

EXHIBIT NO. 1

3
11-15-08

Docket Item #2
SPECIAL USE PERMIT # 2008-0069

Planning Commission Meeting
November 6, 2008

ISSUE: Consideration of a request to amend a special use permit to allow indoor dining.

APPLICANT: Dessye Ayal-Sew and Nigest Yinesu T/A Olde Towne Gourmet

STAFF: Eileen Oviatt
eileen.oviatt@alexandriava.gov

LOCATION: 904 King Street

ZONE: KR/King Street Retail

PLANNING COMMISSION ACTION, NOVEMBER 6, 2008: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

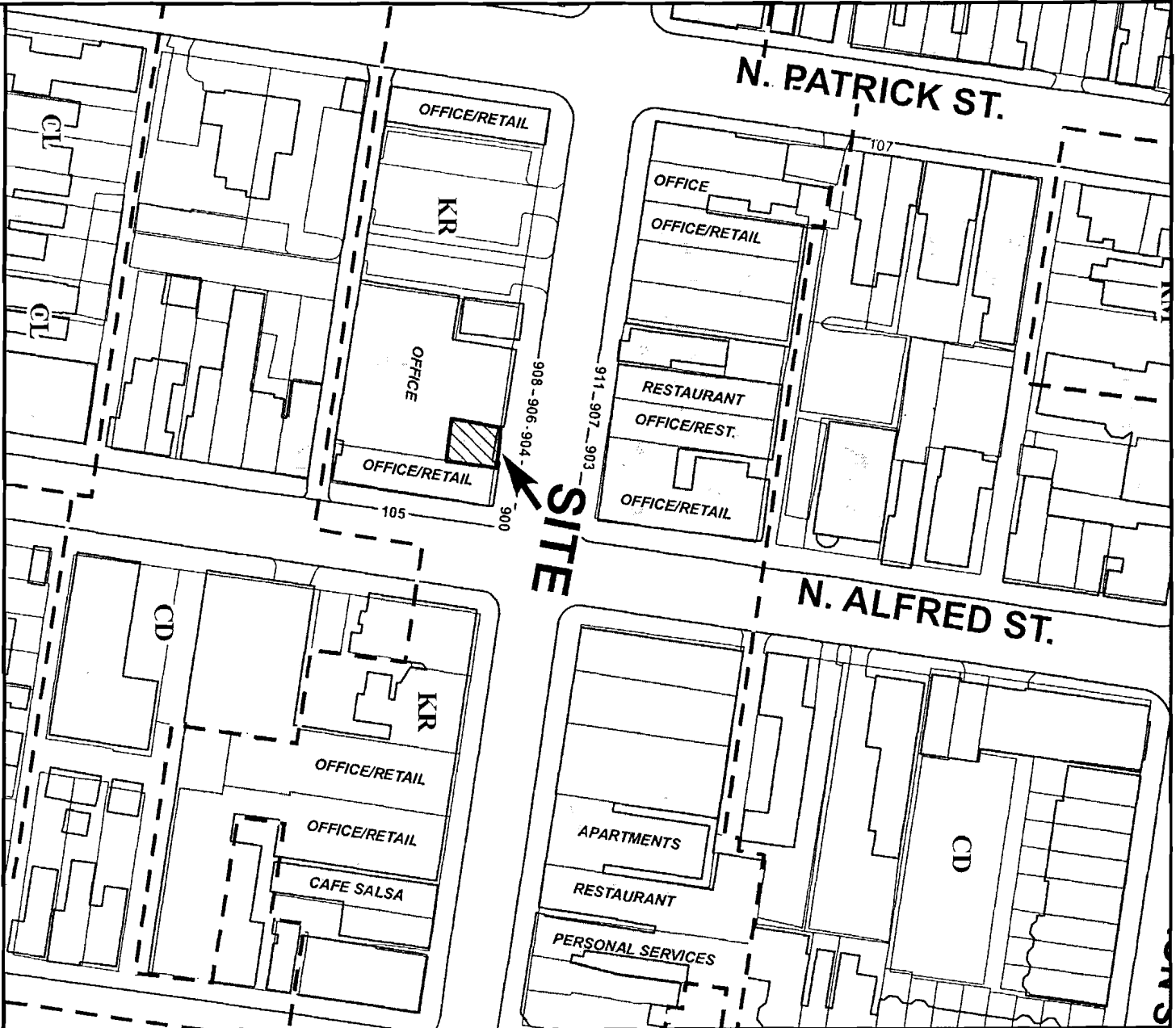
Reason: The Planning Commission agreed with the staff analysis.

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



SUP #2008-0069

11/06/08



SUP #2008-0069
904 King Street

I. DISCUSSION

REQUEST

The applicant, Dessye Ayal-Sew and Nigest Yinesu, requests an amendment to an approved special use permit for the operation of a restaurant and grocery/gift store located at 904 King Street.

SITE DESCRIPTION

The subject property is one lot of record with approximately 24 feet of frontage on King Street, approximately 30 feet of depth and a total lot area of approximately 720 square feet. The site is developed with a one story building operated as the Olde Towne Gourmet Gift and Mini Market. The property is located between Firehouse Square and the Prevention of Blindness Society shop in the 900 block of King Street.



The surrounding area is occupied by a mix of office, retail, restaurant, and residential uses. Immediately to the north is Old Town Masterpieces. To the east a thrift store and to the south and west is a multi-story office building with ground floor retail.

BACKGROUND

On November 7, 2000, City Council granted Special Use Permit #SUP2000-100 for the operation of a carry-out only restaurant in a grocery/gift store.

On October 6, 2008, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. The Olde Towne Gourmet currently provides seating along a bar inside the front window of the restaurant in violation of their existing special use permit. The applicants were aware that providing seating is a violation of their SUP conditions because zoning staff had spoken with them in 2007, which is why they submitted this application for amendment. Approval of this application would remedy this violation.

PROPOSAL

The applicant currently has 10 indoor seats and proposes to add 4 additional indoor seats, for a total of 14 indoor seats. The applicant also proposes six outdoor seats, which would be permitted under the King Street outdoor dining program. The restaurant will continue to serve a variety of soups, sandwiches, and Ethiopian specialty foods as well as various

coffees, teas, and juices. The applicant currently sells alcohol for off-premises consumption only, and will continue to do so. No live entertainment is proposed.

- Hours: PROPOSED:
Monday, 8:00 a.m. – 9:00 p.m.
Tuesday – Thursday, 7:00 a.m. – 9:00 p.m.
Friday, 7:00 a.m. – 10:00 p.m.
Saturday, 8:30 a.m. – 10:00 p.m.
- Existing SUP hours are Sunday through Thursday, 7:00 a.m. to 11:00 p.m., and Friday and Saturday, 7:00 a.m. to Midnight
- Number of seats: 14 indoor seats
6 outdoor seats
- The applicant currently provides 10 indoor seats, and was approved for up to 6 outdoor seats through the King Street Outdoor Dining Program.
- Type of Service: Carry-out or self-service seating
- Alcohol: The applicant currently provides off-premises alcohol sales.
- Noise: Low noise level from normal cappuccino and espresso machines
- Odors: No cooking is done on site, and therefore no unusual odors are expected
- Trash/Litter: Used disposable paper cups, coffee and fruit residue and leftovers which total 3-4 medium sized garbage bags. Trash will be collected on a daily basis.

The applicant has agreed to voluntarily operate as a tobacco smoke-free establishment.

PARKING

According to Section 8-300(B) of the Zoning Ordinance, a restaurant in the Central Business District is not required to provide off-street parking.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the KR/King Street Retail Zone. Section 4-503(W) of the Zoning Ordinance allows a restaurant in the KR zone only with a special use permit.

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

II. STAFF ANALYSIS

Staff supports amending the existing SUP to permit seating at this restaurant and grocery/gift store on King Street. The number of seats proposed (14) is small and will offer customers of this small business greater flexibility and convenience. The addition of seating should not create significant additional noise, odor, or trash impacts on the surrounding neighborhood.

At the time of the initial SUP approval, no restroom facilities were provided for customer use. Because of this, seating could not be provided per building code regulations. This has been subsequently changed, and customers now have access to these facilities. As such, the applicant has been able to meet this building code requirement and would be able to provide seating.

Although the applicant has proposed specific hours of operation in their request, staff has conditioned the same hours of operation as previously approved in order to afford the applicant greater flexibility.

The applicant has requested approval for outdoor seating as a part of this application. The subject property is subject to approval through the King Street Outdoor Dining Program. Staff would support outdoor seating as long as the applicant can satisfy the requirements of the King Street Outdoor Dining program.

Subject to the conditions set forth in Section III of this report, staff recommends approval of this special use permit request.

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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP2000-0100)
2. The hours of operation shall be limited from 7:00 a.m. to 11:00 p.m. Sunday through Thursday, and from 7:00 a.m. to Midnight on Fridays and Saturdays. (P&Z) (SUP2000-0100)
3. The applicant shall post the hours of operation at the entrance to the building. (P&Z) (SUP2000-0100)

4. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats shall be 14. ~~No seating shall be provided.~~ (P&Z) (SUP2000-0100)
5. **CONDITION DELETED BY STAFF: (See Condition 18)** ~~No outside dining facilities shall be located on the premises.~~ (P&Z) (SUP2000-0100)
6. No live entertainment shall be provided. (P&Z) (SUP2000-0100)
7. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building, and no music or amplified sounds shall be audible at the property line. (P&Z)(T&ES) (SUP2000-0100)
8. No on site alcohol service is permitted. For off-premise sales, the following rules apply: Beer or wine coolers may be sold only in 4-packs, 6-packs, or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (Police) (P&Z) (SUP2000-0100)
9. No food, beverages, or other material shall be stored outside. (P&Z) (SUP2000-0100)
10. The applicant shall install at least one trash container inside the restaurant for customers' use. (P&Z) (SUP2000-0100)
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 and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP2000-0100)
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) (SUP2000-0100)
13. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP2000-0100)
14. 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 Department of Transportation and Environmental Services. (Health) (SUP2000-0100)

15. **CONDITION AMENDED BY STAFF:** The applicant shall require ~~that~~ its employees who drive to work 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) (~~SUP2000-0100~~)
16. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees. (Police) (SUP2000-0100)
17. **CONDITION AMENDED:** The Director of Planning and Zoning shall review the special use permit ~~after it has been operational for one year~~ 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 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 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) (~~SUP2000-0100~~)
18. **CONDITION ADDED BY STAFF:** Outdoor dining may be provided on the premises subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program. (P&Z)
19. **CONDITION ADDED BY STAFF:** That trash and garbage be collected daily when the business is open. (P&Z)
20. **CONDITION ADDED BY STAFF:** Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owner's front property line. (Parks)
21. **CONDITION ADDED BY STAFF:** The applicant shall contribute \$250.00 for one street tree to be planted in the nearby vicinity of the subject property. The monetary donation shall be submitted to the Department of Recreation, 1108 Jefferson St. within 60 days of City Council approval. (Parks)
22. **CONDITION ADDED BY STAFF:** The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
23. **CONDITION ADDED BY STAFF:** Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

24. **CONDITION ADDED BY STAFF:** The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
25. **CONDITION ADDED BY STAFF:** Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)

STAFF: Richard Josephson, Deputy Director, Department of Planning and Zoning;
Eileen Oviatt, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 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)
- R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-4 Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- R-6 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)
- R-7 Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
- R-8 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. (T&ES)

- C-1 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).
- C-2 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.

Code Enforcement:

- R-1 It was mentioned in the information statements provided by (the applicant) that there would be no preparation of food, cooking equipment, microwaves or ovens on the premises. However, it is recommended that some thought be given to the following code requirements where food preparation may be anticipated in the future:
 - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system (USBC 904: M-507.1).
 - (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 (USBC 2801).
- C-1 A new fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-2 Toilet Rooms for Persons with Disabilities:
 - (a) Water closet heights must comply with USBC 1109.2.2
 - (b) Door hardware must comply with USBC 1109.13
- C-3 Toilet Facilities for Persons with Disabilities: Larger, detailed, dimensioned drawings are required to clarify space layout and mounting heights of affected accessories. Information on door hardware for the toilet stall is required (USBC 1109.2.2).
- C-4 Required exits, parking, and facilities shall be accessible for persons with disabilities.
- C-5 A seating/table layout (indoor and outdoor) complete with dimensions showing all aisle and passageway clearances will be required for review and approval prior to occupancy (USBC 1004.2).
- C-6 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.
- C- 7 The USBC limits the occupant loading for this area to 15 square feet per person or a total of 6 persons.
- C- 8 Any configuration of outdoor seating shall comply with the following conditions:
- (a) Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
 - (b) Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
 - (c) Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
 - (d) The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.

Health Department:

- F-1 This facility is currently operating as Olde Towne Gourmet Market under an Alexandria health permit issued to ADNY Company, LLC
- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Food must be protected to the point of services.
- 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 plans review of food facilities.
- C-5 Permits or approval must be obtained prior to use of the new area(s).
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Parks and Recreation:

- R-1 Existing landscaping on property shall be well maintained and be free of weeds, debris, and litter at all times. Replace dead or missing plants as needed.
- R-2 Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owner's front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1)
- R-3 The applicant shall contribute \$250.00 for one street tree to be planted in the nearby vicinity of the subject property. The monetary donation shall be submitted to the Department of Recreation, 1108 Jefferson St. within 60 days of City Council approval.

Police Department:

- F-1 The Police Department has no objections to the restaurant adding indoor and outdoor seating for their customers.
- F-2 The applicant indicated that alcohol will still be sold for off-premise consumption only. The Police Department concurs.

NOV.



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # Sup 2008 0069
~~2008 00100~~

PROPERTY LOCATION: 904 King Street

TAX MAP REFERENCE: 74.01 ZONE: C.D.13.09.25

APPLICANT:

Name: ADNY Company, LLc. (Dessye Ayal-Sew & Nigest Yinesu)

Address: 902 King Street

PROPOSED USE: Adding outside and inside seating to existing business.

[] **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria 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 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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

Dessye Ayal-Sew
Print Name of Applicant or Agent

[Signature]
Signature

08/25/08
Date

5601 Seminary Road, Suite 2405N
Mailing/Street Address

(703) 998-8624
Telephone #

(703) 820 3290
Fax #

Falls Church VA. 22041
City and State Zip Code

adnycompany@aol.com; ayalsewdessye@aol.c
Email address

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


SUP # 2008-0069

PROPERTY OWNER'S AUTHORIZATION

As the property owner of FIREHOUSE SQUARE, LLC I hereby
(Property Address)
grant the applicant authorization to apply for the SUP PERMIT use as
(use)
described in this application.

Name: GEORGE T. CURTIS III Phone: 301 702-3200

Please Print
Address: 3701 ST. BARNABAS ROAD Email: _____
SUITLAND, MD 20746

Signature:  Date: 9/11/08

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.

Dessye Aval-Sev, 5601 Seminary Road, suite 2405N Falls Church, VA. 22041

Nigest Yinasu, " " " "

14

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.)

This husband & wife owned business has been operating in Old Town
since 1993, first as Eto's Gift Shop & Etho's Treats- a gift shop
and a confectionery and snack corner. The business relocated to the
present address in 1996 as Gift Shop & Mini-Market. A Special Use Permit
to "sell fresh fruit & smoothies bar, gourmet coffee, ice cream by the
scope, soup, hotdog, organic sandwiches and Ethiopian speciality foods
and also to sell beer & wine strictly for off premises consumption,..."
was applied for and graciously granted on 9/16/2000. We, therefore, have
been serving food & coffee to our customers ever since. There had been
constant demand from our customers for being allowed to sit down and enjoy
their orders. We'll not be cooking any food in the premises, but will
use warmers & microwaves to warm prepackaged foods. We will also serve
a variety of organic salads.

At least 2 people will be working at any business hour. Hours of operation
will remain the same. We do not expect this addition to impact the traffic
and noise situation. We do not expect a drastic increase in the number
of our customers. It only enhances the existing business by providing

Continued from page 3

2008-0069

seating to our customers giving them the opportunity & the choice to sit down and wait for their orders or/and to enjoy their food while sitting.

Of the 20 seats we are requesting to be allowed to have, 6 are for outside sitting, which is seasonal. And of the remaining 14, 6 are high seats by the window side bench.

The remaining 8 chairs will be used with 4 small tables. Our customers will have the opportunity to use the high speed internet of the business while they are in the premises or in the outside service area. And they will not be charged for that service.

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: Amending the existing SUP

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 to 45 customers on week days between 7:30 AM and 9:00 PM.
and 50 to 65 on weekends, between the hours of 9:00 AM and
10 PM on Saturdays and about 40 clients on Sundays, 11 AM - 7 PM.

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

At least 2 employees now and upto 4 in one year.

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

Day:	Hours:
<u>Monday</u>	<u>8:00 Am to 9:00 PM</u>
<u>Tuesday through Thursday</u>	<u>7:00 AM to 9:00 PM</u>
<u>Friday</u>	<u>8:00 AM to 10:00 PM</u>
<u>Saturday</u>	<u>8:30 AM to 10:00 PM</u>

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

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

Low level noise and regular (normal) cappuccino &
espresso machines noise.

B. How will the noise be controlled?

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

We have not had any complaints from anyone so far because
all that is being served did not and will not in future produce
any unusual odors, as no cooking gets done.

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)

Used disposable paper cups, coffee & fruit residue & leftovers
are the expected (and current) trash & garbage.

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 between 3 to 4 small or medium size garbage bags.

C. How often will trash be collected?

Trash is collected on a daily basis.

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

Trash cans are provided in sufficient numbers both inside
and outside.

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

[] Yes. [x] No.

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

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

Yes. No.

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

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

There are no hazardous materials or products are handled or produced in the facility.

'No Smoking' signs and exit signs are well visibly displayed.

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.

The sale of beer & wine is strictly for off premise use will only be sold in their original containers.

PARKING AND ACCESS REQUIREMENTS

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

- 6 Standard spaces
- Compact spaces
- Handicapped accessible spaces.
- Other.

<p>Planning and Zoning Staff Only</p> <p>Required number of spaces for use per Zoning Ordinance Section 8-200A _____</p> <p>Does the application meet the requirement?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
--

B. Where is required parking located? (*check one*)

on-site

off-site

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

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 on-site, 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? 1

<p>Planning and Zoning Staff Only</p> <p>Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____</p> <p>Does the application meet the requirement?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

B. Where are off-street loading facilities located? On South Alfred Street
and Sothwest corner of King Street.

C. During what hours of the day do you expect loading/unloading operations to occur?
During 7:00 to 10:00 AM hours.

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
Once may be twice a 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?
Sufficient.

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?
2,500 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: It is located in the historic Firehouse

building where there are offices & businesses.

End of Application

SUP # 2008-0069
Admin Use Permit # _____



SUPPLEMENTAL APPLICATION

RESTAURANT

All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

- How many seats are proposed?
Indoors: 14 Outdoors: 6 Total number proposed: 20
- 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
- Please describe the type of food that will be served:
Organic sandwiches, Mediterranean and Ethiopian speciality
foods, soup and hotdog will be served. These and other
food items like a variety of organic salad will be served to
customers for in and off premises consumption. No cooking will
take place in premises. However, warmers and microwaves will be used.
- The restaurant will offer the following service (check items that apply):
 table service _____ bar carry-out _____ delivery
- If delivery service is proposed, how many vehicles do you anticipate? _____
Will delivery drivers use their own vehicles? _____ Yes _____ No
Where will delivery vehicles be parked when not in use?

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

22

OLD TOWN RESTAURANT POLICY

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

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

GOALS OF THE OLD TOWN RESTAURANT POLICY

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

POLICIES TO ATTAIN THE GOALS OF THE OLD TOWN RESTAURANT POLICY

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

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

CRITERIA TO BE USED TO EVALUATE NEW OR EXPANDED RESTAURANTS

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

- The parking demand generated by the proposed restaurant.
- The availability of off-street parking for patrons. For the purpose of this policy, availability shall be measured in terms of the number of vacant off-street parking spaces within 500 feet from the entrance to the restaurant.
- How employees who drive will be accommodated off the street at least in the evenings and on weekends.
- The predicted impact of the restaurant on the parking supply at the evening, weekend, and daytime peaks.
- A proposal to reduce the impact of parking created by the restaurant on nearby areas. Acceptable alternatives for reducing parking impacts include, but are not limited to, the following: validated parking or valet parking for patrons, and off-street parking or transit subsidies for employees.

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

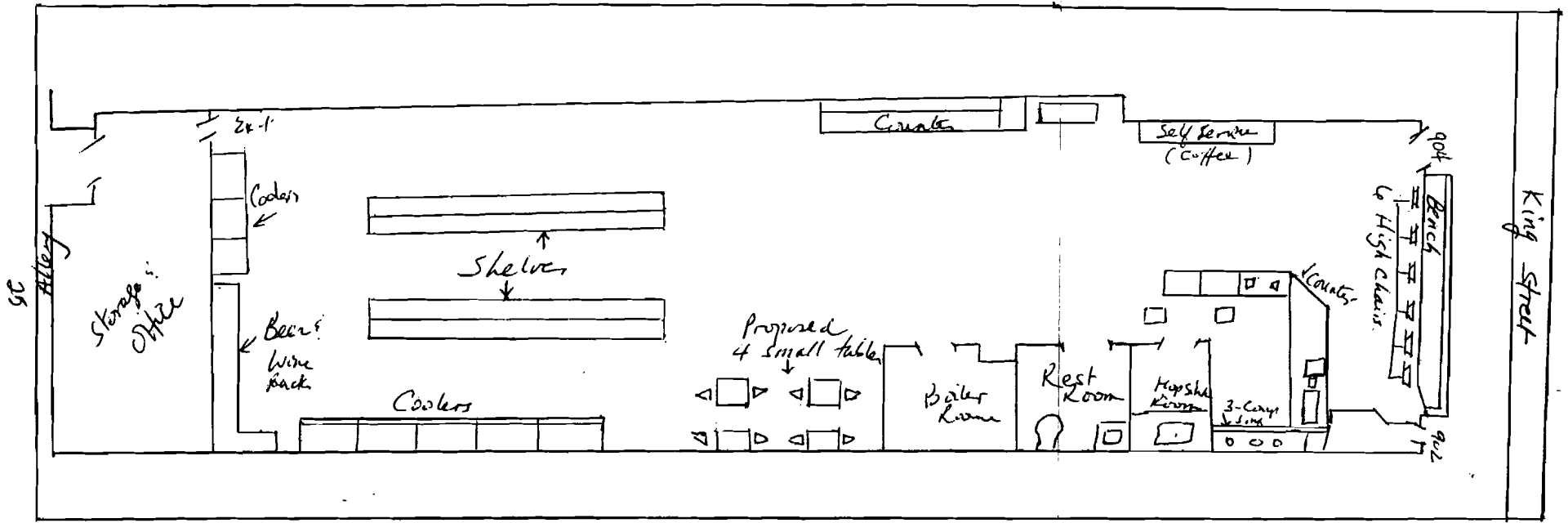
2. 3 Maximum number of employees by hour at any one time


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

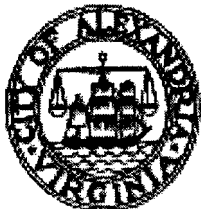
4. Alcohol Consumption (check one)
 High ratio of alcohol to food
 Balance between alcohol and food
 Low ratio of alcohol to food
 None on premises.

24

OLDE TOWNE GOURMET MARKET FLOOR PLAN




Scale 1cm = 20cm



APPLICATION SPECIAL USE PERMIT

NOV. 3

SPECIAL USE PERMIT # Sup 2008 0069
~~2008-08100~~

PROPERTY LOCATION: 904 King Street

TAX MAP REFERENCE: 74.01 ZONE: C.D.13.09.25

APPLICANT:

Name: ADNY Company, LLC. (Dessye Ayal-Sew & Nigest Yinesu)

Address: 902 King Street

PROPOSED USE: Adding outside and inside seating to existing business.

[] **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria 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 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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

Dessye Ayal-Sew
Print Name of Applicant or Agent

Signature

08/25/08
Date

5601 Seminary Road, Suite 2405N
Mailing/Street Address

(703) 998-8624 (703) 820 3290
Telephone # Fax #

Falls Church VA. 22041
City and State Zip Code

adnycompany@aol.com; ayalsewdessye@aol.cc
Email address

By unanimous consent, recommended approval 11-6-08
ACTION-PLANNING COMMISSION: _____ **DATE:** _____
ACTION-CITY COUNCIL: CC approved PC recommendation 11/15/2008
_____ **DATE:** _____
6-0