

EXHIBIT NO. 1

11  
1-25-03

Docket Item # 8  
SPECIAL USE PERMIT #2002-0104

Planning Commission Meeting  
January 7, 2003

**ISSUE:** Consideration of a request for a special use permit to allow dancing in an existing restaurant and for a review of the existing special use permit.

**APPLICANT:** OAVAR's Inc.  
by Oswaldo A. Salinas

**LOCATION:** 3901 Mt. Vernon Avenue  
Lilian's Restaurant

**ZONE:** CL/Commercial Low

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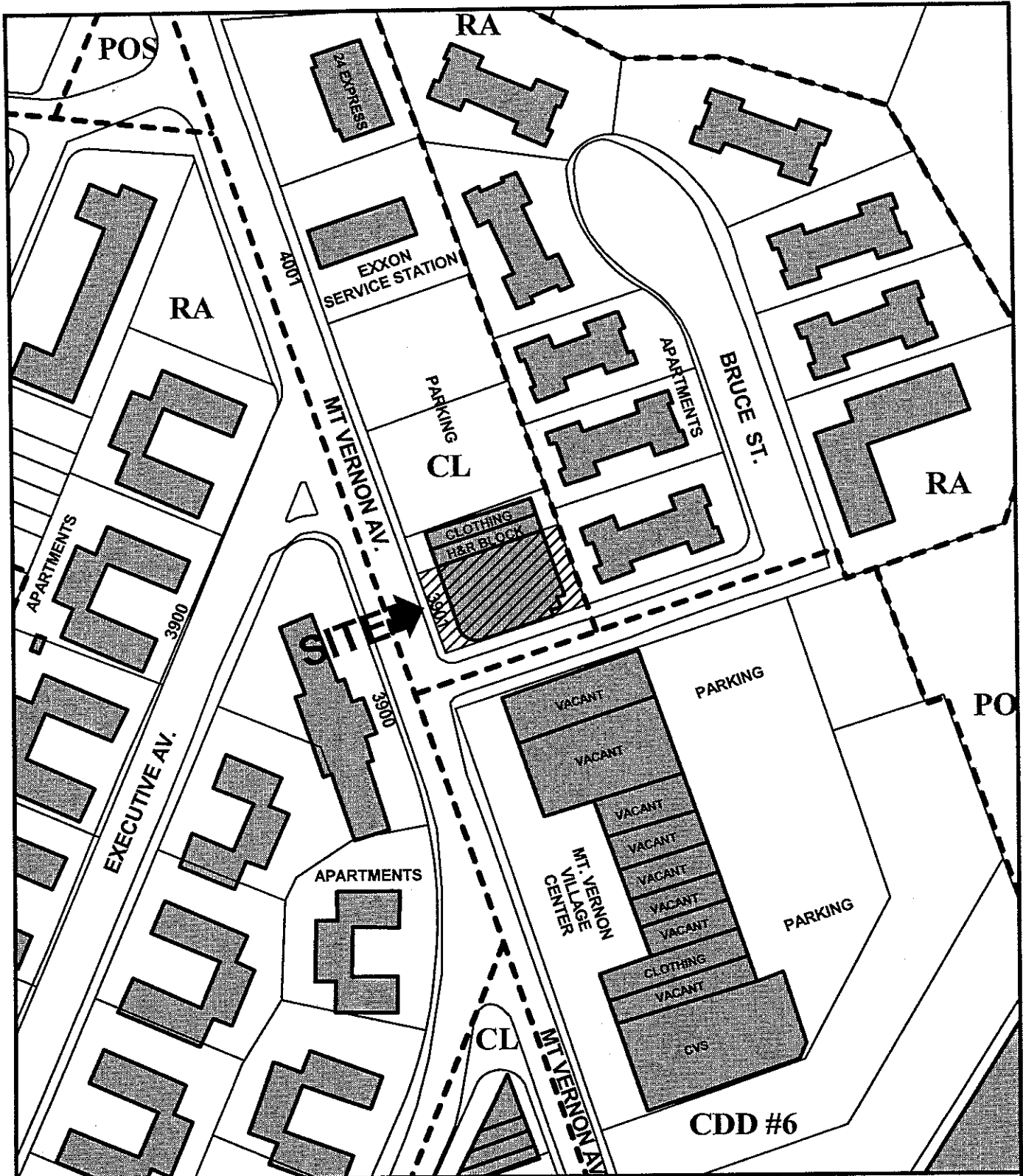
**PLANNING COMMISSION ACTION, JANUARY 7, 2003:** On a motion by Ms. Fossum, seconded by Mr. Komoroske, the Planning Commission voted to recommend denial of the request to add dancing, recommend denial of the right to operate until 1:00 a.m., and recommend approval of the continued operation of the restaurant, 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 and, after hearing from Mr. Salinas, was unconvinced that he could operate the facility as requested without impacts. Commission members expressed specific concern about the alcohol related incidents that have occurred at the restaurant and suggested that the operator focus on the restaurant aspects of the use.

Speakers:

Oswaldo Salinas, applicant, requested approval of his application. He spoke at length about the Police reported incidents and stated that they were not related to activity over which he had control.

Sgt. Jennifer Adcock answered questions from the Planning Commission and the applicant on behalf of the Police Department.



**SUP #2002-0104**

**01/07/03**



STAFF RECOMMENDATION:

Staff recommends **denial** of the request to add dancing to the existing restaurant and of the right to operate until 1:00 a.m. Staff recommends **approval** of the continued operation of the restaurant 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 #99-008)
2. Seating shall be provided for no more than 300 patrons. (P&Z) (SUP #99-008)
3. Outside dining facilities may be provided in a manner consistent with the plan dated August 28, 2001, provided that alternative flood proofing to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services is provided. (PC) (SUP #2000-0138)
4. Live entertainment may be provided at the restaurant and shall be limited to a three or four piece instrumental and singing group on the first floor only. No live entertainment and no dance floor shall be provided in the basement of the restaurant. (P&Z) (SUP #2000-0138)
5. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to between 10:00 a.m. and ~~1:00 a.m.~~ 12:00 a.m. on Fridays, Saturdays and Sundays, and until Midnight Monday through Thursday. The hours of operation of the outdoor dining area shall be limited from 10:00 a.m. to 10:00 p.m. daily. The outdoor dining area shall be cleared of all diners by 10:00 p.m. and shall be cleaned and washed by 10:30 p.m. (P&Z) (SUP #2002-0001)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #99-008)
7. The applicant may serve beer, wine and liquor for on premise consumption only. (P&Z)(SUP #99-008)
8. The applicant may not provide alcohol service to standing customers. (P&Z) (SUP #99-008)
9. No food, beverages or other material shall be stored outside. (P&Z) (SUP #99-008)

10. 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 #99-008)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #99-008)
12. The applicant shall control cooking odors and 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 and Environmental Services. (T&ES) (SUP #2002-0001)
13. 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 containers which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (SUP #99-008)
14. No music or amplified sound shall be audible at the property line. (P&Z) (SUP #99-008)
15. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for the employees. (Police) (SUP #99-008)
16. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit five months after this approval in May 2003 ~~October 2002 and six months later in April 2003~~ 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 #2002-0001)
17. In order to ensure compliance with its affidavit, the applicant shall provide a quarterly update to the Police Department. (Police) (SUP #2000-0138)

18. The applicant shall obtain at their expense, one Model SD-42 Bethesda Ironside Series trash container to replace existing container located on the adjacent located on the adjacent right-of-way. (T&ES) (SUP #2000-0138)
19. The outdoor community event as described by the applicant shall be coordinated through the City of Alexandria Special Events Committee. Not more than one event shall occur annually and the hours of operation of the event shall be restricted to between 10:00 a.m. and 6:00 p.m. (Police) (P&Z) (SUP #2000-0138)
20. The outdoor event shall occur only in the on-site parking lot located to the north of the building and only with the permission of the owner of the property. (P&Z) (SUP #2000-0138)
21. No music or other amplified sound shall be audible at the property line and no speakers or entertainment be permitted outside of the building without first obtaining a noise permit from T&ES Division of Environmental Quality. (T&ES) (SUP #2000-0138)
22. The applicant shall apply for a temporary food event permit from the Health Department at least two weeks prior to the event. (Health) (SUP #2000-0138)
23. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP #2000-0138)
24. **CONDITION ADDED BY STAFF: The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all Special Use Permit provisions and requirements. (P&Z)**

DISCUSSION:

1. The applicant, OAVARS Inc., represented by Oswaldo A. Salinas, requests special use permit approval to add dancing to the existing restaurant located at 3901 Mt. Vernon Avenue. The restaurant is also before the Planning Commission for the six month review required by Condition #16 of the special use permit.
2. The subject property is one lot of record with approximately 70 feet of frontage on Mount Vernon Avenue, 126 feet of frontage on Bruce Street and a total lot area of approximately 8,820 square feet. The subject lot is part of a larger site developed with a one story building with three tenant spaces and a large parking lot to the north of the building. The other tenants in the building include an H&R Block office and a retail business. An alley runs along the building to the east and separates the subject restaurant from the adjacent Chirilagua residential community. The Presidential Greens apartments are located across the street to the west. A shopping center is located to the south.
3. On March 13, 1999, City Council granted Special Use Permit #99-008 to the applicant for the operation of a restaurant. On September 15, 2001, City Council granted Special Use Permit #2000-0138 to the applicant to allow limited live entertainment on the first floor of the restaurant, to increase the hours of operation, to provide outdoor dining and to offer an annual outdoor event. As part of that Council action, the applicant's request for live entertainment and dancing in the basement of the restaurant was denied. On April 13, 2002, City Council granted Special Use Permit #2002-0001 to allow an increase in the hours of operation.
4. On November 4, 2002, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found violations of conditions #6 (hours not posted), #10 (litter), #18 (no purchase of street trash container) and issued a warning. The Police Department also notified staff that the applicant had not submitted quarterly affidavits outlining security measures as required in condition #17. Planning staff relayed this information to Mr. Salinas during a telephone conversation and asked him to comply with the condition. Staff inspected the site again on December 11, 2002 and found that the previous violations had not been corrected. A fine for the violations of Conditions #6, #10 and #18 was issued. A ticket was also issued for the continuing violation of Condition #17 because the applicant had not, as of December 10, 2002, provided the required quarterly updates on security measures to the Police Department.
5. The existing special use permit (SUP #2002-0001) required a six month review in October 2002. Staff held the review for consideration with the applicant's new request for dancing, filed in September.

6. As indicated in the existing special use permit, staff recommended the six month review because they wanted to assess the impacts, if any, of allowing the restaurant to stay open one hour later until 1:00 a.m. on Friday, Saturday and Sunday. The staff report also expressly indicated that the approval of the longer hours of operation might be revoked if the extension proved problematic for the community and City.
7. The applicant now requests special use permit approval to provide dancing on the first floor during existing hours of operation on Friday, Saturday and Sunday, from 9:00 p.m. to 1:00 a.m. The dance floor space will be used for seating at all other times.

The applicant is currently permitted to provide live entertainment at the restaurant until 1:00 a.m. Friday through Sunday, and until midnight Monday through Thursday. Entertainment is limited to a three or four piece instrumental and singing group and can only be provided on the first floor. No live entertainment and no dance floor is permitted for the basement of the restaurant.

8. Zoning: The subject property is located in the CL/Commercial Low zone. Section 4-103(M) of the zoning ordinance allows a restaurant in the CL zone only with a special use permit.
9. Master Plan: The proposed use is consistent with the Potomac West chapter of the Master Plan which designates the property for Commercial Low use.

#### STAFF ANALYSIS:

Staff supports the continued operation of the restaurant, but does not support the continuation of the 1:00 a.m. closing hour approved last April and does not support the request to add dancing. The late closing hour may be a contributing factor in the growing number of service calls the Police Department has received for Lillian's restaurant. The calls for service documented since the existing special use permit was approved in April 2002 include seven calls for a range of problems: harassment, public urination, robbery and assault, fighting, assault and battery, and drunk in public. Information about Police problems at the restaurant are provided in more detail in the Police Department comments section of this report. Staff recommends that the closing hour be returned to what it was previously, midnight daily.

With regard to the dancing request, the applicant initially requested and was denied approval to provide dancing in the basement of the restaurant in September 2001. Staff at that time recommended against the dancing request due to concern over negative impacts on the surrounding community. The current request is different from the previous one in that the dancing would be

located on the main floor rather than the basement. Staff, however, is still concerned about negative impacts, such as late night noise and a possible rise in problems that require Police attention similar to those already documented, on the surrounding community and, therefore, cannot support the dancing request. Residential properties lie directly east and west of the subject property.

The Police Department objects to the 1:00 a.m. closing time and to granting a permit for dancing, and has serious concerns about the continued operation of the business. A non-cooperative attitude on the part of the owner, as well as a pattern of incidents involving intoxicated subjects who are served alcohol at the business and become involved in violent acts, raises significant concern for the Police Department. The applicant has failed to supply the Police with the reports required in Condition #17 of the special use permit.

Staff is also concerned about the efforts of the applicant to comply with the special use permit provisions since he has not addressed any of the violations for which he was issued a ticket in early November. Staff is willing to give the applicant more time with an earlier closing hour to prove that the restaurant can be run in compliance with the special use permit and in a manner that does not require constant Police supervision. Staff recommends amending Condition #16 to allow for a four month review in May 2003, with public hearings, if necessary, held in June 2003.

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 Noise Control Code, Title 11, Chapter 5, which sets maximum permissible noise level as measured at the property line.
- F-1 Outdoor seating Plan shows intention to remove concrete wall along Mt. Vernon Avenue. This is a flood proofing wall installed by the City per an agreement with the former property owner. (DB 987 PG 427) Flood proofing of this building is required and any modification to the flood proofing wall must be approved by the Engineering and Design Division of T& ES.
- R-1 Applicant shall obtain at their expense, one Model SD-42 Bethesda Ironside Series trash container to replace existing container located on the adjacent located on the adjacent right-of-way.
- R-2 No music or other amplified sound should be audible at the property line and no speakers or entertainment be permitted outside of the building without first obtaining a noise permit from T&ES Division of Environmental Quality.
- R-3 Kitchen equipment shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or storm sewers.
- R-4 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 The applicant shall apply for a new fire prevention code permit due to the addition of the dance floor. The applicant shall resubmit a revised egress plan showing fixture location, aisles and exit doors for review which reflect the dance floor conditions. A separate occupant load shall be calculated which will apply only during approved dances in accordance with the approved egress plan for this activity.

Health Department:

F-1 No comments.

Police Department:

F-1 The Police Department has objections to the granting of dancing for this business and, in fact, objects to the continuance of the Special Use Permit for this business for the 6 months review of extended hours.

A requirement of the original SUP was for the completion of a quarterly affidavit outlining the security actions taken by the management. As of this date, the Police Department has not received any such reports.

Several recent incidents raise concerns about security issues related to this business. On February 9, 2002, a subject was arrested for carrying a concealed BB gun inside the restaurant. On February 16, 2002, an assault and grand larceny from person report was taken by police which is believed to have involved the suspect and witness from the concealed weapons case. This assault started in the mens' bathroom and subjects were fighting on the street when police arrived. Two subjects arrested in this fight were also charged with possession of marijuana. All subjects involved had been drinking at the bar inside Lillian's. There are reports by those involved that the security guard on duty failed to take appropriate action during this assault, reportedly locking the front door of the business to prevent associates of the victim to go to his assistance as he was being assaulted outside of the business.

On September 7, 2002, a customer called the police to report that 10-11 subjects inside the restaurant had been harassing him for some time inside the restaurant and were threatening to hurt him if he and his party left the restaurant.

On September 24, 2002, a subject was arrested for urinating in public at the restaurant.

On October 20, 2002, a customer at the restaurant was robbed at knife point and assaulted inside the mens' bathroom by several subjects who he described as a "gang". All parties involved were very intoxicated and had been served alcohol at the restaurant.

On October 28, 2002, two subjects got into a fist fight inside the restaurant.

On November 2, 2002, an intoxicated customer refused to leave the restaurant when asked to do so by the security guard. He assaulted the guard and the guard used "pepper spray" in an attempt to control the disorderly man. The customer was charged with assault and battery and drunk in public.

On November 3, 2002 at 1:02 a.m., a caller from inside the restaurant reported 2 subjects fighting outside. When the police call taker phoned the caller back for further details, she was reluctant to give any more information and told the police that the restaurant is now closed.

On November 22, 2002, police were called about an intoxicated subject trying to start a fight inside the restaurant. He was gone when police arrived.

The owner of this business told a police detective that he no longer intends to notify police when crimes occur at the business as this may jeopardize his Special Use Permit. He says that he does his best to handle any problems himself and is even hesitant to notify police of incidents occurring outside the business. He has advised his employees not to call the police department.

This non-cooperative attitude on the part of the owner, as well as a pattern of incidents involving intoxicated subjects who are served alcohol at the business and become involved in violent acts, raises sufficient concern for the Police Department. We object to the continued expansion on hours at the business and object to granting a permit for dancing. Until this owner adopts a cooperative attitude with regards to the Police Department, we cannot support this business continuing to operate in the City of Alexandria.

MH

APPLICATION for SPECIAL USE PERMIT # 2002-0104

[must use black ink or type]

PROPERTY LOCATION: 3901 Mt. Vernon Avenue

TAX MAP REFERENCE: 7.00-02-13 ZONE: CL

APPLICANT Name: DAVAR'S INC By Oswaldo A. SALINAS

Address: 3901 MT. VERNON AVENUE / Lillian's Restaura

PROPERTY OWNER Name: PALMA'S Investments, L.L.C.

Address: 3903 MT. VERNON AVENUE, Alex, VA 22305

PROPOSED USE: Existing Restaurant - Consideration of a Special Use permit to allow dancing on the First Floor.

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.

Oswaldo A. SALINAS  
Print Name of Applicant or Agent

Oswaldo A. Salinas  
Signature

5406 Wycklow Court  
Mailing/Street Address

703 820-3725 703 837-844  
Telephone # Fax #

Alexandria, VA 22304  
City and State Zip Code

9/23/02  
Date

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

Application Received: \_\_\_\_\_ Date & Fee Paid: 9-23-02 \$ 500.-

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.

OSWALDO A. SALINAS, 5406 WYCKLOW COURT, ALEXANDRIA  
VA. 22304, President and only officer of OAVAR'S INC.

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 allow dancing on the first Floor (only)*

*Dancing will occur - Friday, Saturday and Sunday from 9:00 p.m - 1:00 a.m.*

*\* When dancing does not occur, space will be used for approved seating.*

**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: Same as Sup # 2000-0138/2002-0001

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).

Same as sup # 2000-0138/2002-0001

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

Same (no change)

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

Day:

Hours:

Same as Sup # 2000-0138 / 2002-0001

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

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

no change

B. How will the noise from patrons be controlled?

no change  
\_\_\_\_\_  
\_\_\_\_\_

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

no change  
\_\_\_\_\_  
\_\_\_\_\_

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?

no change  
\_\_\_\_\_  
\_\_\_\_\_

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

no change  
\_\_\_\_\_  
\_\_\_\_\_

C. How often will trash be collected?

no change  
\_\_\_\_\_  
\_\_\_\_\_

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

no change  
\_\_\_\_\_  
\_\_\_\_\_



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:

no change  
\_\_\_\_\_  
\_\_\_\_\_

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?

no change  
\_\_\_\_\_  
\_\_\_\_\_

### 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.

no change  
\_\_\_\_\_  
\_\_\_\_\_

**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?

Same as Sup # 2000-0138 / 2002-0001

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

\_\_\_\_\_ 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:

\_\_\_\_\_

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.

*Same as  
Sup # 2000-0138  
and 2002-0001*

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? \_\_\_\_\_

B. How many loading spaces are available for the use? no change

C. Where are off-street loading facilities located? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Same (no change)

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

Same (no change)

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?

No change

**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?

*Please see diagram*  
\_\_\_\_\_ sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = \_\_\_\_\_ sq. ft. (total)  
*Same as SUP # 2000-0138*

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: 275 At a bar: 25 Total number proposed: 300

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:

Same as currently served  
\_\_\_\_\_  
\_\_\_\_\_

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

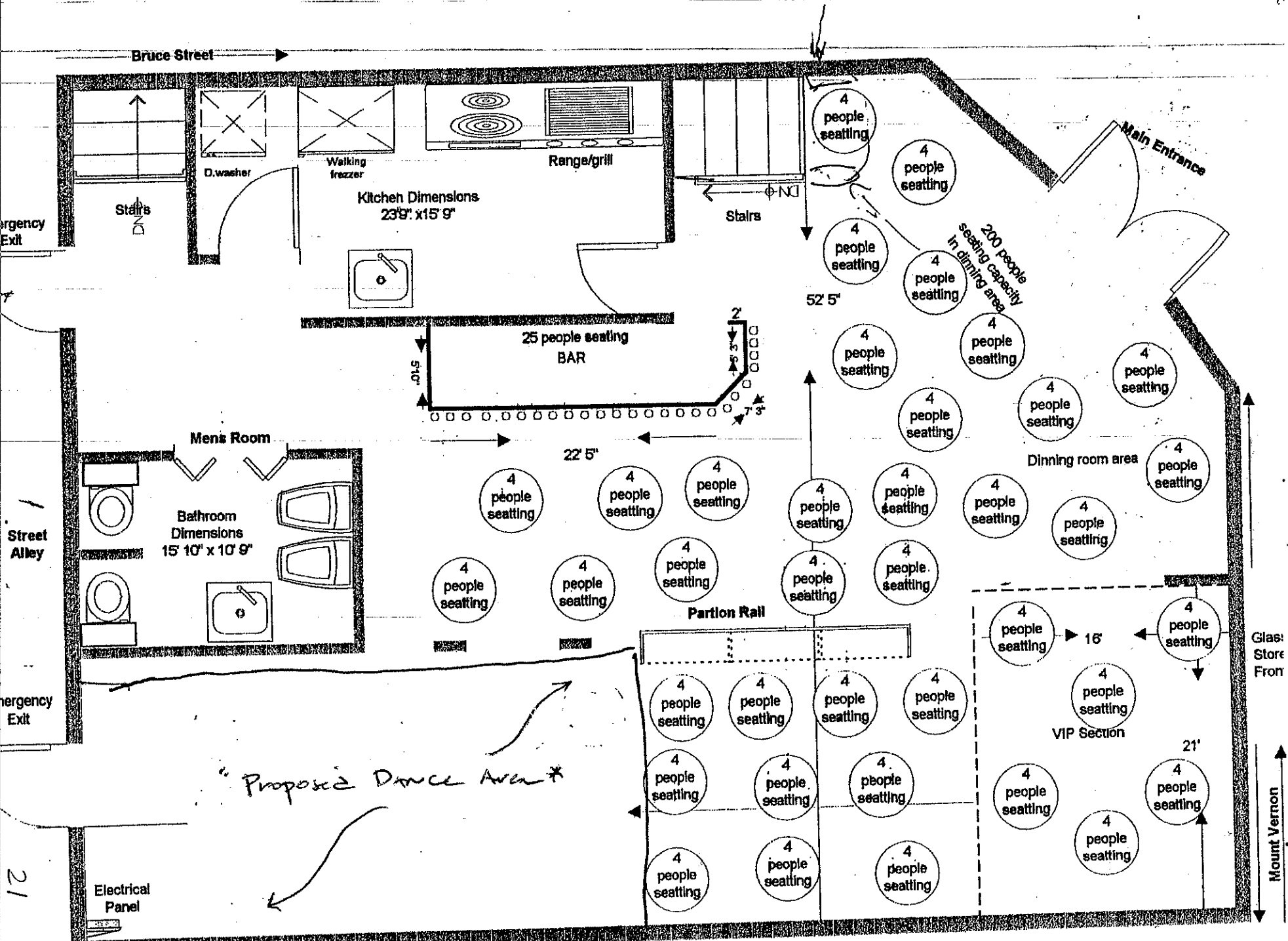
table service     bar     carry-out     delivery

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: dancing on First floor only; see narrative description.  
\_\_\_\_\_  
\_\_\_\_\_



Proposed Space

\* When dancing does not occur space will be used for restaurant seating (72)

**UPSTAIRS SITE PLAN**  
 3901 Mount Vernon Ave.  
 Alexandria, VA

SUP 2002-0104



ALEXANDRIA DEPARTMENT OF  
PLANNING AND ZONING  
301 King Street, Room 2100  
Alexandria, Virginia 22314

**NOTICE OF VIOLATION**  
**YOU ARE CHARGED WITH VIOLATING THE**  
**ALEXANDRIA, VIRGINIA ZONING ORDINANCE**

Wednesday 12.11.02 9:45  
Date ticket served Day of Week Time AM/PM  
Location of Violation: 3901 Mt. Vernon  
Ord. Section: 11-505  
Description of Violation: Conditions #6  
(Hours are not posted), #10  
(litter in front of restaurant),  
#18 (sidewalk trash can  
has not been replaced) -  
SUP #2002-0001  
Penalty \$: 50.00  
 1st  2nd  
 3rd/MORE   
IF THE VIOLATION IS NOT CORRECTED BY  
15 days AN ADDITIONAL MONETARY  
PENALTY WILL BE ASSESSED. Dec 25, 02

Mary V. Hadzewi  
Inspector's Signature ID Number

I personally observed or investigated the commission of the violation noted above and/or violation was based upon signed affidavit.

- VIOLATORS COPY - WHITE
- CITY ATTORNEY COPY - YELLOW
- FINANCE COPY - PINK
- PLANNING AND ZONING COPY - ORANGE

F-PC-0001 \*Warning only for  
Condition #17 - must provide quarterly update to Police Dept. - 838-4520  
SUP 2002-0104

NOTICE SERVED ON:  
NAME: LAST FIRST MIDDLE  
 PROPERTY OWNER  
 COMPANY \_\_\_\_\_  
NAME \_\_\_\_\_  
POSITION \_\_\_\_\_  
 OTHER \_\_\_\_\_

ADDRESS \_\_\_\_\_  
CITY/TOWN STATE ZIP \_\_\_\_\_  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

I hereby acknowledge receipt of this Notice of Violation. Signature is not an admission of guilt.  
 PERSON REFUSED TO SIGN DATE \_\_\_\_\_

**CERTIFICATE OF SERVICE**  
 Mailed/posted a true copy of this notice to the last known home or business address of the respondent or the respondent's agent  
Oswaldo Salinas  
Name of Person or Business Served  
5406 Wycklow Court  
Address of Service  
Alexandria, V.A. 22304  
City/State

Posted true copy of this notice at the site of the infraction  
The undersigned states that he/she is an employee of the City of Alexandria Department of Planning and Zoning and knows this Certificate of Service to be true to the best of his/her knowledge.  
Signature \_\_\_\_\_  
Print Name \_\_\_\_\_  
Date Phone # \_\_\_\_\_

**WARNING**  
**YOU ARE REQUIRED TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 15 DAYS OF THE DATE OF SERVICE IN ONE OF THE FOLLOWING WAYS**

**1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A HEARING:**

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail;
- Print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4949.

**2. TO REQUEST A COURT HEARING:**

- Check the "Contest in Court" box below and; (a) Mail this completed notice to the Office of the City Attorney, City Hall, Suite 1300, 301 King Street, Alexandria, Virginia, 22314; or (b) Appear in person or by an authorized representative, at the above address between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4433.
- If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

**3. TO CONTEST THE INTERPRETATION OF THE ORDINANCE:**

- You have the right to appeal the interpretation of the zoning ordinance upon which this violation is based to the Board of Zoning Appeals within 30 days in accordance with 15.2-2311 of the Code of Virginia. The interpretation shall be final and unappealable if not appealed within 30 days.

FOR INFORMATION CONCERNING THIS TICKET CALL PLANNING AND ZONING AT 703-838-4688

**FAILURE TO RESPOND AS PROVIDED ABOVE WILL RESULT IN THE ISSUANCE OF A SUMMONS TO APPEAR IN COURT AND ANSWER TO THE VIOLATION FOR WHICH THIS NOTICE WAS ISSUED**

**YOU MUST COMPLETE AND SIGN THIS CERTIFICATION:**

ADMIT VIOLATION  NO CONTEST  CONTEST IN COURT  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

I hereby certify under penalty of law, that I have answered as indicated above, and corrected or made substantial efforts to correct the violation that I have admitted or for which I have pleaded no contest.  
Signature \_\_\_\_\_ Date \_\_\_\_\_



ALEXANDRIA DEPARTMENT OF  
PLANNING AND ZONING  
301 King Street, Room 2100  
Alexandria, Virginia 22314

TICKET NO 2101

**NOTICE OF VIOLATION**  
**YOU ARE CHARGED WITH VIOLATING THE**  
**ALEXANDRIA, VIRGINIA ZONING ORDINANCE**

11-4-02 Monday 11:09  
Date ticket served Day of Week Time AM/PM  
Location of Violation: 3901 Mt Vernon

Ord. Section: 11-505  
Description of Violation: Conditions #6 -  
This one not posted, #10 -  
Litter in front and behind  
restaurant #18 - sidewalk  
trash can has not been  
replaced

Penalty \$: --- Warning  
 1st  2nd  
 3rd/MORE

IF THE VIOLATION IS NOT CORRECTED BY  
10 DAYS AN ADDITIONAL MONETARY  
PENALTY WILL BE ASSESSED. → Nov. 14, 2002

Mary V. Harkewicz  
Inspector's Signature ID Number

I personally observed or investigated the commission of the  
violation noted above and/or violation was based upon signed  
affidavit.

22  
VIOLATORS COPY - WHITE  
CITY ATTORNEY COPY - YELLOW  
FINANCE COPY - PINK  
PLANNING AND ZONING COPY - ORANGE

NOTICE SERVED ON:  
Furites Suleyma D.  
NAME: LAST FIRST MIDDLE

PROPERTY OWNER  
 COMPANY  
NAME

POSITION

OTHER Manager  
3901 Mt. Vernon Ave  
ADDRESS Alexandria VA

CITY/TOWN STATE ZIP

SIGNATURE DATE

I hereby acknowledge receipt of this Notice of  
Violation. Signature is not an admission of guilt.

PERSON REFUSED TO SIGN DATE

**CERTIFICATE OF SERVICE**

Mailed/posted a true copy of this notice to the last  
known home or business address of the respondent  
or the respondent's agent

Name of Person or Business Served

Address of Service

City/State

Posted true copy of this notice at the site of the  
infraction

The undersigned states that he/she is an employee  
of the City of Alexandria Department of Planning  
and Zoning and knows this Certificate of Service to  
be true to the best of his/her knowledge.

Signature  
Print Name  
Date Phone #

**WARNING**  
**YOU ARE REQUIRED TO RESPOND TO THIS NOTICE**  
**OF VIOLATION WITHIN 15 DAYS OF THE DATE OF**  
**SERVICE IN ONE OF THE FOLLOWING WAYS**

**1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A HEARING:**

- Check the "Admit Violation" or "No Contest" box below;
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YOU MUST COMPLETE AND SIGN THIS  
CERTIFICATION:

ADMIT VIOLATION  NO CONTEST  CONTEST IN COURT  
Name (print)  
Street Address  
City State Zip

I hereby certify under penalty of law, that I have  
answered as indicated above, and corrected or made  
substantial efforts to correct the violation that I have  
admitted or for which I have pleaded no contest.

Signature Date

22  
SUP2002-0104  
E-PLN-0071 (7/00)

*City of Alexandria, Virginia*11  
1-25-03

## MEMORANDUM

DATE: JANUARY 22, 2003

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: PHILIP SUNDERLAND, CITY MANAGER *PS*

FROM: EILEEN P. FOGARTY, DIRECTOR, PLANNING AND ZONING *Eileen Fogarty*

SUBJECT: DOCKET ITEM #11, PUBLIC HEARING, JANUARY 25, 2003  
SUP#2002-0104  
3901 MT. VERNON AVENUE  
APPLICANT, LILIAN'S RESTAURANT

---

Item #11 of the City Council Docket, for the Public Hearing to be held January 25, 2003, concerns a request to amend a special use permit to allow dancing in an existing restaurant and for a six month review of the special use permit.

This memorandum is intended to clarify the Planning Commission decision made on January 7, 2003 regarding this case. The Planning Commission recommended denial of the request to add dancing, recommended denial of the right to operate until 1:00 a.m., and recommended approval of the continued operation of the restaurant, subject to compliance with all applicable codes, ordinances and staff recommendations.





11  
 1-25-03

January 24, 2003

Mayor Kerry J. Donley  
 Alexandria City Hall  
 Room 2300  
 301 King Street  
 Alexandria, VA 22314

Dear Mayor Donley:

The Arlandria Chirilagua Housing Cooperative has met and unanimously opposes Lilian Restaurant's application for a Special Use Permit to permit dancing until 1:00 AM.

We have consistently supported the operation of a family restaurant on the site. We told the owner of Lilian's when he first proposed opening his restaurant and we have consistently opposed his annual efforts to extend hours and add entertainment. This is an alcohol-centered establishment that is immediately adjacent to our resident owned housing cooperative. It is not a family restaurant.

Before you vote on this matter, we urge you to come and make and announced visit to Lilian's. After such a visit, we are sure that you will support our position and deny Lilian's a Special Use Permit.

We have thrived with the City's initial support and the Cooperative is an important part of the Arlandria revival - please don't make our job more difficult by approving this Special Use Permit. Thank you for your consideration.

Sincerely,

Maria C. Cabrera  
 ACHC President

**ISOMOS DUEÑOSI • WE OWN IT!**

MH: APPLICATION for SPECIAL USE PERMIT # 2002-0104 11

[must use black ink or type]

PROPERTY LOCATION: 3901 Mt. Vernon Avenue

TAX MAP REFERENCE: 7.00-02-13 ZONE: CL

APPLICANT Name: DAVAR'S INC By Oswaldo A. SALINAS

Address: 3901 MT. VERNON AVENUE / Lillian's Restaurant

PROPERTY OWNER Name: PALMA'S INVESTMENTS, L.L.C.

Address: 3903 MT. VERNON AVENUE, Alex, VA 22305

PROPOSED USE: Existing Restaurant - Consideration of a Special Use permit to allow dancing on the First Floor.

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.

Oswaldo A. SALINAS  
Print Name of Applicant or Agent

Oswaldo A. Salinas  
Signature

5406 Wycklow Court  
Mailing/Street Address

703 820-3725 703 837-8495  
Telephone # Fax #

Alexandria, VA 22304  
City and State Zip Code

9/23/02  
Date

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

Application Received: \_\_\_\_\_ Date & Fee Paid: 9-23-02 \$ 500.-

ACTION - PLANNING COMMISSION: 01/07/03 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 01/25/03PH--SEE ATTACHED

## REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

## Planning Commission (continued)

10. SPECIAL USE PERMIT #2002-0082  
815 KING ST  
Public Hearing and Consideration of a request for a special use permit to add residential apartments to the existing retail and office uses, with a reduction of required off-street parking; zoned CD/Commercial Downtown. Applicant: Rob Kaufman. (#22 12/14/02)

COMMISSION ACTION: Recommend Approval 6-0

A discussion regarding the residential parking district permit/sticker system maybe should take place at some point in time.

City Council approved the SUP with the conditions listed in the staff report with the deletion of condition no. 9, and the amended condition nos. 6 and 10 as stated in the memorandum dated January 15, 2003, from the Director of Planning and Zoning.

Council Action: \_\_\_\_\_

11. SPECIAL USE PERMIT #2002-0104  
3901 MT VERNON AV  
LILIAN'S RESTAURANT  
Public Hearing and Consideration of a request for a special use permit to allow dancing in an existing restaurant; zoned CL/Commercial Low. Applicant: OAVAR's Inc., by Oswaldo A. Salinas.

COMMISSION ACTION: Recommend denial of the request to add dancing, recommend denial of the right to operate until 1:00 a.m., and recommend approval of the continued operation of the restaurant. 7-0

Councilwoman Woodson's request to docket a report regarding the Police Department's activities in Arlandria will be docketed at the first meeting in February.

Councilman Speck pointed out that there is no such time as 12 a.m., it is 12 midnight.

City Council approved the Planning Commission recommendation.

Council Action: \_\_\_\_\_

## ORDINANCES AND RESOLUTIONS

12. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the Old Town North Small Area Plan Chapter of the Master Plan to change the land use designation of the block bounded by North Pitt, North Royal, Princess and Pendleton Streets from RM/Residential Medium to CRMU-X/Commercial Residential Mixed Use. (#18 1/14/03) [ROLL-CALL VOTE]

City Council finally passed the Ordinance upon its Second Reading and Final Passage. ORD. NO. 4287

Council Action: \_\_\_\_\_