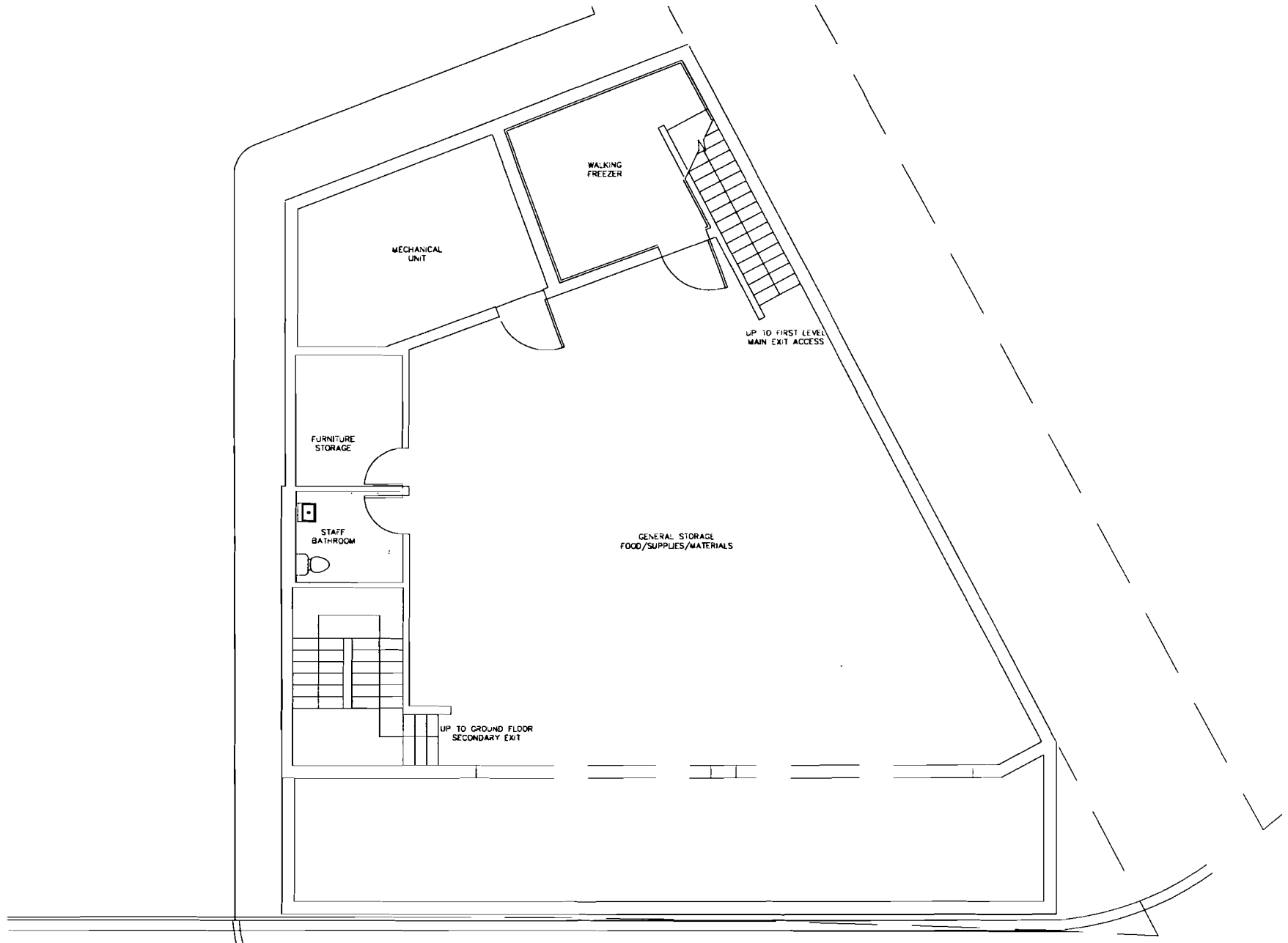
SECOND FLOOR PLAN

Project Number:	10022009
Date:	Dec. 29, 2009
Drawn by:	mt
Checked by:	mt

A-01.2

Scale: 3/32" = 1'-0"

Received 12/29/09



102



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C2M, LLC
JOSE MARIO CABERO
RESTAURANT PROJECT

BASEMENT FLOOR PLAN

Project Number:	10022009
Date:	Dec. 29, 2009
Drawn by:	mt
Checked by:	mt

A-01.0

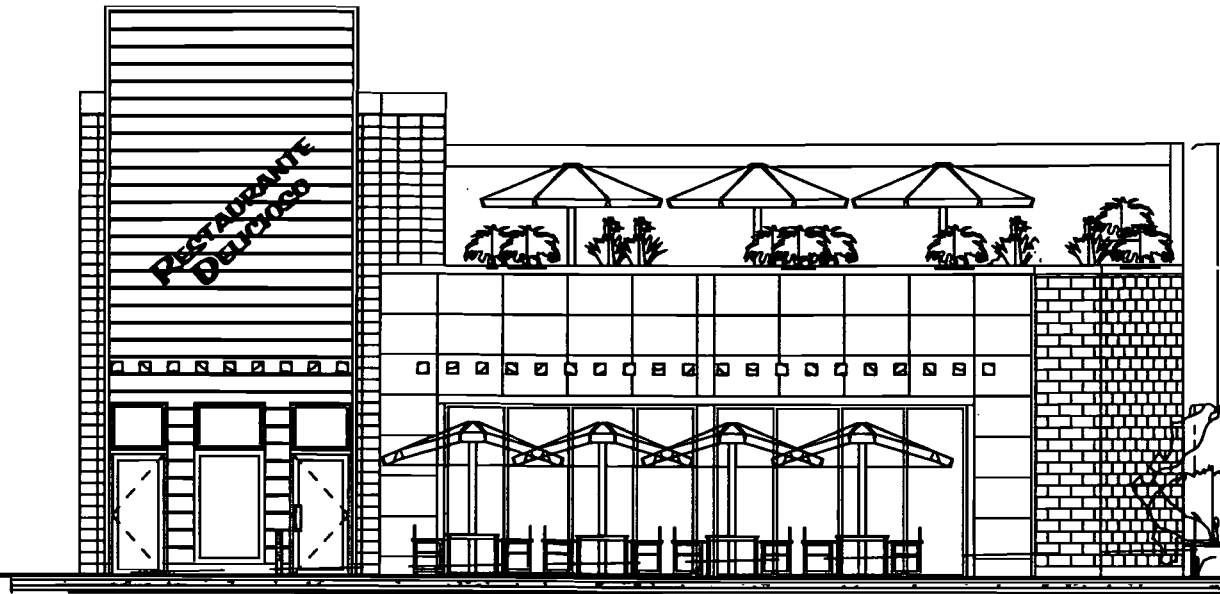
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Received

12/29/09

SUP2009-0064

30



UPPER ROOF
33' - 0"

ROOF
28' - 0"

PARAPET LEVEL
18' - 0"

SECOND FL.
15' - 0"

STREET LEVEL
2' - 0"

PARKING LEVEL
0' - 0"



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C2M, LLC
JOSE MARIO CABERO

RESTAURANT PROJECT

FRONT ELEVATIONS

Project Number: 10022009

Date: Dec. 29, 2009

Drawn by: mt

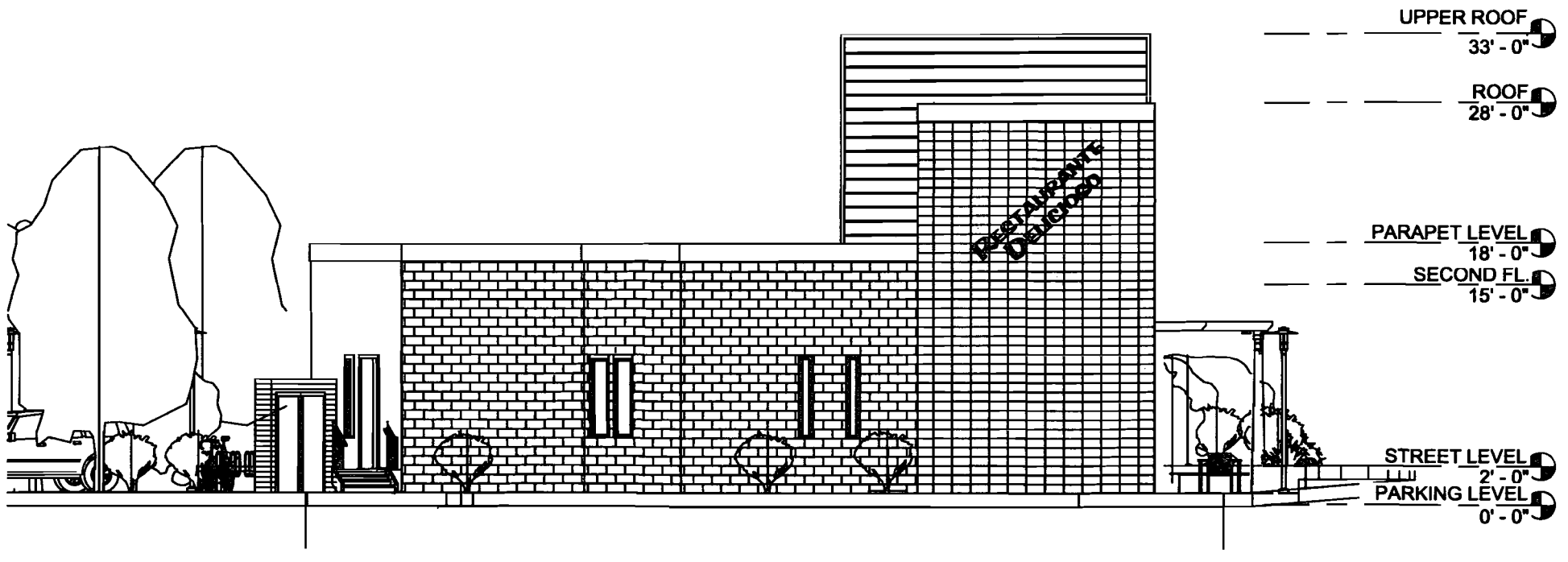
Checked by: mt

A-02.1

Scale: 3/32" = 1'-0"

Received 12/29/09

SUP 2009-0064



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C2M, LLC
JOSE MARIO CABERO

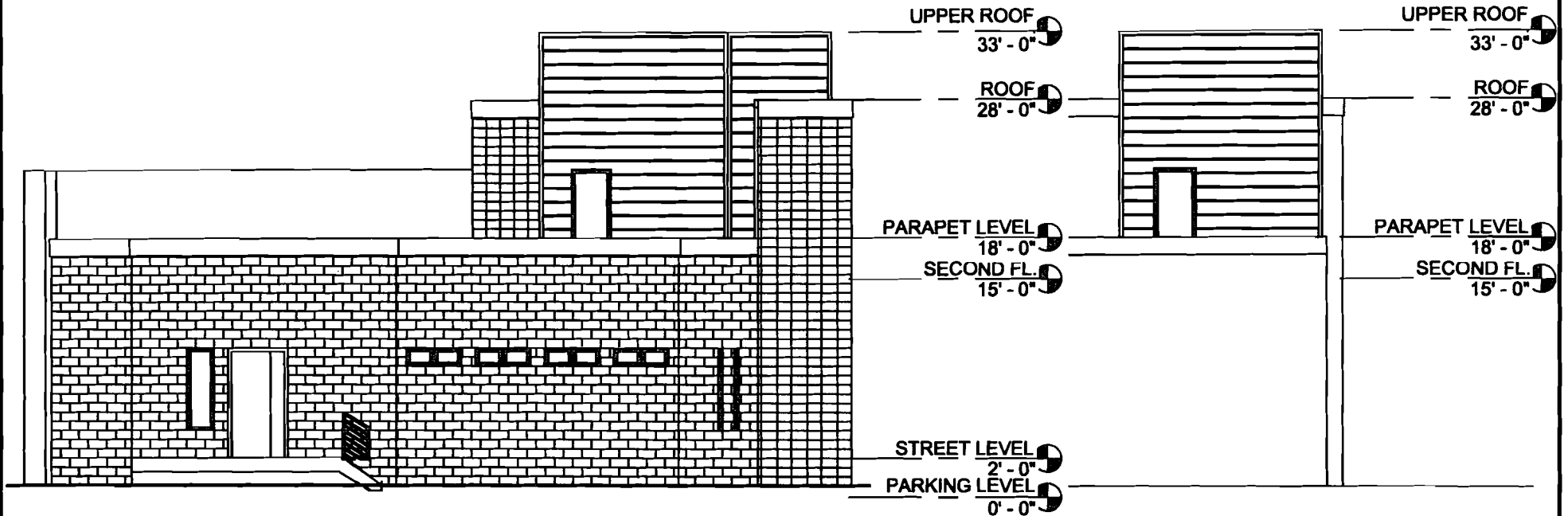
RESTAURANT PROJECT

SIDE ELEVATIONS

Project Number:	10022009	A-02.2
Date:	Dec. 29, 2009	
Drawn by:	mt	
Checked by:	mt	
Scale: 3/32" = 1'-0"		


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REAR ELEVATION

PARTIAL ELEVATION

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RESTAURANT PROJECT

REAR ELEVATIONS

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Date:	Dec. 29, 2009
Drawn by:	mt
Checked by:	mt

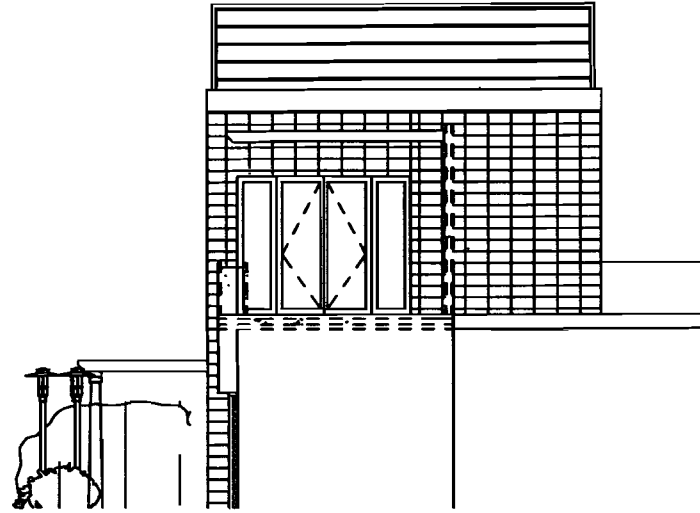
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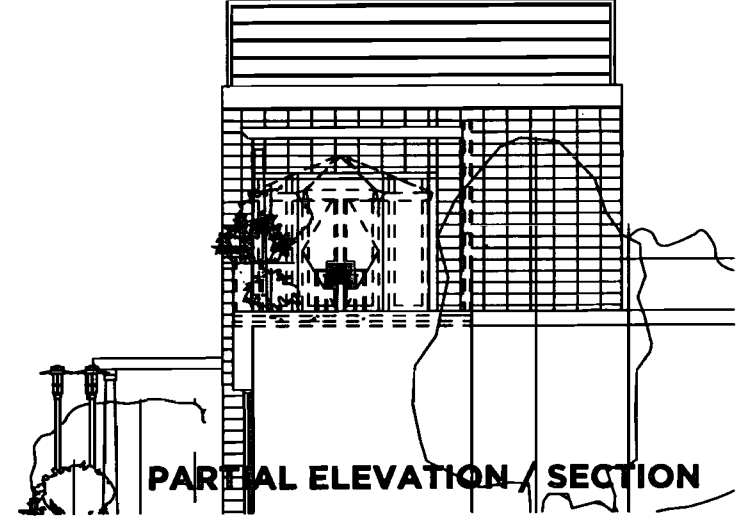
P2 Received 12/29/09

SUP 2009-0064

PARTIAL ELEVATION / SECTION @ DECK LEVEL



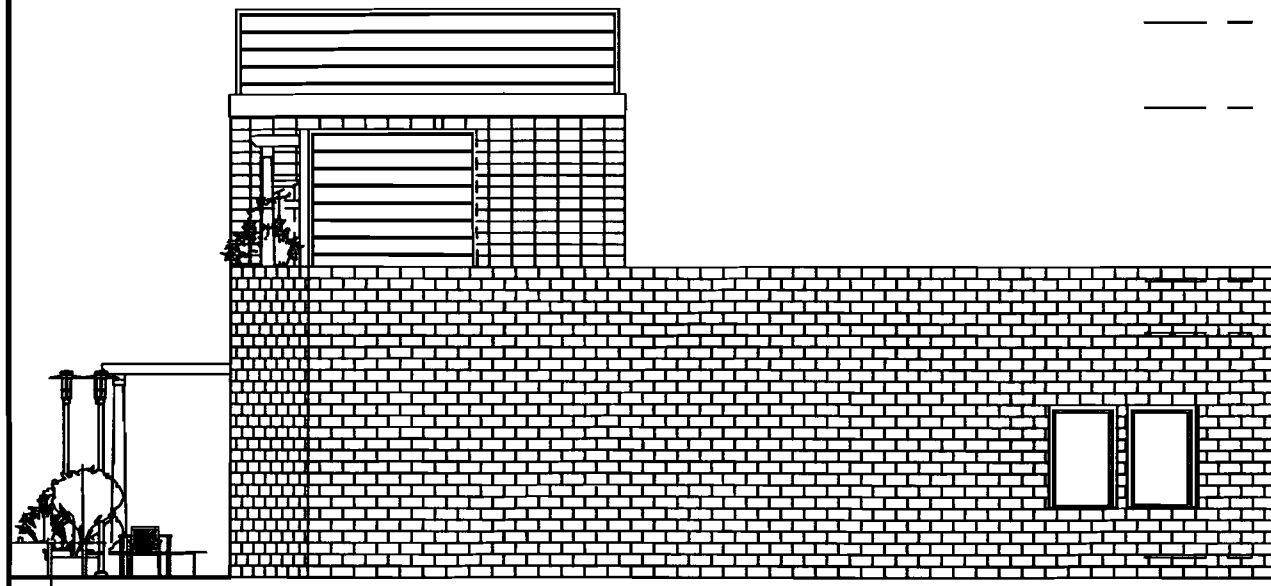
PARTIAL ELEVATION / SECTION



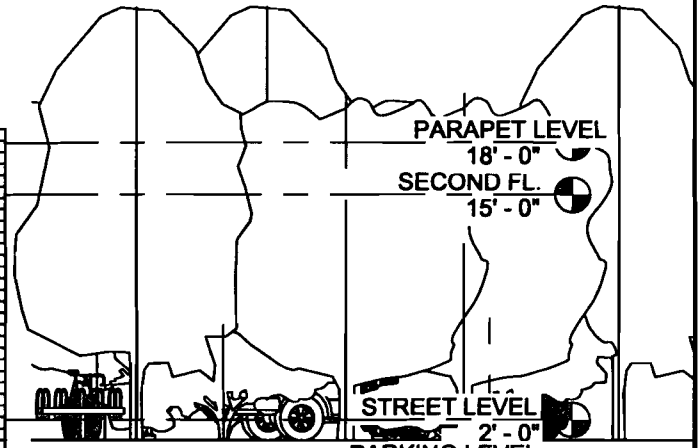
UPPER ROOF
33' - 0"

ROOF
28' - 0"

33



SIDE ELEVATION




PARAPET LEVEL
18' - 0"

SECOND FL.
15' - 0"

STREET LEVEL
2' - 0"

PARKING LEVEL
0' - 0"

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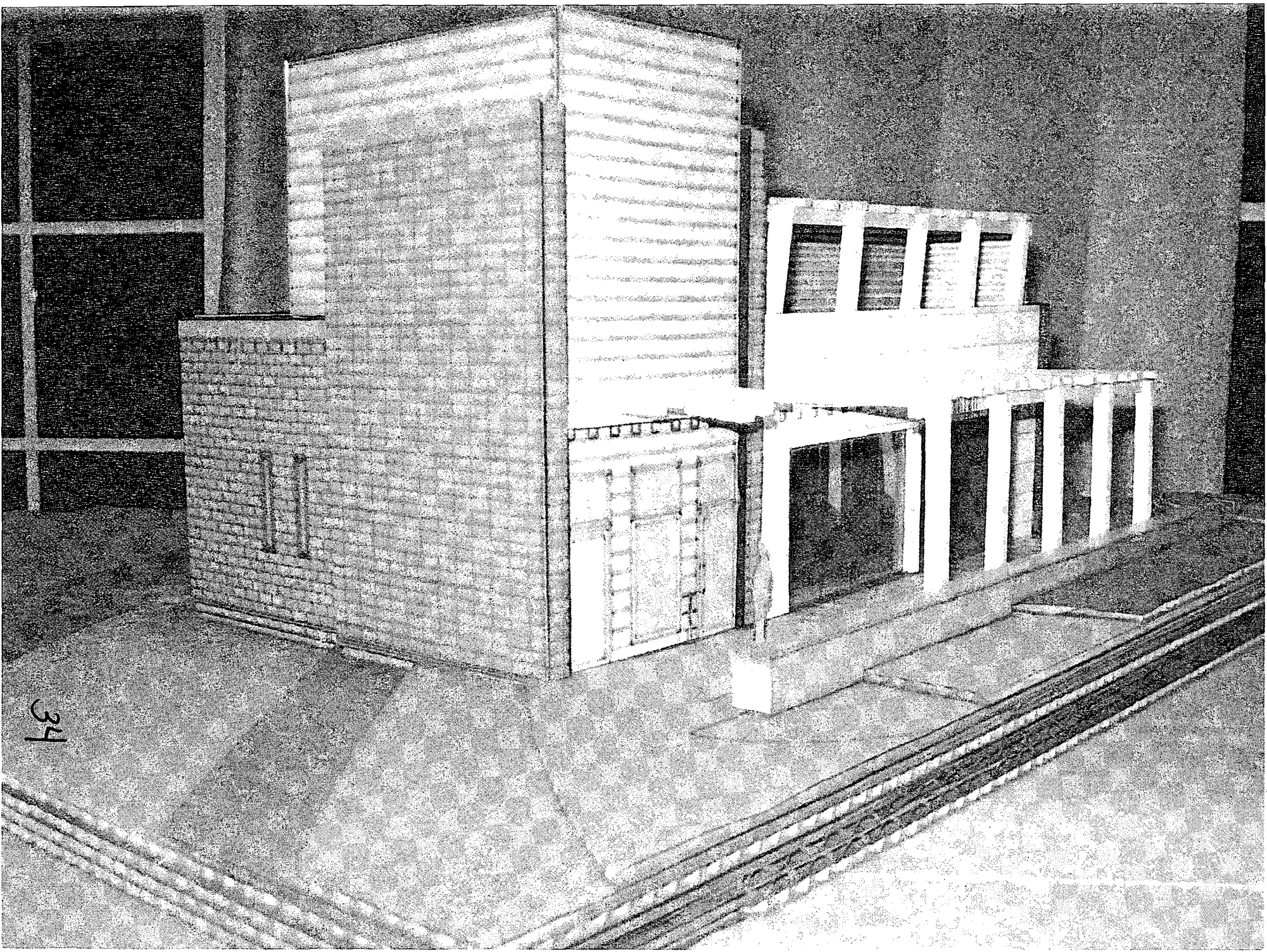
C2M, LLC
JOSE MARIO CABERO

RESTAURANT PROJECT

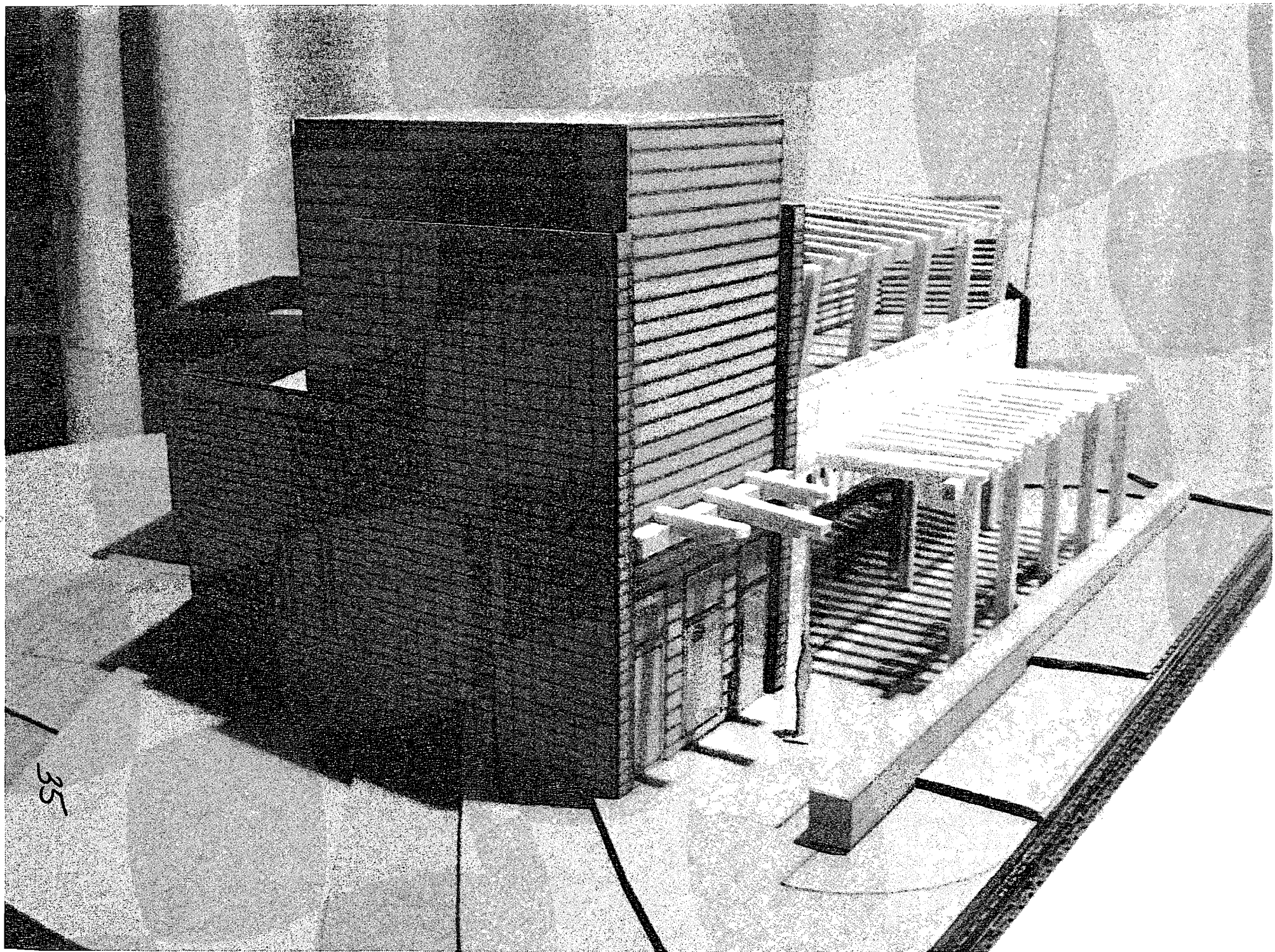
SIDE ELEVATIONS

Project Number:	10022009	A-02.4
Date:	Dec. 29, 2009	
Drawn by:	mt	
Checked by:	mt	
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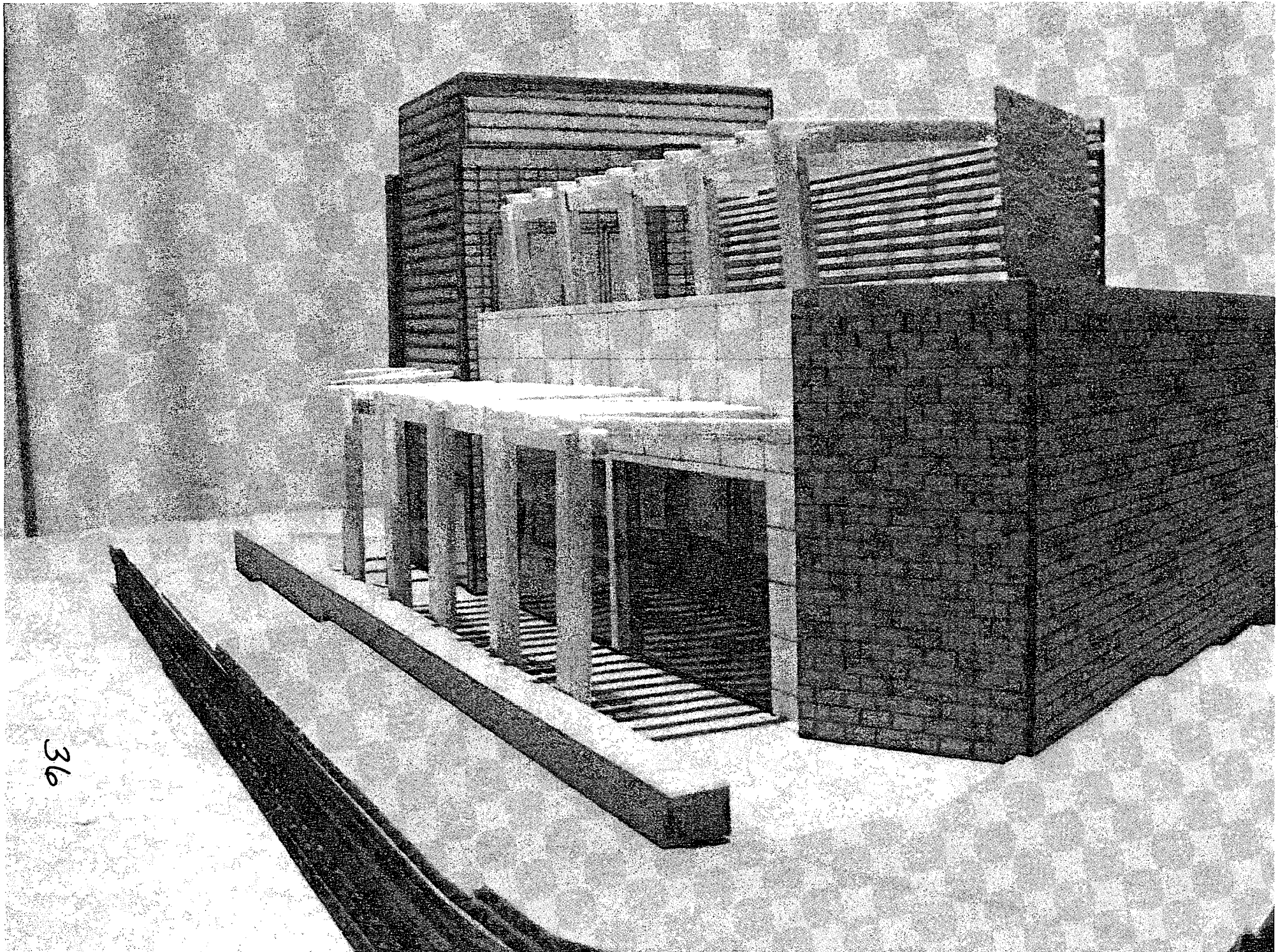
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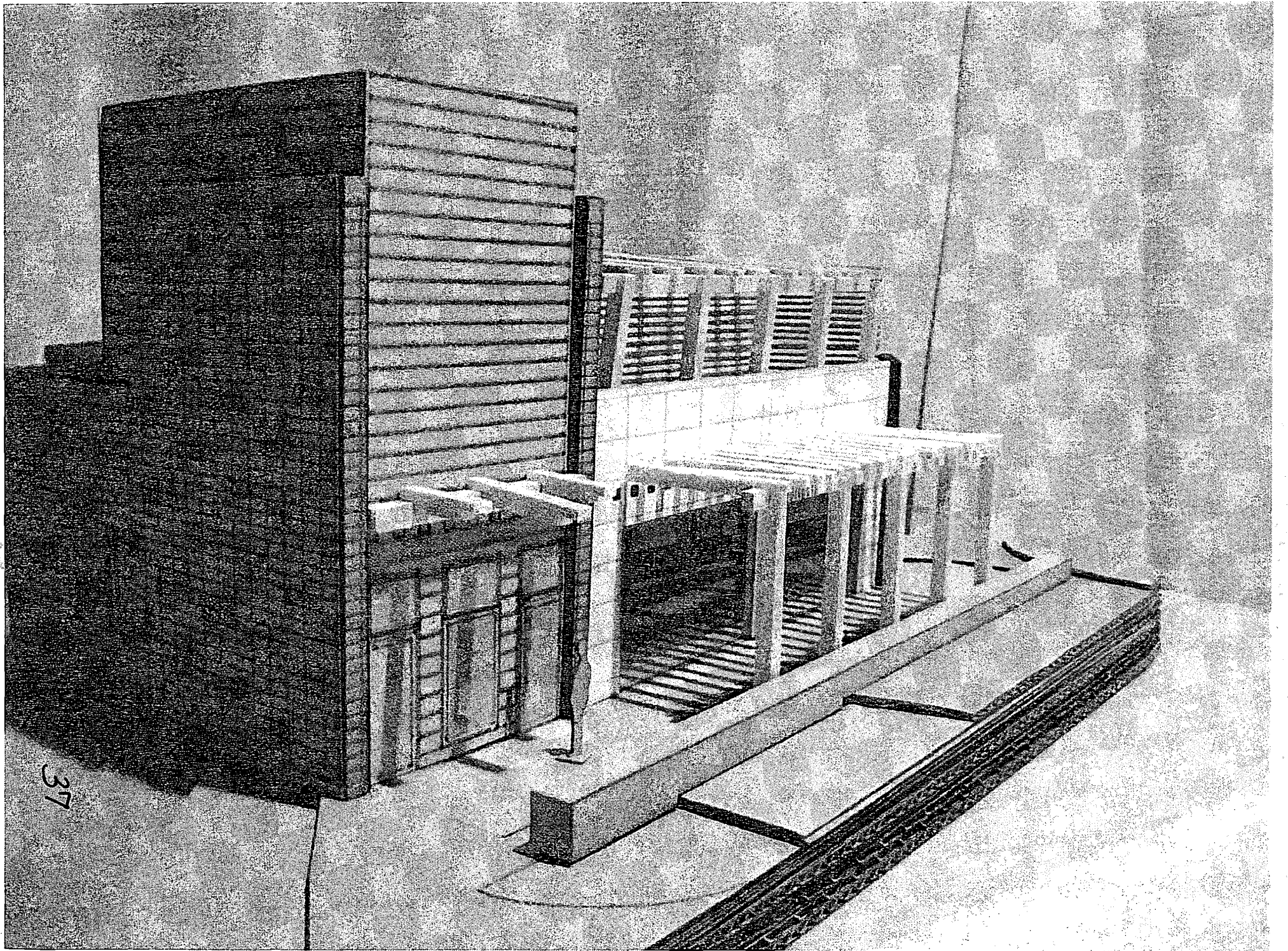
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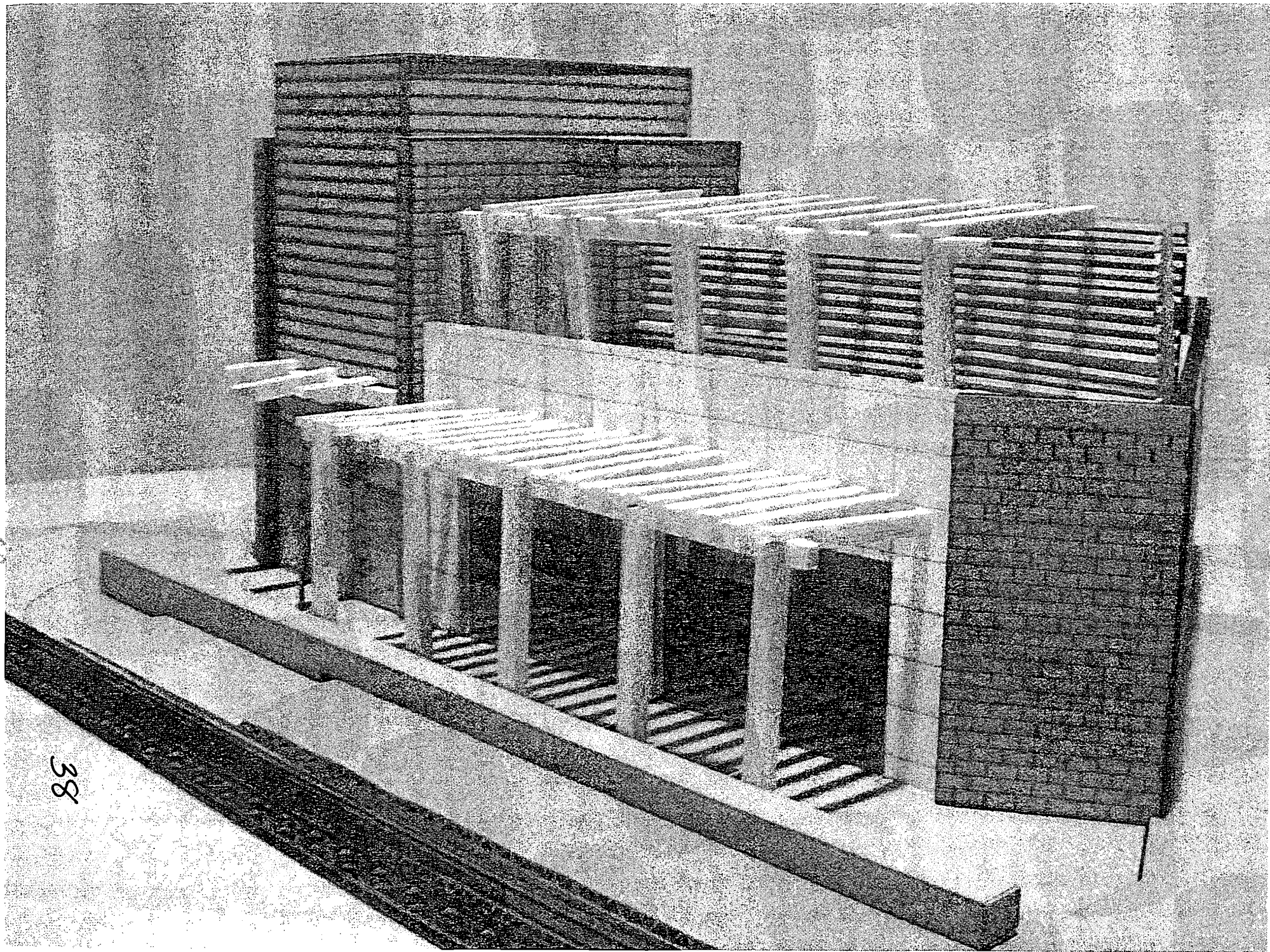
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36



37



38

Del Ray Citizens Association

Established 1954
delraycitizens@yahoo.com

P.O. Box 2233, Alexandria, VA 22301
<http://www.delraycitizen.org>

February 19, 2010

Mayor William Euille
City Hall, Room 2300
Alexandria, VA 22314

6

2-20-10

Subject: Docket item #6
SUP# 2009-0064; Restaurant at 3401 Mount Vernon Avenue

Dear Mayor Euille,

At our Executive Board meeting, the Board voted to approve the committee recommendation in support of an application request and parking reduction, subject to staff report conditions. The committee found the request reasonable, given the complexity of the parcel size, and the new construction as proposed of desirable design.

Due to inclement weather the regular membership meeting was canceled. Although no presentation was made to directly to our members, the recommendation was advertised in 'The Citizen' newsletter as follows:

LUC discussed a January 6th Community presentation. The property owners would like to redevelop the site to create a 'third space', particularly for the anticipated new apartment residents of Del Ray Central (formerly known as the Triangle site) and the renovated Calvert complex.

Proposed is a Peruvian rotisserie-chicken restaurant; counter order service & take-out available. Beer and wine will be available for on-site consumption. With 20 inside and 16 outdoor seats (8 street-level, adjacent to Mt. Vernon Avenue and 8 on a shielded rooftop terrace), the proposed building maximizes the allowed FAR and available parking. Approximately 45 patron/day are expected. The five off-street parking spaces provided on-site satisfy a requirement for indoor seating; a four-space reduction for the outdoor seating is requested.

Most exciting is the proposed building design. Although not required to, the owners proposing to follow the Mt. Vernon Avenue Overlay while incorporating many sustainable and green building practices.

LUC had several questions/suggestions such as: install a permanent roof over the outdoor seating to shield patrons from rain; request a change to allow short-term parking in front of the site, install bike racks nearer to the building front; request pedestrian improvements near the site; arrange vendor deliveries to arrive before 10 AM.

Our recommendation is to support the application and to encourage the applicant to obtain short-term parking alternatives, a roof over outdoor seating, curbside pick-up, pedestrian improvements such as a pedestrian cross walk, and installing bike racks in front of the building.

Thank you for your consideration.

Sincerely,

Amy Slack
Co-Chair
Land Use Committee

cc:
City Council
Director of Planning and Zoning

*Celebrating 100 years of the Town of Potomac
1908 - 2008*



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2009-0064

PROPERTY LOCATION: 3401 Mount Vernon Avenue, Alexandria, VA

TAX MAP REFERENCE: 015.04-03-02 - Lote 30, Sec. 2 St. Elmo **ZONE:** CSL - General Commercial

APPLICANT:

Name: Jose Mario Cabero, Jose Guillermo Cabero, Marisol J. Gonzalez

Address: 1413 South Oakland Street, Arlington, VA 22204

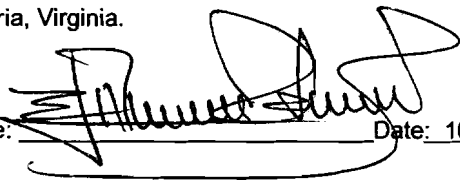
PROPOSED USE: Special Use Permit to built and operate a Fast Food Restaurant

THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 411500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 41404(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 11207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Print Name of Applicant or Agent : José Mario Cabero Signature:  Date: 10/20/2009

Mailing/Street Address: 1413 South Oakland Street, Telephone #: 571-220-9484 Fax #: _____

City and State: Arlington, VA Zip Code: 22204 Email address: mariocabero@aol.com

ACTION-PLANNING COMMISSION:	<u>Recommended Approval 7-0</u>	DATE:	<u>2/2/10</u>
ACTION-CITY COUNCIL:	<u>2/20/2010 - CC approved PC recommendation 7-0</u>	DATE:	