

EXHIBIT NO. 1

9
9-15-01

Docket Item #10-A
SPECIAL USE PERMIT #2001-0070

Planning Commission Meeting
September 4, 2001

ISSUE: Consideration of a request for a special use permit to add outdoor seating for the existing restaurant.

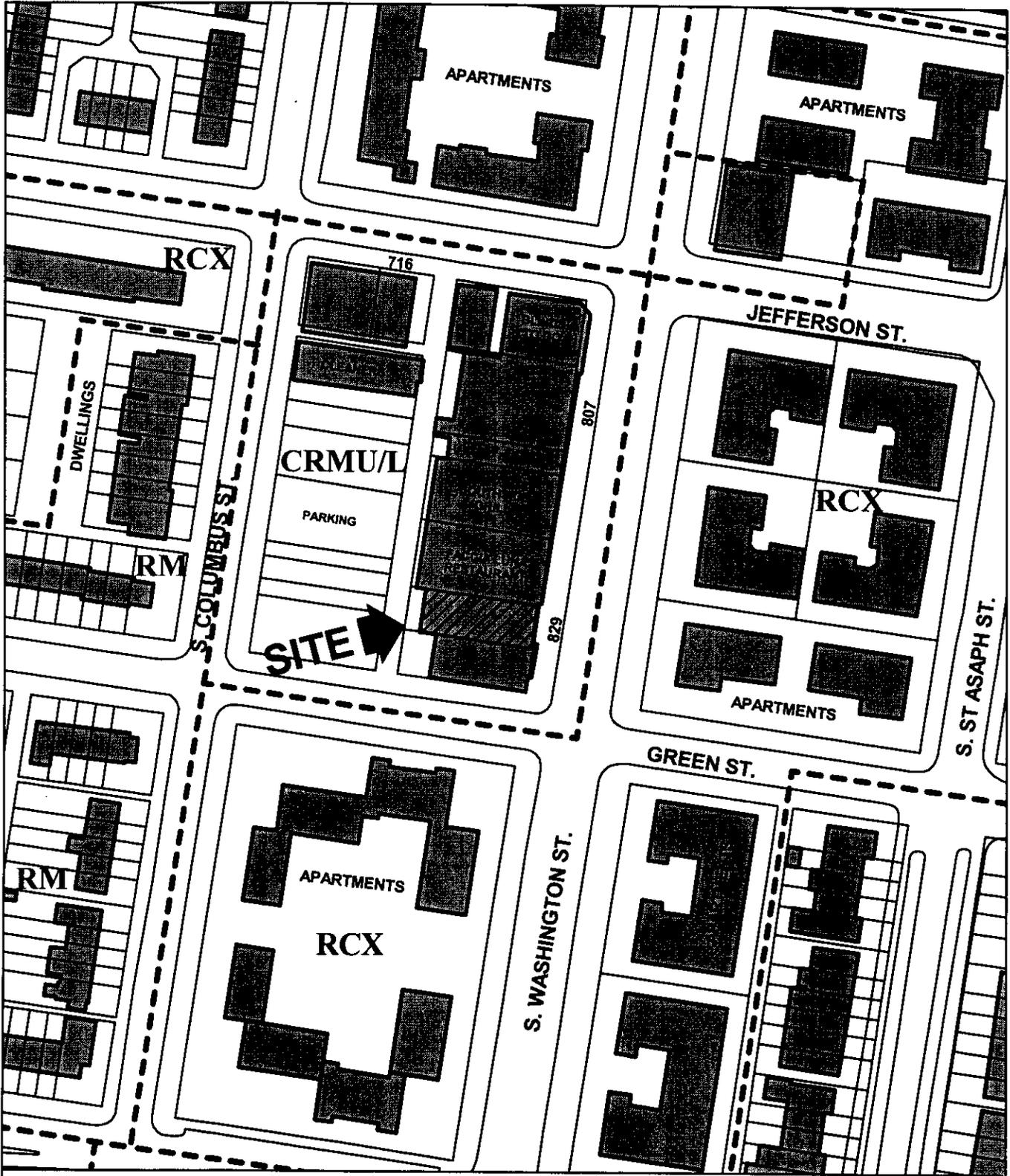
APPLICANT: Thomas Lally

LOCATION: 829 South Washington Street
Perk-Up Coffee Shop

ZONE: CRMU-L/Commercial Residential Mixed Use, Low

PLANNING COMMISSION ACTION, SEPTEMBER 4, 2001: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



SUP #2001-0070

09/04/01



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) (SUP #2000-126)
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided ~~inside the restaurant~~ for no more than 30 patrons. ~~(P&Z) (SUP #2000-126)~~ (P&Z)
3. **CONDITION AMENDED BY STAFF:** ~~No outside seating shall be provided~~ Outside dining facilities may be provided as depicted on the attached plan. ~~(P&Z) (SUP #2000-0126)~~ (P&Z)
4. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited from 6:30 a.m. to 10:00 p.m. Monday through Friday, 7:00 a.m. to 10:00 p.m. on Saturdays, and 7:00 a.m. to 6:00 p.m. on Sundays. The outdoor dining area shall be cleaned and washed at the close of each day of operation. ~~(P&Z)(SUP #2000-126)~~
5. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2000-126)
6. A parking reduction of two spaces is granted provided that the applicant shall require that its employees who drive to work use off-street parking. (P&Z) (SUP #2000-126)
7. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #2000-126)
8. No music or amplified sound shall be audible at the property line. (P&Z)(SUP #2000-126)
9. No alcohol sales are permitted. (P&Z) (SUP #2000-126)
10. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2000-126)
11. 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 or debris shall be allowed to accumulate on site outside of these containers. (P&Z) (SUP #2000-126)

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) (SUP #2000-126)
13. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z) (SUP #2000-126)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2000-126)
15. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Health Department. (Health) (SUP #2000-126)
16. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for the employees. (Police) (SUP #2000-126)
17. **CONDITION RETAINED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. ~~(P&Z) (SUP #2000-126) (P&Z)~~
18. **CONDITION ADDED BY STAFF:** 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)

DISCUSSION:

1. The applicant, Thomas Lally, requests special use permit approval to add outdoor seating for the existing coffee shop restaurant located at 829 South Washington Street.
2. The restaurant is located on part of a parcel comprised of most of the block bounded by South Washington, South Columbus, Jefferson and Green Streets in south Old Town. It is composed of some 16 separately platted lots, and is bisected north to south by a public alley, and is located in the Old and Historic Alexandria District.

The block is developed generally by one and two story buildings fronting Washington, Jefferson and South Columbus Streets and by parking areas. Most of the storefronts are occupied by retail uses, with some personal service, office, and restaurants. Popular uses in the block include Williams Sonoma, the Storehouse, and Laura Ashley stores and the Faccia Luna and Southside restaurants. The restaurant is located between an existing dentist's office and Williams Sonoma near the south end of the frontage on Washington Street.

3. On November 18, 2000, City Council granted Special Use Permit #2000-126 for the operation of a restaurant (coffee shop) with a reduction of off-street parking. The restaurant offers coffee drinks, smoothies, and baked goods and is known as Perk Up.
4. As approved by Council, a total of 30 seats is permitted inside the restaurant. The applicant seeks permission to offer outdoor seating at the restaurant. A total of three tables and nine seats is proposed to be located on the sidewalk in front of the restaurant (see attached plan).
5. As the seating is proposed to be located on the City right-of-way, an encroachment approval is also required. The applicant has filed that request which is being processed concurrently with this case (see Enc #2001-005).
6. The restaurant is permitted to operate between the hours of 6:30 a.m. and 10:00 p.m. Monday through Friday, 7:00 a.m. to 10:00 p.m. on Saturdays, and 7:00 a.m. to 6:00 p.m. on Sundays.
7. No alcoholic beverages may be sold and no live entertainment is permitted.
8. The applicant does not propose any changes to the operation of the restaurant and does not anticipate hiring additional employees to service the outdoor dining area.

9. In conjunction with the special use permit approval for the restaurant, Council granted a parking reduction allowing the applicant to provide only six parking spaces where a minimum of eight spaces is required. As the applicant is not proposing an increase in the total number of seats; therefore, no additional off-street parking requirement is triggered by this request.
10. On July 30, 2001, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.
11. Zoning: The subject property is located in the CRMU-L/Commercial residential mixed use zone. Section 5-103(N) of the zoning ordinance allows a restaurant in the CRMU-L zone only with a special use permit.
12. Master Plan: The proposed use is consistent with the Old Town small area plan chapter of the Master Plan which designates the property for commercial, residential and mixed use.

STAFF ANALYSIS:

Staff has no objection to the applicant's request to offer outdoor seating in front of the restaurant located at 829 South Washington Street. The proposed seating will provide an amenity for neighboring residents and businesses. In addition, staff notes that the sidewalk in this location is sufficiently wide as to allow both the proposed seating and pedestrian access past this area.

Staff has retained Condition #17 which requires a review of the restaurant one year after approval so that if there are any problems with the operation of the restaurant, including the outdoor seating, additional conditions may be imposed. With this condition, staff recommends approval of the special use permit.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Kathleen Beeton, 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, Chapter 11, Section 5.
- R-1 Applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties as determined by T&ES.
- R-2 Kitchen, or other types of equipment shall not be cleaned outside, nor shall any cooking residue or wastes be washed into the street, sidewalks or storm sewers.

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 permit 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 Required exists, parking, and accessibility for persons with disabilities must be provided to the building.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. This facility is currently operating as Perk-Up Coffee Shop under health permit #16f-1217-1 issued to Perk-Up.
- C-2 Food must be protected to the point of service.
- C-3 If changes to the facility are to be done, five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-4 Permits or approval must be obtained prior to use of the new area(s).
- C-5 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions both indoors and at the outside dining areas.
- C-6 Certified Food Managers must be on duty during all hours of operation.

Police Department:

- F-1 The security survey and robbery awareness program have not been requested by the applicant.

APPLICATION for SPECIAL USE PERMIT # 2001-0070

[must use black ink or type]

PROPERTY LOCATION: 829 So Washington St

TAX MAP REFERENCE: _____ ZONE: _____

APPLICANT Name: Thomas Lally

Address: 2810 Cameron Mills Rd Alex VA

PROPERTY OWNER Name: WASHINGTON REAL ESTATE INVESTMENT TRUST

Address: 6110 EXECUTIVE BOULEVARD SUITE 800 ROCKVILLE MD 20852

PROPOSED USE: sidewalk seating outside coffee shop

expansion of restaurant to allow outdoor seating

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.

Thomas Lally
Print Name of Applicant or Agent

Thomas Lally
Signature

2810 Cameron Mills Rd
Mailing/Street Address

703-836-8146 703-578-4144
Telephone # Fax #

Alex VA 22302
City and State Zip Code

6-14-01
Date

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

Application Received: 6-25-01 Date & Fee Paid: 6-25-01 \$ 100.-

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

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

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

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

MARY PAT LALLY
THOMAS LALLY

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

- Yes. Provide proof of current City business license
- No. The agent shall obtain a business license prior to filing application, if required by the City Code.
2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

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

To place THREE TABLES WITH NINE SEATS outside THE COFFEE SHOP. we will NOT need additional employees, Presently we have approval for THIRTY SEATS inside. we can only ACCOMMODATE twenty so the outside SEATINGS will NOT require A reduction in PARKING.

our Hours of operation will be
M-F - 6:30-9:00 S-7-9 SUN 7-6:00

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).

30 PATRONS, PRIMARILY in THE AM, ESPECIALLY
SAT & SUN MORNINGS

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

2-AM 2-MID AFTERNOON 2-EVENING SHIFT

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

Day:

Hours:

M-F

6:30 AM - 9:00 PM

SAT

7:00 AM - 9:00 PM

SUN

7:00 AM - 6:00 PM

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

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

CONVERSATIONAL NOISE ONLY

B. How will the noise from patrons be controlled?

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

N/A

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

A. What type of trash and garbage will be generated by the use?

~~1- SMALL TRASH BAG DAILY~~ CUPS &
SMALL PAPER PLATES

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

1- SMALL BAG DAILY

C. How often will trash be collected?

THE CITY COLLECTS TWICE WEEKLY

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

WE WILL CLEAN OUR AREA, THE
LANDLORD ALSO MAINTAINS THE AREA

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

Yes. No.

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

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

Yes. No.

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

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

ALCOHOL SALES

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

Yes. No.

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

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

AM - Between 7-10:00 AM

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

once daily

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?

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) = _____ sq. ft. (total)

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

a stand alone building a house located in a residential zone a warehouse

a shopping center. Please provide name of the center: _____

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

other, please describe: _____

RESTAURANT SUPPLEMENTAL APPLICATION

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

Please provide the following information:

1. How many seats are proposed?

At tables: 9 outside At a bar: _____ Total number proposed: _____

2. Will the restaurant offer any of the following?

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

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

so COFFEE DRINKS, PASTRIES, smoothies

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: _____

SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN

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

Parking

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

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

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

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

Litter

The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

Alcohol Consumption and Late Night Hours

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

_____	Maximum number of patron dining seats
_____	Maximum number of patron bar seats
+ _____	Maximum number of standing patrons
<hr/>	
_____	Maximum number of patrons

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

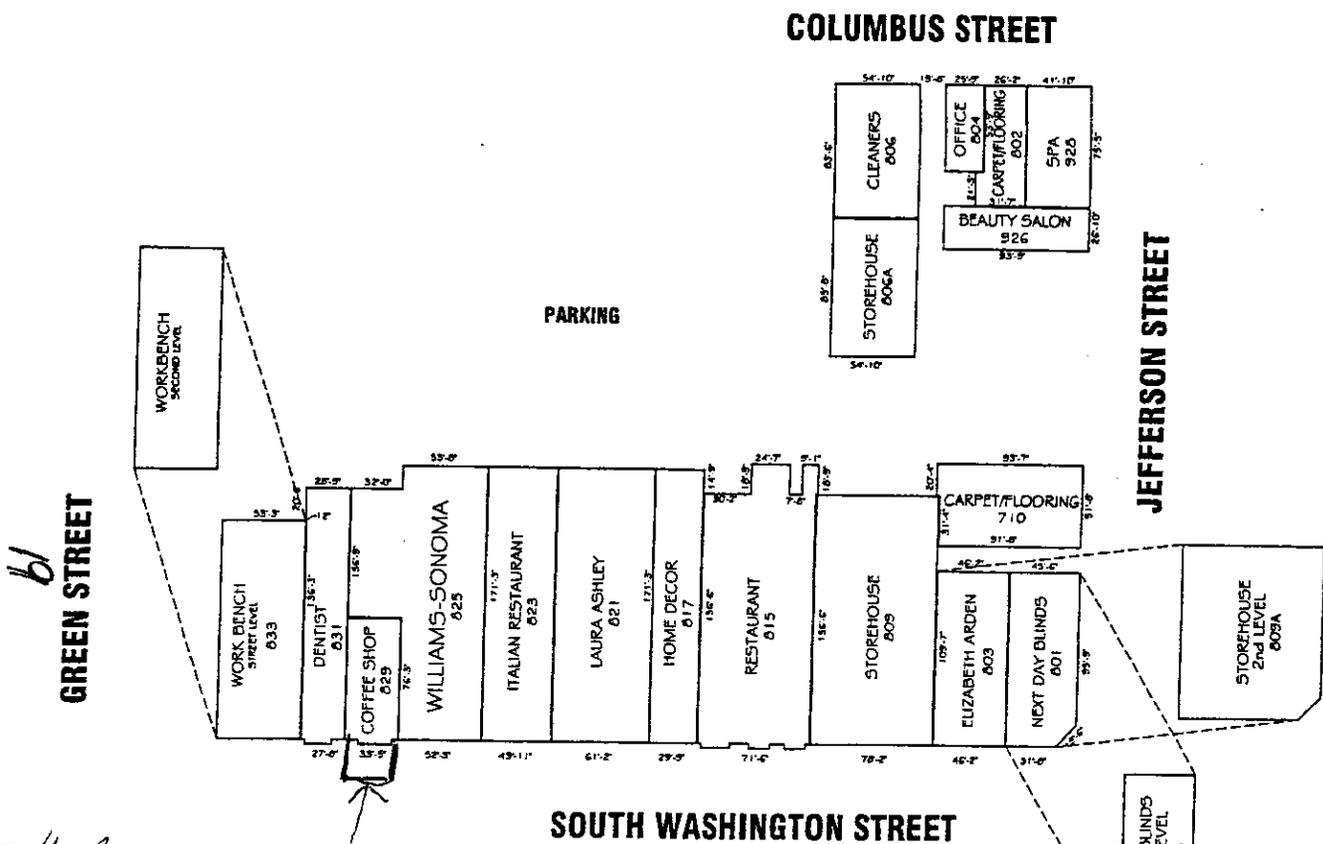
3. Hours of operation:
(check one)

_____	Closes by 8:00 P.M.
<u>X</u> _____	Closes after 8:00 P.M. but by 10:00 P.M.
_____	Closes after 10:00 P.M. but by Midnight
_____	Closes after Midnight

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

4. Alcohol Consumption:
(Check one)

<u>NR</u> _____	High ratio of alcohol to food
_____	Balance between alcohol and food
_____	Low ratio of alcohol to food

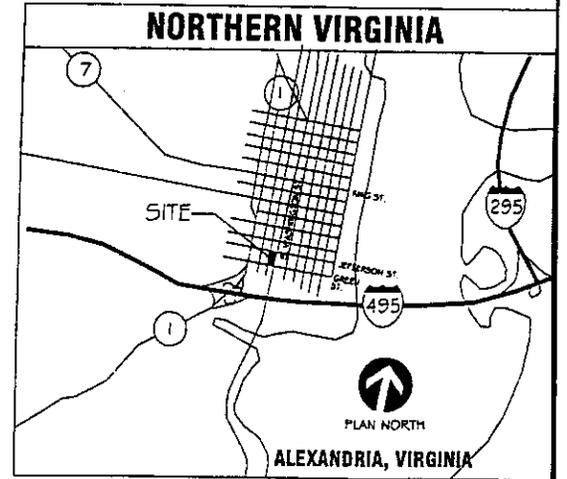


TENANT DATA		
NUMBER	TENANT NAME	AREA
710	CARPET/FLOORING	1,956
801	NEXT DAY BLINDS	2,004
801A	NEXT DAY BLINDS - LOWER LEVEL	2,004
802	CARPET/FLOORING	856
803	ELIZABETH ARDEN	2,071
804	OFFICES	566
806	CLEANERS	1,274
806A	STOREHOUSE (WAREHOUSE)	1,924
809	STOREHOUSE	5,013
809A	STOREHOUSE - 2nd FLOOR	4,075
815	RESTAURANT	4,902
817	HOME DECOR	2,066
821	LAURA ASHLEY	4,268
823	ITALIAN RESTAURANT	3,075
825	WILLIAMS-SONOMA	4,777
829	COFFEE SHOP	1,069
831	DENTIST	1,605
833	WORKBENCH - STREET LEVEL	3,372
833	WORKBENCH - SECOND LEVEL	3,372
826	BEAUTY SALON	1,033
326	SFA	1,293

ENC. 2001-0005
 SUP. 2001-0070

8" by 13"

LOCATION OF
 OUTDOOR SEATING



WRIT

Washington Real Estate Investment Trust
 6110 EXECUTIVE BOULEVARD, SUITE 800
 ROCKVILLE, MARYLAND 20852

SOUTH WASHINGTON STREET
 ALEXANDRIA, VIRGINIA

APPLICATION for SPECIAL USE PERMIT # 2001-0070

[must use black ink or type]

PROPERTY LOCATION: 829 So Washington St

TAX MAP REFERENCE: 80.04-03-12 ZONE: CRML-L

APPLICANT Name: Thomas Lally

Address: 2810 Cameron Mills Rd Alex VA

PROPERTY OWNER Name: WASHINGTON REAL ESTATE INVESTMENT TRUST

Address: 6110 EXECUTIVE BOULEVARD SUITE 800 ROCKVILLE MD

PROPOSED USE: sidewalk seating outside coffee shop

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Thomas Lally
Print Name of Applicant or Agent

Thomas Lally
Signature

2810 Cameron Mills Rd
Mailing/Street Address

703-836-8140
Telephone #

703-578-4144
Fax #

Alex VA 22302
City and State Zip Code

6-14-01
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: 6-25-01 Date & Fee Paid: 6-25-01 \$ 100.-

ACTION - PLANNING COMMISSION: 9/4/01 RECOMMENDED APPROVAL UC

ACTION - CITY COUNCIL: 9/15/01PH--CC approved the Planning Commission recommendation.