

EXHIBIT NO. 1

5  
10-19-02

Docket Item # 5  
SPECIAL USE PERMIT #2002-0063

Planning Commission Meeting  
October 1, 2002

**ISSUE:** Consideration of a request for a special use permit to change the ownership of a parking facility.

**APPLICANT:** Central Parking System of VA Inc.  
by Art Alabin

**LOCATION:** 333 North Fairfax Street  
Central Parking

**ZONE:** CD/Commercial Downtown

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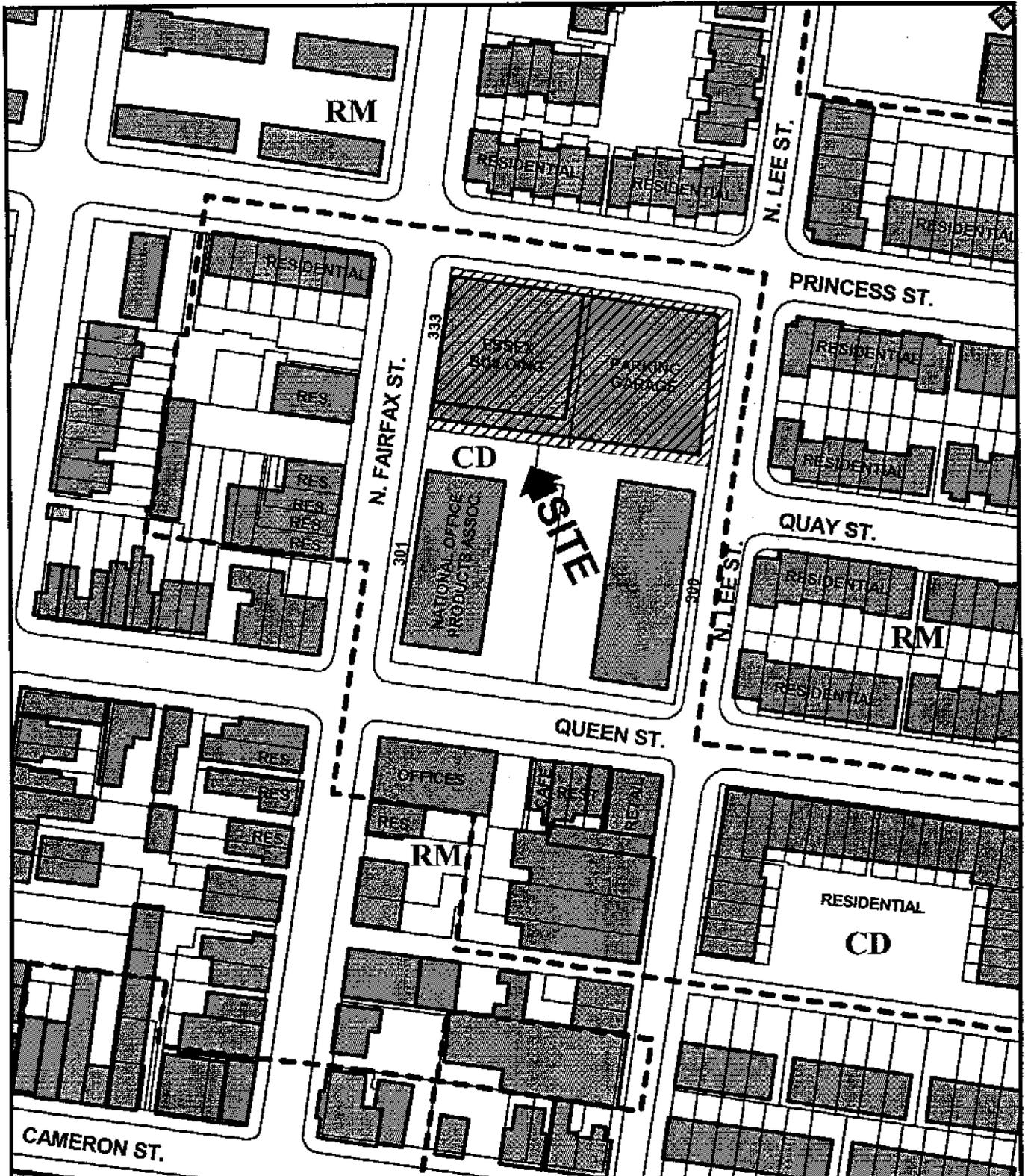
**PLANNING COMMISSION ACTION, OCTOBER 1, 2002:** On a motion by Mr. Dunn, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to amend Condition #2. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers: No speakers.

**PLANNING COMMISSION ACTION, SEPTEMBER 3, 2002:** The Planning Commission noted the deferral of the request.

Reason: The applicant failed to comply with the requirements for legal notice.



SUP #2002-0063

10/01/02



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) (SUP #2667-A)
2. **CONDITION AMENDED BY PLANNING COMMISSION:** ~~The parking lot shall be policed at least once a week for litter. Litter on the site and 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.~~ (PC) (P&Z)(SUP #2667-A)
3. No vehicle repairs shall be performed on the lot. (P&Z) (SUP #2667-A)
4. **CONDITION AMENDED BY STAFF:** ~~The hours of operation for the portion of the parking lot that enters and exits on Fairfax Street shall be limited to maintain the hours of Monday through Friday from 5:30 P.M. to 3:00 A.M.; Saturday and Sunday from 7:00 A.M. to 3:00 A.M.; and Holidays from 7:00 A.M. to 3:00 A.M.; and that the hours of operation for the portion of the parking facility with entrances and exits on North Lee Street shall be limited to the hours in operation from 5:30 P.M. to 11:00 P.M. Monday through Friday, and from 7:00 A.M. to 11:00 P.M. on Saturday and Sunday, and on Holidays from 7:00 A.M. to 11:00 P.M.~~ (CC) (SUP #2667-A)
5. No more than 183 parking spaces shall be used by the general public at any one time. (P&Z) (SUP #2667-A)
6. No signs will be allowed on the public right-of-way unless an encroachment ordinance is requested from and approved by the City Council. (T&ES) (SUP #2667-A)
7. **CONDITION AMENDED BY STAFF:** ~~When the applicant requires more parking for use by the tenants of the building, the number of public parking spaces must be reduced accordingly. If the tenants of the building need more parking, then the applicant shall provide these spaces by transforming public parking spaces into reserved parking spaces for the tenants of the building.~~ (P&Z) (SUP #2667-A)

8. No amplified sound shall be audible outside the parking garage. (P&CD)  
(SUP #2667-A)
9. Lighting shall be shielded from adjacent residential properties and the public right-of-way. (PC) (SUP #2667-A)
10. CONDITION AMENDED BY STAFF: Limitations to access to the North Lee Street entrance after 11:00 P.M. shall be worked out to the satisfaction of the Fire Marshal and the Director of Planning and Community Development. The N. Lee Street exit shall be closed at 11:00 P.M. to the satisfaction of the Director of the Department of Planning and Zoning and the Director of the Department of Code Enforcement. (CC) (SUP #2667-A) (P&Z)
11. Deleted Condition. (SUP #2667-A)
12. CONDITION ADDED BY STAFF: The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a robbery awareness program for employees. (Police)
13. CONDITION ADDED BY STAFF: The walls and ceiling in the garage are to be painted white. (Police)
14. CONDITION ADDED BY STAFF: The lighting for the parking lot shall be to the satisfaction of the Director of T&ES in consultation with the Chief of Police. (T&ES) (P&Z)
15. CONDITION ADDED BY STAFF: The applicant shall post signs indicating the availability of public parking to the satisfaction of the Director of the Department of Planning and Zoning. (P&Z)
16. CONDITION ADDED BY STAFF: The applicant shall participate in the Park Alexandria program. (P&Z)
17. CONDITION ADDED 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)

DISCUSSION:

1. The applicant, Central Parking System of V.A., Inc, represented by employee Art Alabin, requests special use permit approval to change the ownership of a public parking business, located at 333 N. Fairfax Street.
2. The subject property, a four-story office building with a parking garage, is located on two lots at 333 N. Fairfax Street. The attached graphic shows the boundaries of the subject property. The office building is located on one lot of record that has 142 feet of frontage on N. Fairfax Street and 123 feet of frontage on Princess Street. The parking garage is located on a separate lot. The parking garage occupies the northern end of a rectangular lot that fronts Queen, N. Lee and Princess Streets. Another office building with its own surface parking lot, known as 300 N. Lee Street, occupies the southern end of this rectangular block. The parking garage only serves the office building located at 333 N. Fairfax Street. This special use permit only relates to the parking garage.

The remainder of the subject block is occupied by an office building and parking lot at 301 N. Fairfax Street. Residential properties occupy the blocks to the north and east. Residential properties and a few commercial properties occupy the blocks to the west. Commercial properties, including restaurants and retail businesses, occupy the block to the south.

3. The applicant, Central Parking System of V.A., requests special use permit approval to change the ownership of an existing public parking business located at 333 N. Fairfax Street. The public parking business was originally approved under Special Use Permit #2667 in 1993. The applicant has also submitted two other change of ownership applications for two additional public parking facilities located at 300 N. Lee Street (SUP #97-0086) and 301 N. Fairfax Street (SUP #2666-A) within the same block. All three of these applications are all scheduled for public hearing in September 2002.
4. The staff report regarding the change of ownership application for 300 North Lee Street (SUP #2002-0041) provides more detail on all three properties identified in Item #3 above.
5. The parking garage consists of 183 parking spaces. It serves an on-site office building during the day and is available, via the subject special use permit, to the public during evenings, weekends and holidays.

6. The applicant has not asked for any changes to the existing special use permit and its conditions of approval beyond that of the business ownership.
7. The hours of operation are as follows:

Public Parking Lot Hours of Operation (currently permitted)

N. Fairfax Street Entrance:	Monday through Friday	5:30 pm to 3:00 am
	Saturday and Sunday	7:00 am to 3:00 am
	Holidays	7:00 am to 3:00 am
N. Lee Street Entrance:	Monday through Friday	5:30 pm to 11:00 pm
	Saturday and Sunday	7:00 am to 11:00 pm
	Holidays	7:00 am to 11:00 pm

8. The applicant is required to close the N. Lee Street exit at the subject parking garage at 11:00 p.m. daily by the existing special use permit. The City Council imposed this requirement in 1993 under Special Use Permit #2667-A to reduce traffic and noise along N. Lee Street for adjacent residential neighbors. The applicant said that the parking garage is used less often than the other two parking facilities within the same block, and that when in use, the N. Lee Street exit is closed with red plastic cones set across the entrance. The exit onto N. Fairfax Street remains open when the N. Lee Street exit is closed.
9. Zoning: The subject property is located in the CD (Commercial Downtown) zone. Section 4-500 of the zoning ordinance allows a motor vehicle parking or storage for more than 20 vehicles in the CD zone only with a special use permit.
10. 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 use.

STAFF ANALYSIS:

Staff has no objection to the proposed change of ownership application for the public parking business located at 333 N. Fairfax Street. The business operates only in the evenings, on weekends and on holidays. It includes 183 parking spaces for public use.

The site is very well maintained. The existing landscaping adequately screens the parking lot. Staff, however, recommends that signs indicating the availability of public parking be posted at the parking garage. Staff believes that this will facilitate the use of the parking garage and, thereby, help mitigate the parking problems residents, business owners, and visitors experience in the area.

The applicant is currently enrolled in the Park Alexandria program and often has patrons from nearby restaurants. A condition requiring this continued participation is recommended.

The Police Department's recommendation that lighting be maintained at a 2.0 foot candle minimum has been replaced with a recommendation that the lighting be provided subject to review and approval by the Department of Transportation and Environmental Services in consultation with the Police Department. This consultation will likely result in lower lighting levels than those desired by the Police. The purpose of this condition is to allow the City to assess the impacts the lighting has and may have on the surrounding residential community.

Staff reviewed the existing closure system for the subject parking garage's entrance/exit along N. Lee Street and found that the red cones are generally a safe closing mechanism. Staff does not recommend any changes to this closure system.

Staff has included a condition requiring a review of the public parking lot one year after this approval so if there are any problems with its operation, additional conditions may be imposed. Staff recommends approval of the subject application pursuant to the list of suggested conditions.

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:

F-1 No objections or recommendations.

Code Enforcement:

F-1 No comments.

Health Department:

F-1 No comments.

Police Department:

R-1 Lighting for the parking lot to be a minimum of 2.0 foot candles minimum maintained.

mt APPLICATION for SPECIAL USE PERMIT # 2002-0063

Change of Ownership or  Minor Amendment

[must use black ink or type]

PROPERTY LOCATION: 333 North Fairfax Street

TAX MAP REFERENCE: \_\_\_\_\_ ZONE: \_\_\_\_\_

APPLICANT Name: Central Parking System of VA Inc

Address: 1225 Eye Street NW, Lower level, Washington, DC 2000

PROPERTY OWNER Name: Domar Limited Partnership

Address: c/o Simpson Properties LTD

SITE USE: Parking Lot - change of ownership

THE UNDERSIGNED hereby applies for a Special Use Permit for **Change in Ownership**, in accordance with the provisions of Article XI, Division A, Section 11-503 (5)(f) of the 1992 Zoning Ordinance of City of Alexandria, Virginia. THE UNDERSIGNED, having read and received a copy of the special use permit, hereby agrees to comply with all conditions of the current special use permit, including all other applicable City codes and ordinances.

THE UNDERSIGNED hereby applies for a Special Use Permit for **Minor Amendment**, in accordance with the provisions of Article XI, Division A, Section 11-509 and 11-511 of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby requests this special use permit. The undersigned also attests that all of the information herein required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief.

Central Parking System of VA, INC  
Print Name of Applicant or Agent

[Signature]  
Signature

1225 Eye St, NW, Lower level  
Mailing/Street Address

202-496-4200 202-496-4200  
Telephone # Fax #

Washington, DC 20005  
City and State zip Code

June 25, 2002  
Date

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

Application Received: \_\_\_\_\_ Date & Fee Paid: \_\_\_\_\_ \$ \_\_\_\_\_  
Legal Advertisement: \_\_\_\_\_

The following information must be furnished to the Department of Planning and Zoning to determine if the current use conducted on the premises complies with the special use permit provisions and all other applicable codes and ordinances.

1. Please describe prior special use permit approval for the subject use.

Most recent Special Use Permit # \_\_\_\_\_

Date approved: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
month day year

Name of applicant on most recent special use permit \_\_\_\_\_

Use Public Parking

2. Describe below the nature of the existing operation in detail so that the Department of Planning and Zoning can understand the nature of the change in operation; include information regarding type of operation, number of patrons served, number of employees, parking availability, etc. (Attach additional sheets if necessary)

Public Parking  
Serving about 50 patrons a week  
~~One~~ NO employees present  
Parking availability 48

3. Describe any proposed changes to the business from what was represented to the Planning Commission and City Council during the special use permit approval process, including any proposed changes in 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, any noise emitted by the use, etc. (Attach additional sheets if necessary)

*no changes*

4. Is the use currently open for business?  Yes  No

If the use is closed, provide the date closed. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
month day year

5. Describe any proposed changes to the conditions of the special use permit:

no changes

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6. Are the hours of operation proposed to change?  Yes  No  
If yes, list the current hours and proposed hours:

Current Hours:	Proposed Hours:
_____	_____
_____	_____
_____	_____
_____	_____

7. Will the number of employees remain the same?  Yes  No  
If no, list the current number of employees and the proposed number.

Current Number of Employees:	Proposed Number of Employees:
_____	_____

8. Will there be any renovations or new equipment for the business?  Yes  No  
If yes, describe the type of renovations and/or list any new equipment proposed.

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9. Are you proposing any change in the sales or service of alcoholic beverages?  Yes  No  
If yes, describe proposed changes:

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10. Is off-street parking provided for your employees? ~~Yes~~  Yes  No  
If yes, how many spaces, and where are they located?

\_\_\_\_\_  
\_\_\_\_\_

11. Is off-street parking provided for your customers?  Yes  No  
If yes, how many spaces, and where are they located?

48 - space parking facility at 333 N. Fairfax St.

12. Is there a proposed increase in the number of seats or patrons served?  Yes  No  
If yes, describe the current number of seats or patrons served and the proposed number of seats and patrons served. For restaurants, list the number of seats by type (i.e. bar stools, seats at tables, etc.)

Current:	Proposed:
_____	_____
_____	_____
_____	_____

13. Are physical changes to the structure or interior space requested?  Yes  No  
If yes, attach drawings showing existing and proposed layouts. In both cases, include the floor area devoted to uses, i.e. storage area, customer service area, and/or office spaces.

14. Is there a proposed increase in the building area devoted to the business?  Yes  No  
If yes, describe the existing amount of building area and the proposed amount of building area.

Current:	Proposed:
_____	_____
_____	_____
_____	_____

15. The applicant is the (check one)  Property owner  Lessee  
\_\_\_\_\_ other, please describe: \_\_\_\_\_

16. The applicant is the (check one)  Current business owner  Prospective business owner  
\_\_\_\_\_ other, please describe: \_\_\_\_\_

17. Each application shall contain a clear and concise statement identifying the applicant, including the name and address of each person owning an interest in the applicant and the extent of such ownership interest. If the applicant, or one of such persons holding an ownership interest in the applicant is a corporation, each person owning an interest in excess of ten percent (10%) in the corporation and the extent of interest shall be identified by name and address. For the purpose of this section, the term "ownership interest" shall include any legal or equitable interest held in the subject real estate at the time of the application. If a nonprofit corporation, the name of the registered agent must be provided.

Please provide ownership information here:

Publicly Traded Company (CPC)  
Listed on NYSE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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APPLICATION for SPECIAL USE PERMIT # 2002-0063 5

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Telephone # Fax #

Washington, DC 20005  
City and State Zip Code

June 25, 2002  
Date

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Legal Advertisement: \_\_\_\_\_

ACTION -- PLANNING COMMISSION: 10/01/02 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 10/19/02PH -- CC approved the Planning Commission Recommendation.