

EXHIBIT NO. 1

17
6-15-02

Docket Item # 23
SPECIAL USE PERMIT #2002-0031

Planning Commission Meeting
June 4, 2002

ISSUE: Consideration of a request for a special use permit to operate a restaurant (coffee shop).

APPLICANT: Lily's Coffee & Tea, Inc.
by Lonnie C. Rich, attorney

LOCATION: 201 King Street

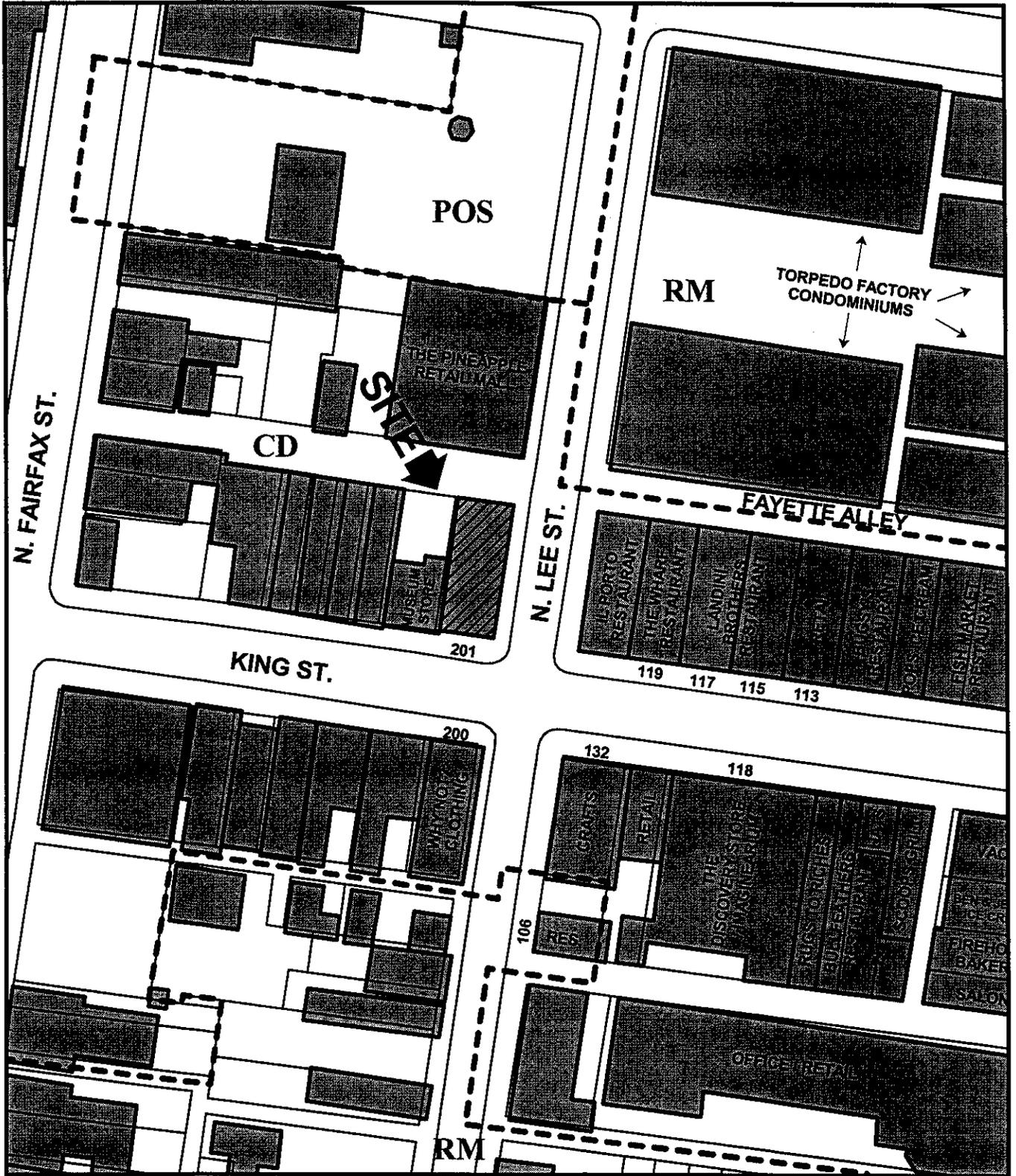
ZONE: CD/Commercial Downtown

PLANNING COMMISSION ACTION, JUNE 4, 2002: On a motion by Ms. Fossum, seconded by Mr. Leibach, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis. In addition, pursuant to the applicant's request, the Planning Commission amended the application and staff report to show that the applicant is now a corporate entity, trading as Lily's Coffee & Tea, Inc.

Speakers:

Mr. Lonnie Rich, attorney for the applicant, asked that the Planning Commission amend the application and staff report to show that the applicant is now incorporated and stated that his client agrees with the list of recommended conditions.



SUP #2002-0031

06/04/02



STAFF RECOMMENDATION:

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

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. Seating shall be provided for no more than 39 patrons. (P&Z)
3. No outside dining facilities shall be located on the premises. (P&Z)
4. Live entertainment, such as non-amplified music performances by one or two musicians and poetry readings, is permitted and shall not be audible at the property line. (P&Z)
5. The hours of operation shall be limited to Sunday to Saturday, 7:00 a.m. to 11:00 p.m. (P&Z)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
7. No food, beverages, or other material shall be stored outside. (P&Z)
8. No alcoholic beverages shall be sold or served. (P&Z)
9. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z)
10. The applicant shall arrange with the City to use the communal compactor located in the 100 block of Ramsay Alley for trash and garbage, or find similar alternative arrangements to the satisfaction of the Director of Planning and Zoning. (P&Z)

11. The applicant shall obtain, at her expense, one Model SD-42 Bethesda Series litter receptacle for installation on North Lee Street at Ramsay Alley. The new trash can will replace the existing old model City trash can currently placed in the same location. Contact T&ES Solid Waste Division (703/751-5130) for information. (T&ES)
12. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
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 cooking odors and smoke from the property to 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. No amplified sound shall be audible at the property line. (P&Z)
16. The applicant shall require its employees who drive to work use off-street parking. (T&ES)
17. The applicant shall (a) provide subsidized parking for all patrons under the Park Alexandria program during evenings and weekends in a public parking garage, (b) advertise such parking by posting notice at its restaurant and including such notice in any advertising, and (c) urge patrons who drive to use the program. (P&Z)
18. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees prior to operation. (Police)
19. Meals ordered before the closing hour may be served, 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)

20. The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

Staff Notes:

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.

Any exterior changes to the property visible from a public way including, for example, signs, alterations to entryway, HVAC equipment, ventilating stacks and lights, require review and approval by the Board of Architectural Review.

Prior to the commencement of operation the applicant must obtain a business license from the Business Tax Branch.

DISCUSSION:

1. The applicant, Nancy L. Lilley, trading as Lily's Coffee and Tea, requests special use permit approval for the operation of a restaurant, located at 201 King Street.
2. The subject property is one lot of record with approximately 34 feet of frontage on King Street, 81 feet of frontage on North Lee Street and a total lot area of 2,781 square feet. The site is developed with a three-story building that occupies the entire lot and houses retail or office on all floors. The Comfort One Shoe store occupies the ground floor and a rug store and an accounting firm occupy the floors above. The proposed restaurant space, approximately 3,000 square feet, is located on the second floor and is now vacant. This space was previously occupied by an art gallery.

Uses adjacent to the subject building include retail and office to the east, south and west along King Street, and residential, office and retail to the north. Ramsay Alley runs along the north side of the subject building.

3. The applicant requests special use permit approval to operate a restaurant, specifically a coffee and tea shop, with accessory retail. The proposed restaurant will primarily offer coffee, tea, pastries, sandwiches, soup, salads, and fruit drinks. It will provide 39 seats, with 29 seats at tables in the main dining area and 10 seats in a separate dining room that will serve primarily as a meeting room for business people or community groups for a fee. A plan of the proposed restaurant layout is attached.

The accessory retail will include antique coffee and tea pots, pottery items, gift baskets with related accessories and confections, and local art work and writing. A plan of the proposed restaurant layout shows the amount of space allocated to retail.

4. The proposed hours of operation are Sunday to Saturday, 7:00 a.m. to 11:00 p.m.
5. The applicant expects an average of 20 patrons in the restaurant at one time, with a maximum of 50 patrons attending a live entertainment event. There will be between two and five employees working any one shift.
6. Live entertainment is proposed, and will include poetry readings, solo/duet musicians, and presentations by local artists. No amplified sound is proposed. The entertainment events will generally occur once a week.
7. No alcohol sales are proposed.

8. The applicant does not expect any noise or odor problems. The applicant will work to control litter by encouraging the use of trash receptacles located on-site and on the street.
9. Garbage cannot be stored outside on the subject lot since the building is built to the property line. The applicant can use the communal compactor located in the 100 block of Ramsay Alley. The Solid Waste Division in the Department of Transportation and Environmental Services has indicated that a new restaurant can be added to the list of compactor users. This compactor location is one block away from the proposed restaurant.
10. Pursuant to Section 8-300(B) of the zoning ordinance, restaurants located within the Central Business District are exempt from the off-street parking requirements.
11. Pursuant to Section 8-200(B)(5), no loading spaces are required for the proposed restaurant. Loading and unloading operations will occur behind the restaurant in Ramsay Alley. The existing businesses in the subject building currently use Ramsay Alley for loading and unloading. These operations will take place between 6:30 a.m. and 12:00 noon approximately six times a week.
12. Zoning: The subject property is located in the CD/Commercial Downtown zone. Section 4-503(W) of the zoning ordinance allows a restaurant in the CD zone only with a special use permit. Retail is a permitted use in the CD zone.
13. Master Plan: The proposed use is consistent with the restaurant policy contained in the Old Town small area plan chapter of the Master Plan which requires a diversity of uses.

STAFF ANALYSIS:

Staff has no objection to the operation of the proposed restaurant at 201 King Street. The proposed restaurant is a coffee and tea shop that also sells pastries and sandwiches, and retail goods. While an approval of this permit will add to the restaurant space in Old Town, the amount is small, and the type of restaurant pedestrian oriented. As explained in detail below, staff has analyzed the proposal under the Old Town Restaurant Policy and found that the proposed restaurant is not likely to trigger a significant increase in the demand for parking, will not likely inspire patrons to rowdiness and vandalism, does not have particularly late hours, and can implement procedures and provide containers to control litter. The Old Town Restaurant Policy also seeks to balance the mix of uses in Old Town, and admonishes against replacing retail space with restaurant uses. Although there is a loss of retail space here, staff finds it acceptable.

Parking

The proposed use will not likely have a significant or negative impact upon on-street parking since it is a neighborhood serving use, primarily selling coffee and tea to workers, residents and tourists already in the area. Customers are more likely to arrive on foot than by car. The use will have special events, live entertainment including limited music performances and poetry readings, and these could attract patrons who drive to Old Town specifically for these events. The applicant will address this demand by subsidizing patron parking off-site. Employees will also be required to park off-street.

Rowdiness, Vandalism and Late Hours

Alcohol consumption is the factor most often linked to the “rowdiness and vandalism” concern included in the Old Town Restaurant Policy. The sale of alcohol is not requested in the subject application and in this regard, the proposed restaurant use does not constitute a potential threat to the quiet and property enjoyed by nearby residents. No noise problems are expected from patrons or live entertainment since neither the proposed music nor poetry or other artist shows will be amplified, and the applicant must comply with the City’s noise ordinance. Finally, the closing hour (11:00 p.m. daily) is compatible with that of adjacent night-time uses, and earlier than most. The majority of restaurants located in the 100 to 300 block of King Street have closing hours ranging between 12:00 a.m. and 2:00 a.m. weekend nights and 10:00 p.m. to 2:00 a.m. weekday nights.

Litter

The applicant intends to provide adequate trash receptacles and patrol the surrounding area for litter on a regular basis and staff has required that she do so as part of the recommended conditions. Staff, therefore, does not foresee any litter problems.

Replacement of Retail Space with Restaurant

Finally, staff analyzed the nature and character of the space involved to determine whether the proposal should be denied in favor of retaining the space for future retail uses. The space is small, and most significantly it is on the second floor of this corner building, which has a strong retail use on the ground floor. At the opposite corner, at 130-132 King Street, the site of the prior Pineapple retail store, City Council denied an application for a Starbucks restaurant three years ago. While that case is similar to the one proposed here, there is a key difference in the two spaces. In the Starbucks case, the proposed restaurant would have occupied the first floor corner and removed long established retail space in a prominent location, where ArtCraft Collection is now located. If the current proposal were to replace the Comfort Zone Shoe store, staff would have difficulty supporting it for the same reason. In contrast, the proposed second floor space has never held strong retail, and is much less prominent to the retail vitality of King Street.

Staff believes the proposal is more akin to the recently approved second floor at Landini's. It includes the same number of seats, and proposes limited entertainment. Although the applicant is not a long time operator in Old Town as is true with Landini's, this use will have less of a parking impact because it is unlikely to attract many drivers to it as a destination. Finally, as was true in the Landini's case, the proposal complies with the other aspects of the Old Town Restaurant Policy.

Staff therefore recommends approval of the proposed restaurant.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director; Mary Hashemi, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 The applicant shall require that its employees who drive to work use off-street parking.
- R-2 The applicant shall post signs directing patrons to the availability of discounted validated parking in the immediate area.
- R-3 The applicant shall (a) provide subsidized parking for all patrons under the Park Alexandria program during evenings and weekends in a public parking garage, (b) advertise such parking by posting notice at its restaurant and including such notice in any advertising, and (c) urge patrons who drive to use the program.
- R-4 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-5 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.

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 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 written application.

- C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing and mechanical layouts and schematics.
- C-4 This represents a change of use to use group A3, as such this space is required to be upgraded in structural strength, fire protection, exit facilities and sanitary provisions.
- C-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 313.0.
- C-6 Required exits, parking and accessibility for persons with disabilities must be provided to the building.
- 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.
- C-2 Five sets of plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-3 Permits must be obtained prior to operation.
- C-4 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-5 Certified Food Managers must be on duty during all hours of operation.
- C-6 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 Security survey for business. This is to be completed prior to opening for business.
- R-2 Robbery awareness program for all employees.
- F-1 The applicant is not requesting an ABC permit. The police department concurs with this.

MVH

APPLICATION for SPECIAL USE PERMIT # 2002-0031

[must use black ink or type]

PROPERTY LOCATION: 201 King Street, Second Floor

TAX MAP REFERENCE: 75:01, Block 2 Lot 11 ZONE: CD

APPLICANT Name: Nancy L. Lilley, T/A Lily's Coffee & Tea

Address: 2544 S. Adams Street, Arlington, VA 22206

PROPERTY OWNER Name: Chris Forrest and Tom Vogt

Address: _____

PROPOSED USE: Coffee shop/retail/community meeting space

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

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

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

Lonnie C. Rich, Esquire
Print Name of Applicant or Agent

Lonnie C. Rich
Signature

1317 King Street
Mailing/Street Address

703-836-7441 703-836-0265
Telephone # Fax #

Alexandria VA 22314
City and State Zip Code

3-26-02
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

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

1. The applicant is (check one) the Owner Contract Purchaser
 Lessee or Other: Prospective Lessee 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.

Nancy L. Lilley - 100%

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

- Yes. Provide proof of current City business license
 No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

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

Applicant proposes to open a coffee/retail shop with community meeting
room offering a spacious, relaxed, quiet environment for local residents
and workers. In house consumption of organic coffee and tea, fruit and
iced drinks, pastries and dessert items, seasonal soups, salads and sandwiches.
Sale of antique coffee and tea pots, pottery items, gift baskets and related
accessories and confections. Display and sale of local artists' works and
writings. Off-street parking will be provided and required for employees who
drive to work.

Locations to be determined. Currently talking with
several garages. ^{N22} 3/26/02

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).

usual maximum of 20; for special events (poetry reading; artist forum)
(once a week), a maximum of 50

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

2-5 employees

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

Day:

Hours:

Sunday-Saturday

7am to 11pm (initially closing 9pm

on weekdays)

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

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

Only noise from coffee machines and 2 musicians (no amplified sound)

B. How will the noise from patrons be controlled?

If noisy, patrons will be asked to be quiet or be removed from premises.

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

Food/beverage waste will be disposed of to avoid odors. Placed in sealed plastic bags and put into dumpsters in rear of premises.

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?

food/beverage waste/napkins

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

Minimal trash/garbage - receptacles to be provided on premises for patrons; use of ceramic dishes and flatware will greatly reduce the amount of throwaways.

C. How often will trash be collected?

twice a week

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

Encourage use of receptacle on premises as well as street receptacles.

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

Yes. No.

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

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

Yes. No.

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

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

We will comply with safety laws and otherwise exercise reasonable care.

ALCOHOL SALES

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

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

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?

none

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

0 Standard spaces

 Compact spaces

 Handicapped accessible spaces.

 Other.

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

If the required parking will be located off-site, where will it be located:
^{NA - CBD}

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? one

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

C. Where are off-street loading facilities located? Ramsey alley in rear of building

SAME SPACE USED FOR THE WHOLE BUILDING ^{nd 2} 8/26/02

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

During morning business hours 6:30am - 12:00 noon

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

Approximately 6 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 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?

3000 gross _____ sq. ft. (existing) + _____ sq. ft. (addition if any) = ³⁰⁰⁰gross _____ 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: 2nd Floor of building at King and Lee

RESTAURANT SUPPLEMENTAL APPLICATION

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?

At tables: 39 At a bar: _____ Total number proposed: 39

2. Will the restaurant offer any of the following? NO

_____ alcoholic beverages _____ beer and wine (on-premises)
_____ beer and wine (off-premises)

3. Please describe the type of food that will be served:

Coffee/tea/pastries/sandwiches/soup/salads/fruit drinks

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

_____ table service bar _____ carry-out _____ delivery

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

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

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? Yes. ___ No.

If yes, please describe: Poetry readings, solo/duet musician; presentation by
local artist

SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN

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

Parking

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

2. Additionally, please answer the following:
 - A. What percent of patron parking can be accommodated off-street?
(check one)
 100%
 75-99%
 50-74%
 1-49%
 No parking can be accommodated off-street

 - B. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends?
(check one)
 All
 75-99%
 50-74%
 1-49%
 None

 - C. What is the estimated peak evening impact upon neighborhoods?
(check one)
 No parking impact predicted
 Less than 20 additional cars in neighborhood
 20-40 additional cars
 More than 40 additional cars

Litter

The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant. Not featuring carry-out service

Alcohol Consumption and Late Night Hours

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

_____	Maximum number of patron dining seats
_____	Maximum number of patron bar seats
+ _____	Maximum number of standing patrons

_____	Maximum number of patrons

2. 5 Maximum number of employees by hour at any one time

3. Hours of operation:
(check one)

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

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

4. Alcohol Consumption: N/A

(Check one)

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

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SUP 2002-0031

**201 KING STREET ASSOCIATES LLC
6000 EXECUTIVE BLVD., SUITE 700
ROCKVILLE, MARYLAND 20852**

Telephone: 301-881-7800

Fax: 301-881-0546

April 22, 2002

Ms. Nancy L. Lilley
Lily's Coffee & Tea, Inc.
2544S. Adams Street
Arlington, Virginia 22206

Re: 201 King Street
Alexandria, Virginia

Dear Ms. Lilley:

This letter is intended to convey our acceptance of use for the space on the second floor of the building located at 201 King Street, Alexandria, Virginia as a coffee shop, retail space and community meeting square. Our approval is further evidenced by the execution of our lease agreement dated April 5th 2002.

We have reviewed your floor plan and find the plan to be compatible with the available space and current building systems.

If you have any questions please feel free to contact me at 301-881-7800.

Sincerely,

201 King Street Associates, LLC



Thomas E. Vogt
Managing Member

MVH

APPLICATION for SPECIAL USE PERMIT # 2002-0031

[must use black ink or type]

PROPERTY LOCATION: 201 King Street, Second Floor

TAX MAP REFERENCE: 75:01, Block 2 Lot 11 ZONE: CD

APPLICANT Name: Nancy L. Lilley, T/A Lily's Coffee & Tea

Address: 2544 S. Adams Street, Arlington, VA 22206

PROPERTY OWNER Name: Chris Forrest and Tom Vogt

Address: _____

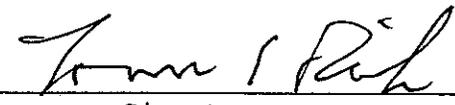
PROPOSED USE: Coffee shop/retail/community meeting space

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

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

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

Lonnie C. Rich, Esquire
Print Name of Applicant or Agent


Signature

1317 King Street
Mailing/Street Address

703-836-7441 703-836-0265
Telephone # Fax #

Alexandria VA 22314
City and State Zip Code

3-26-02
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: 6/04/02 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 6/15/02PH-- CC approved the Planning Commission recommendation.