

EXHIBIT NO. 1

13  
9-15-07

Docket Item #16  
SPECIAL USE PERMIT #2007-0062

Planning Commission Meeting  
September 6, 2007

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

**APPLICANT:** Diamond Commercial, LLC  
by Harry Hart, attorney

**STAFF:** Richard Bray  
RichardBray@alexandriava.gov

**LOCATION:** 525 N. Fayette Street

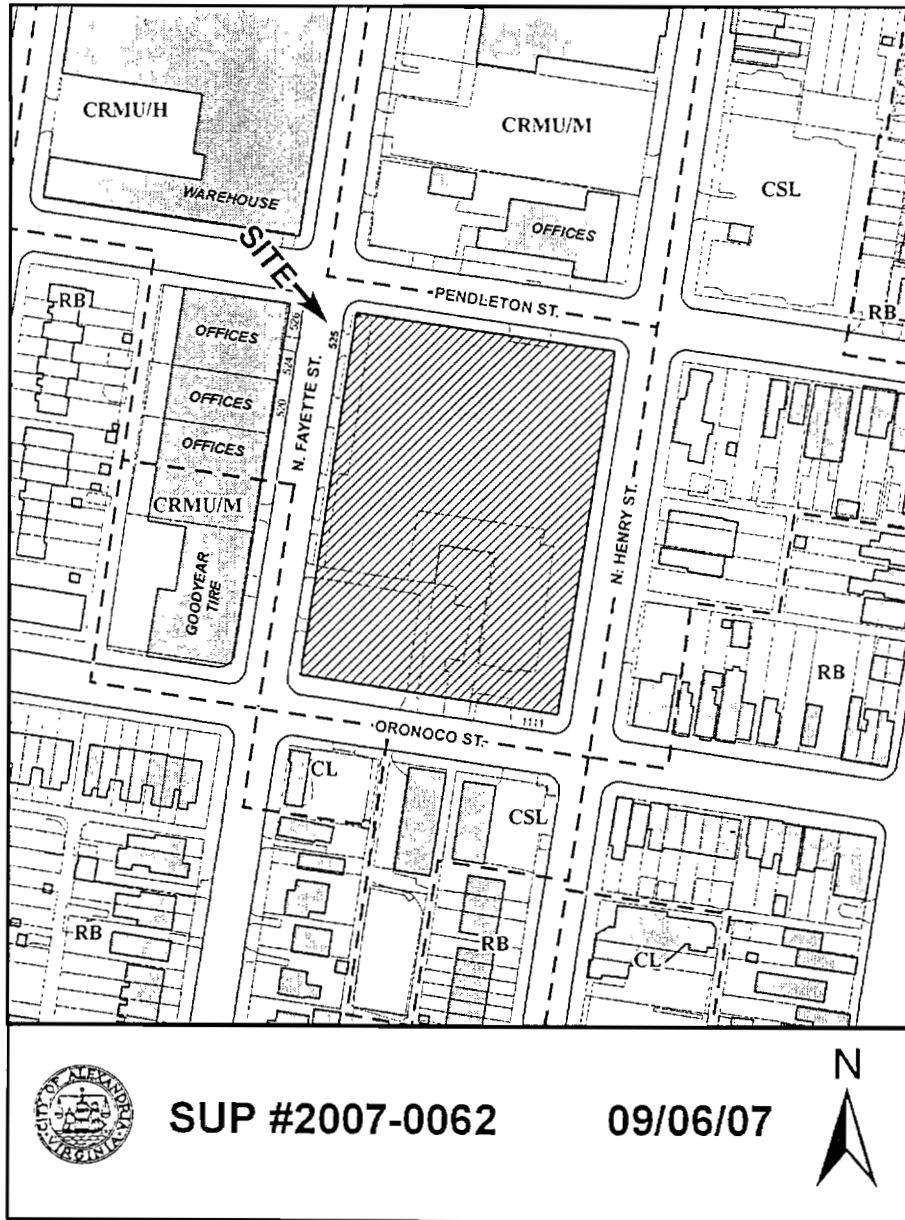
**ZONE:** CRMU-H/Commercial Residential Mixed Use (high)

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**PLANNING COMMISSION ACTION, SEPTEMBER 6, 2007:** On a motion by Mr. Komoroske, and seconded by Ms. Fossum, the Planning Commission voted to recommend approval subject to compliance with all applicable codes, ordinances, and staff recommendations, and deleted condition #13 and added condition #20 at staff's request. The motion carried on a vote of 7 to 0.

**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 #2007-0062

09/06/07



**I. DISCUSSION**

REQUEST

The applicant, Diamond Commercial, LLC, requests special use permit approval for the operation of a restaurant (coffee shop) located at 525 N. Fayette Street.

SITE DESCRIPTION

The subject property is comprised of 6 lots of record with 353 feet of frontage on North Fayette, 246 feet of depth and a total lot area of 87,174 square feet. The site is developed by the Monarch development which consists of residential condominiums on the upper floors with ground level retail. The proposed coffee shop is located at the intersection of North Fayette Street and Pendleton Street. Parking is provided within a two level below-grade parking garage accessed from Pendleton Street



The surrounding area is occupied by a mix of residential, retail, personal service and office and automotive repair uses. Immediately to the north is a parking lot and auto garage. To the south is a Texaco gas station. To the east is a hair salon and office space. To the west is an auto garage, retail and office space. The property on the corner to the north-west of the subject property, 621 North Payne Street is approved to be developed with a condominium development.

BACKGROUND

On November 13, 2004, City Council granted Development Special Use Permit #2003-00019 with site plan and modifications to construct a residential building with ground floor retail. This development, Monarch, is currently under construction.

PROPOSAL

The applicant proposes to operate a Starbuck’s coffee shop, serving coffee, tea and juice-based beverages as well as pre-prepared pastries, breakfast items, sandwiches and salads. The operation of the business as described by the applicant is as follows:

Hours:	Mon- Fri	5am- midnight
	Sat & Sun	5am- 10pm

Number of seats: 25 Seats  
Noise: No disruptive noise impacts are anticipated.  
Trash/Litter: Collected daily or as otherwise required by business volume.

PARKING

Parking for all tenants of the first floor retail space in the Monarch mixed use development is provided in the on-site underground parking garage with access from Pendleton Street. Pursuant to DSUP #2003-00019, 73 parking spaces are required for the first-floor retail space and 75 are provided.

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. The proposed coffee shop will contain 25 seats and therefore will be required to provide 7 off-street parking spaces. The 7 parking spaces are provided in the below ground parking garage.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CRMU-H zone, Commercial residential mixed use (high). Section 5-303 of the Zoning Ordinance allows a restaurant in the CRMU-H zone only with a special use permit.

The proposed use is consistent with the Braddock Road Metro Small Area Plan chapter of the Master Plan which designates the property for use.

**II. STAFF ANALYSIS**

Staff has no objection to the proposed Starbucks Restaurant. The restaurant's location will contribute to the vitality of the Braddock Metro area as well as the new Monarch development. The business is expected to serve a combination of local workers and residents.

Staff has included a condition requiring a review of the restaurant one year after approval so if there are any problems with its operation, additional conditions may be imposed. With these conditions, staff recommends approval of the special use permit.

### 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 corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation shall be limited to 5am- 12am, Monday through Friday and 5am- 10pm Saturday and Sunday. (P&Z)
3. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
4. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
5. No food, beverages, or other material shall be stored outside. (P&Z)
6. All exterior signage must be approved by the director of Planning and Zoning. (P&Z)
7. 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)
8. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
9. The applicant shall control 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 and Environmental Services. (T&ES)
10. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)

11. 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](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
12. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
13. ~~**CONDITION DELETED:** Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right of way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of approval). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation.~~
14. 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)
15. Any future requests for outdoor dining and associated landscape improvements to the exterior courtyard must include all proposed landscape and planting plans. A planting plan shall be submitted to RP&CA for review. (Parks & Rec)
16. Provide a menu or list of foods to be handled at this facility to the Health Department. (Health)
17. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business. (Police)
18. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery readiness program for all employees. (Police)
19. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, 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 has 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, (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)

20. **CONDITION ADDED BY PLANNING COMISSION:** The restaurant shall contain a maximum of 25 seats indoors. Upon request by the applicant, staff may administratively approve outdoor dining of up to 10 seats in the interior courtyard.

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

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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.
- R-2 The applicant shall control 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 and Environmental Services.
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line.
- R-4 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](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- R-5 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.
- R-6 Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60-days of approval). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation.
- R-7 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.



- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- C-2 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).

Code Enforcement:

- 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 The current use is classified as **R-2**; the proposed use is **A-2**. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Additions and alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit (USBC 108.1). Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application (USBC 109.1).
- C-5 Any proposed new construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 The following code requirements apply where food preparation results in the development of grease laden vapors:
  - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
  - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-7 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:

- (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
- (b) How food stuffs will be stored on site.
- (c) Rodent baiting plan.

Health Department:

- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department. (Health)
- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operation.
- C-3 Five sets of plans of each facility must be submitted to and approved by this department prior to construction. Plans must comply with Alexandria City Code, Title 11, Chapter 2 Food and Food Establishments. There is a 135.00 fee for review of plans for food facilities.
- C-4 Certified Food Managers must be on duty during all hours of operation.

Parks & Recreation:

- R-1 Any future requests for outdoor dining and associated landscape improvements to the exterior courtyard must include all proposed landscape and planting plans. A planting plan shall be submitted to RP&CA for review. (Parks & Rec)

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business. (Police)
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery readiness program for all employees. (Police)
- F-1 The applicant is not seeking an A.B.C. permit. The Police Department concurs.



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# APPLICATION

## SPECIAL USE PERMIT

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

1. 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, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

Ahmed Al-Mutawakil (33%), Ahmed Al-Hussein (33%), Al-Hussein Y. Al-Hussein (33%)

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 11" x 17" or smaller. Twenty-four copies are required for plans larger than 11" x 17" 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.

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**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 include 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.)

This application is for a Special Use Permit to operate a coffee shop in a portion of the first-floor retail space at the Monarch site. The applicant is currently in lease negotiations with Starbucks, but does not wish to limit its present or future options to any one specific tenant/vendor.

The use is expected to be heavily patronized by residents of the floors above as well as those who live in the surrounding neighborhood. There will be between 2 and 6 employees per shift, and the hours will depend on demonstrated demand, but will be typical of coffee shops, ranging from 5 a.m. to midnight. Parking will be available on the interior alley of the site as well as in the below-grade garage. No disruptive noise is expected.

In this application, and the accompanying restaurant supplement, the seating capacity requested and diagrammed is 25 interior chairs. However, given the emphasis in the overall Monarch DSUP on creating a lively streetfront and active courtyard area, we would like to request that Staff be given the authority to administratively approve, at a later date, an amendment to this SUP to allow additional outdoor seating as appropriate, along the Henry Street and/or Pendleton Street building faces, and/or in the interior courtyard. This authority would be similar to the authority given Staff to administratively approve outdoor dining in the King Street retail corridor.

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

**USE CHARACTERISTICS**

4. The proposed special use permit request is for (check one):
- a new use requiring a special use permit,
  - a development special use permit,
  - an expansion or change to an existing use without a special use permit,
  - expansion or change to an existing use with a special use permit,
  - other. Please describe: \_\_\_\_\_

5. Please describe the capacity of the proposed use:
- A. How many patrons, clients, pupils and other such users do you expect?  
Specify time period (i.e., day, hour, or shift).  
Approximately 4000 - 4500 customers/week, with heaviest traffic between 6 a.m. and 10 a.m.
- \_\_\_\_\_

- B. How many employees, staff and other personnel do you expect?  
Specify time period (i.e., day, hour, or shift).  
Approximately 4-6 staff in the morning, 3-4 during the day, and 2-3 in the evenings.
- \_\_\_\_\_

6. Please describe the proposed hours and days of operation of the proposed use:
- |                          |                         |
|--------------------------|-------------------------|
| Day:                     | Hours:                  |
| _____                    | _____                   |
| <u>Monday - Friday</u>   | <u>5 a.m. - 12 a.m.</u> |
| _____                    | _____                   |
| <u>Saturday - Sunday</u> | <u>5 a.m. - 10 p.m.</u> |
| _____                    | _____                   |

7. Please describe any potential noise emanating from the proposed use.
- A. Describe the noise levels anticipated from all mechanical equipment and patrons.  
Mechanical noise will be limited to blenders and coffee-brewing equipment, and patron noise is expected to be minimal.
- B. How will the noise from patrons be controlled?  
All mechanical noise, and most patron noise, will be confined to the inside of the cafe.
- \_\_\_\_\_

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

The only odor created will be the smell of brewed coffee, which should be confined to the interior of the cafe.

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?

Typical restaurant trash.

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

Typical restaurant amounts of trash.

C. How often will trash be collected?

Daily or as otherwise required by business volume.

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

The Monarch DSUP provides for the installation of 4 street trashcans on the blockfaces adjacent to the site, and there will be several trashcans inside the cafe.

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:

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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:

General purpose cleaning supplies for floors and counters, as required by business volume.

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

Typical restaurant methods.

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**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.

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**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?

The Approval Conditions of the Monarch DSUP (#2003-0019) required that 73 parking spots be provided for the first-floor retail space.



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

- \_\_\_\_\_ Standard spaces
- \_\_\_\_\_ Compact spaces
- \_\_\_\_\_ Handicapped accessible spaces.
- 77 TOTAL Other.

C. 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?

\_\_\_\_\_

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance?

The Monarch DSUP (#2003-0019) required there to be a designated loading area in the interior alley.

B. How many loading spaces are available for the use? 1

C. Where are off-street loading facilities located? In the interior alley.

\_\_\_\_\_

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

Early morning.

\_\_\_\_\_

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

3-5 days per week, or as required by business volume.

\_\_\_\_\_

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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.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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?

1,623 sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = 1,623 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: The first-floor retail space in the Monarch mixed-use development.

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# APPLICATION

## RESTAURANT

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

1. How many seats are proposed?  
Indoors: 25                      Outdoors: \_\_\_\_\_                      Total number proposed: 25

PLEASE SEE NARRATIVE ACCOMPANYING SUP APPLICATION

2. Will the restaurant offer any of the following?  
Alcoholic beverages (**SUP only**)                      \_\_\_\_\_ Yes                      XX No  
Beer and wine — on-premises                      \_\_\_\_\_ Yes                      XX No  
Beer and wine — off-premises                      \_\_\_\_\_ Yes                      XX No

3. Please describe the type of food that will be served:  
Coffee-, tea-, and juice-based beverages. Pre-prepared pastries, breakfast items, sandwiches, and salads.

4. The restaurant will offer the following service (check items that apply):  
\_\_\_\_\_ table service                      \_\_\_\_\_ bar                      X carry-out                      \_\_\_\_\_ delivery

5. 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?  
\_\_\_\_\_

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

**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.

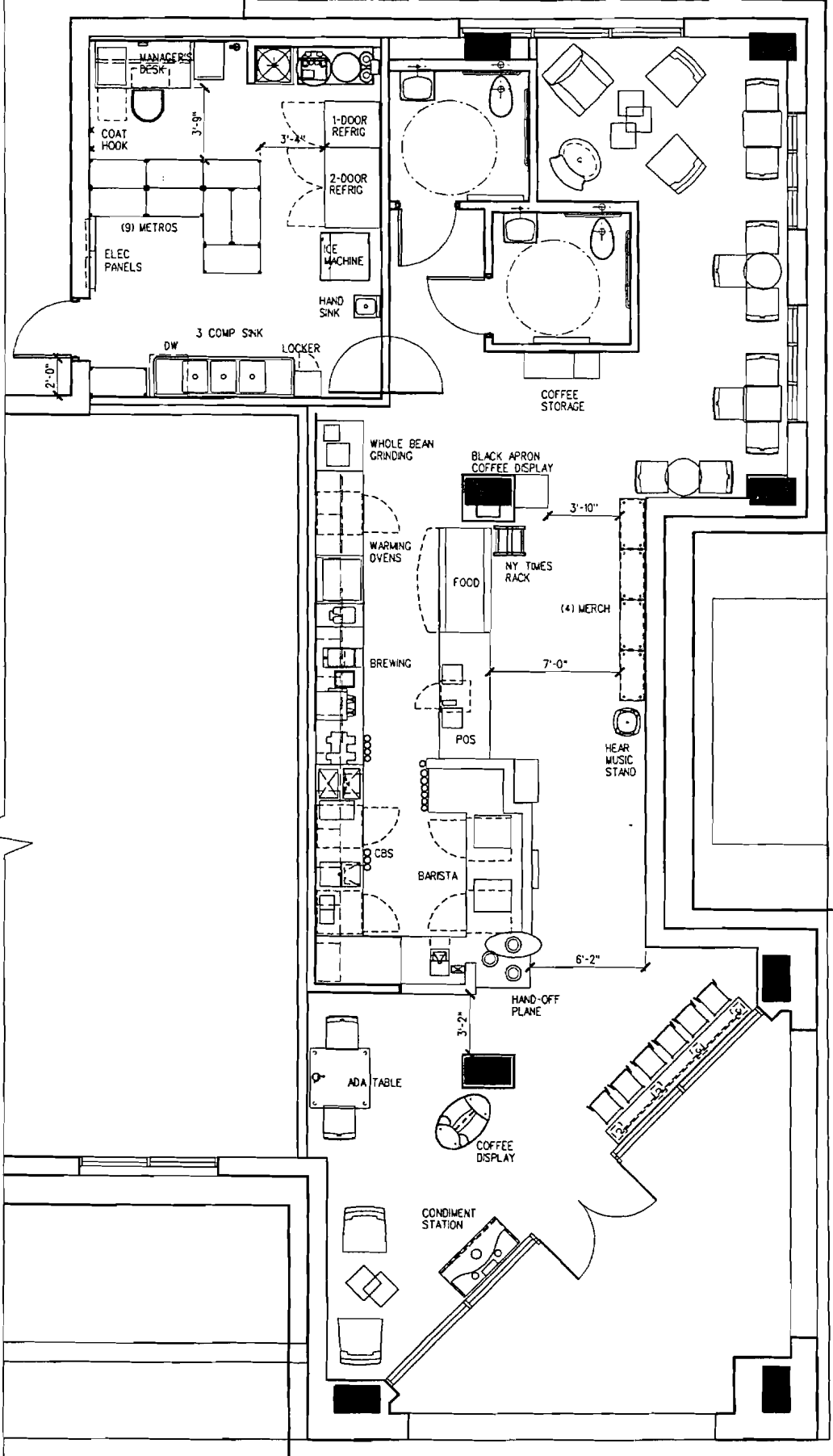
1. Maximum number of patrons shall be determined by adding the following:  

25	Maximum number of patron dining seats	PLEASE SEE NARRATIVE ACCOMPANYING SUP APPLICATION.
+	Maximum number of patron bar seats	
+	Maximum number of standing patrons	
=	25	
  
2. 6 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  
THERE WILL BE NO ALCOHOL SERVICE.

# MONARCH

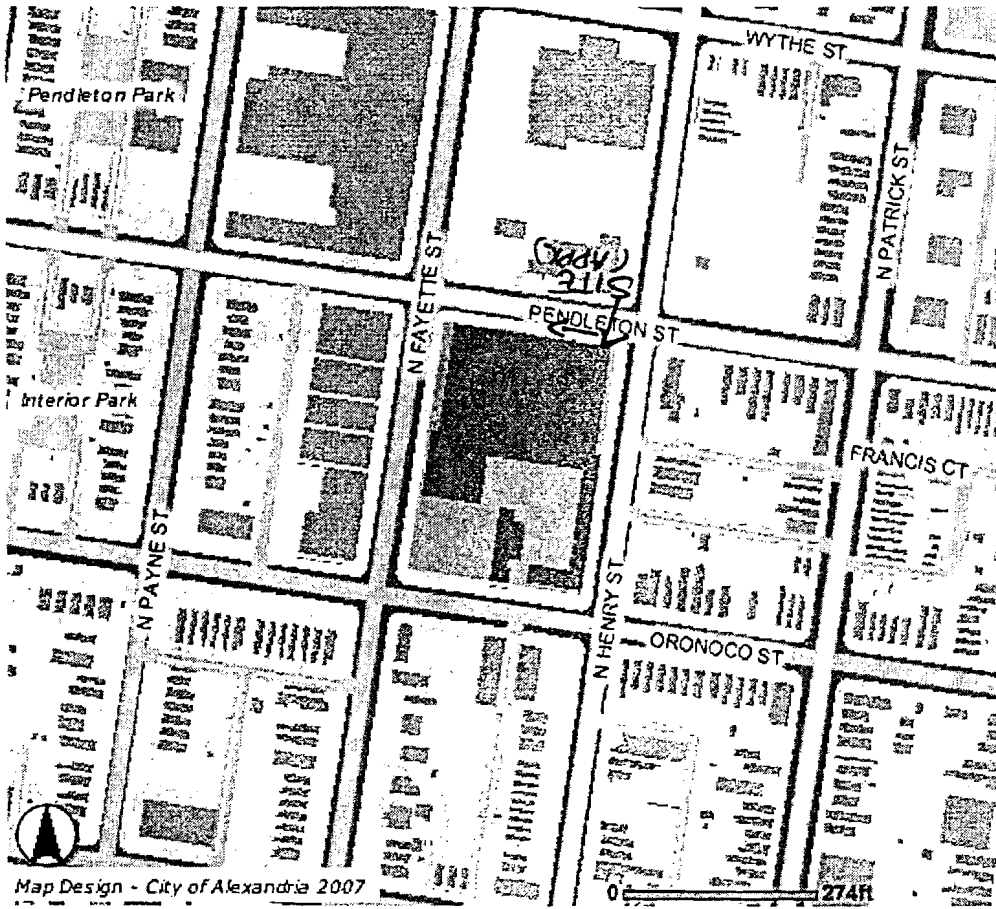
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WOP SINK/  
WATER HEATER SYSTEM



SUP2007-0062

City of Alexandria



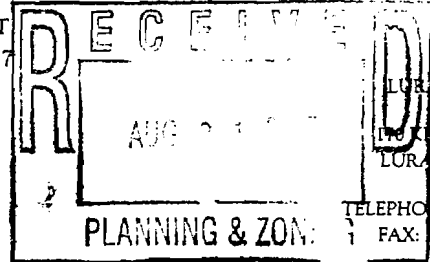
Parking located on site in underground garage. Per

# HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET  
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757  
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CONSTANCE H. PIERCE

RETIRED  
ROBERT L. MURPHY, 2001  
CYRIL D. CALLEY, 2005

August 30, 2007

Ms. Faroll Hamer  
Director, Department of Planning & Zoning  
301 King Street, Suite 2100  
Alexandria, VA 22314

Re: SUP #2007-0062  
Coffee Shop

Dear Ms. Hamer:

This firm represents Diamond Commercial, LLC, the applicant in the above referenced matter. We received a copy of the Staff Report this afternoon, and felt that we should write to clarify certain aspects of our client's Special Use Permit ("SUP") application and the staff's report.

- 1) The address of the Monarch development on the City's tax maps is currently listed as 525 N. Fayette Street, and so the application for this coffee shop was filed under that address. The Site Graphic and supporting text of the Staff Report describe a site located at the corner of N. Fayette Street and Pendleton Street. However, the coffee shop will actually be located at the corner of Pendleton Street and N. Henry Street, with its extended face along N. Henry Street.
- 2) It should be noted that parking for the proposed coffee shop is provided not only in the underground garage, described in the Staff Report, but also on the interior alley, as envisioned by the overall Monarch SUP (#2003-0019; Page 17).
- 3) The Staff Report notes that the zoning designation is CRMU-H, and that restaurants in that zone require SUPs. In fact, the requirements governing the proposed coffee shop space are those found in the overall Monarch DSUP conditions, since in legislative interpretation, the more specific trumps the more general. While the distinction is of no effect in terms of the requirement of an

August 30, 2007  
Ms. Faroll Hamer  
Page 2

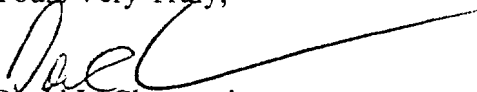
SUP for a restaurant use, it should nonetheless be noted, for it could be that other aspects of the use arise in which the two regimes do differ.

- 4) Condition #13 of the Staff Report would require that the applicant contribute \$1,000 for the purchase of a street trash can. It should be noted that the overall Monarch SUP (#2003-0019; Condition #14) required the contribution of two street trash cans along each of the four city block-faces, in anticipation of the residences and retail uses envisioned for the site. We do not believe that a contribution for the purchase of another trashcan by this applicant should be required.
- 5) We requested in our application that Staff be given the power to approve outdoor seating administratively, should the applicant choose to request it at a later time. This was not addressed in the Staff Report, and it is a point which we do not wish to miss.

We hope the above clarifies any misunderstandings with regard to our client's application, and look forward to the September 6, 2007 Public Hearing.

Should you have any questions, please do not hesitate to contact me.

Yours Very Truly,



David L. Chamowitz





Barbara Carter/Alex  
07/18/2007 03:22 PM

To Richard Bray/Alex@ALEX, Kendra Jacobs/Alex@Alex  
cc Richard Josephson/Alex@ALEX  
bcc  
Subject Email for PnZ General Feedback - Special Use Permit #2007-0062 on the Sept. 6, 2007 Docket.

PC Docket Item # 16  
Case # SUP2007-0062

Barbara L. Carter  
Department of Planning and Zoning  
301 King Street, Suite 2100  
Alexandria, VA 22314  
703.838.3866 ext. 306

----- Forwarded by Barbara Carter/Alex on 07/18/2007 03:21 PM -----



<mtallmer@aol.com>

07/17/2007 06:01 PM

Please respond to  
<mtallmer@aol.com>

To <pnzfeedback@alexandriava.gov>

cc

Subject Planning and Zoning - Contact Us - Email for PnZ General Feedback (pnzfeedback@alexandriava.gov)

**Planning and Zoning - Contact Us - Email for PnZ General Feedback (pnzfeedback@alexandriava.gov)**

Time: [Tue Jul 17, 2007 18:01:27] IP Address: [152.163.97.54]

**Submit Date:** July 17, 2007  
**First Name:** Matthew  
**Last Name:** Tallmer  
**Street Address:** 631 N. Alfred Street  
**City:** Alexandria  
**State:** VA  
**Zip:** 22314  
**Email Address:** mtallmer@aol.com

I am writing to express my strong opposition to Special Use Permit #2007-0062 on the Sept. 6, 2007 Docket.

One of the things that gives Old Town its charm, and distinguishes it from Georgetown and every

other quaint community, is the large number of small businesses, and relative lack of chain stores.

**Comments:**

There already are four Starbucks within walking distance of the proposed store: 532 King Street, 1767 King Street, 683 N Washington St., and 100 S. Union Street.

If we approve yet another franchise here, why not just bypass the Planning & Zoning process, and turn every single open retail outlet in Alexandria over to Starbucks? I, obviously, am not serious, but there is a serious point.

The point being we are destroying the character of Old Town by letting our retail operations be taken over by chain stores.





"Elena Valasiadou"  
<elenaev@gmail.com>

09/12/2007 08:34 PM

To <jackie.henderson@alexandriava.gov>

cc

bcc

Subject Monarch

13  
-----  
9-15-07

Hello,

We view the development, both residential and commercial, as a positive step towards a better and more balanced community. The availability of services, such as retail, coffee shops, eateries, and grocery stores is highly desirable by us for three primary reasons. Firstly, it offers a level of convenience that can really simplify and improve our lives. Secondly, it promotes the level of attractiveness of the area. Finally, it contributes towards a more secure environment.

As residents of the Braddock Lofts, and of course a residents of Alexandria, we would like to express our support for such development efforts around the Braddock Metro area.

Sincerely,  
Elena and Dimitris Geragas



ilona shtrom  
<ilona\_shtrom@yahoo.com>

09/13/2007 10:06 PM

Please respond to  
<ilona\_shtrom@yahoo.com>

To <alexvamayor@aol.com>, <delpepper@aol.com>,  
<councilmagaines@aol.com>, <rob@krupicka.com>,  
<timothylovain@aol.com>, <paulcsmedberg@aol.com>,

cc

bcc

Subject Support for Starbucks at the Monarch

13  
-----  
9-15-07

Dear Mayor Euille and City Council Members,

I am writing in support of the proposed Starbucks that is to be located ground-level at the Monarch building. I am a city resident and VP of the Braddock Lofts Homeowners Association. While I am not writing on behalf of the residents of the BLHOA, I do believe that, most if not all, the residents would support my position. As you know, the Braddock Lofts are located just two blocks from the Monarch.

I moved to the city of Alexandria, specifically to the Braddock Lofts, over four years ago with the belief that the city had plans to bring life back into this part of Old Town. My hope was that this area would become a safe place to live and raise children; one where an urban lifestyle, with shops and retail would be within walking distance and using a car would be a rare occurrence. I am saddened to say that progress in the Parker-Gray area and north of it has been slow and disappointing. While I applaud the city's diligent efforts to work to get the Braddock Metro Area Plan right, it was disappointing to see the Harris Teeter project lost and adoption of the area plan delayed after so many, many months of work. In addition, crime in the area is still not under control, particularly around the Adkins property and other ARHA-run facilities.

The proposed Starbucks is the first ray of light I see for the neighborhood. While a chain coffee shop, such an establishment has the power to begin the process of making this area one where the sidewalks don't roll up when the sun goes down. It also has the power to draw in other retail that may otherwise never consider coming to such an area.

I urge you to carefully consider your decisions on Saturday the 15th when you take this up for vote and vote YES. An approval of the SUP for this Starbucks location could mean the beginning of a very bright future for the area and its residents.

Thank you.

Ilona Shtrom

13  
-----  
9-15-07



**David Sanders**  
<dauidsanders@earthlink.net>

09/11/2007 05:05 PM

Please respond to  
David Sanders  
<dauidsanders@earthlink.net>

To <alexvamayor@aol.com>, <delpepper@aol.com>,  
<councilmagaines@aol.com>, <rob@krupicka.com>,  
<timothylovain@aol.com>, <paulcsmedberg@aol.com>,

cc

bcc

Subject Starbucks at the Monarch

We are strong supporters for the Starbucks at the Monarch.

We think it would be a positive and grounding and consistent business in our area.

Thank you,  
David & Gretchen Sanders  
720 North henry Street  
Alexandria, VA 22314

David Sanders  
dauidsanders@earthlink.net



"Stenerson, Todd"  
<tstenerson@AKINGUMP.CO  
M>

09/11/2007 04:16 PM

To <alexvamayor@aol.com>, <delpepper@aol.com>,  
<councilmagaines@aol.com>, <rob@krupicka.com>,  
<timothylovain@aol.com>, <paulcsmedberg@aol.com>,  
cc "Malia Stenerson" <maliaartist@yahoo.com>

bcc

Subject Monarch Development

13  
-----  
9-15-07

All,

As residents in the Braddock Lofts since 2003 (1124 Madison Street) my wife and I enthusiastically support the addition of retail businesses in the new Monarch building, including a Starbucks. We believe this entire area is poised for some exciting growth and hope that you will aid in such growth in any way you can.

Please do not hesitate to contact me if you need any further information or have any questions.

Best regards,

Todd & Malia Stenerson

**Todd M. Stenerson**

**Akin, Gump, Strauss, Hauer & Feld, L.L.P.**

**1333 New Hampshire Ave, N.W.**

**Washington, D.C. 20036**

**[www.akingump.com](http://www.akingump.com)**

**[tstenerson@akingump.com](mailto:tstenerson@akingump.com)**

**(202) 887-4276 (direct dial)**

**(202) 887-4000 (main phone)**

**(202) 955-7715 (direct fax)**

**(202) 887-4288 (main fax)**

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Salena Zellers  
<salena\_zellers@yahoo.com>

09/12/2007 11:49 AM

To <alexvamayor@aol.com>, <delpepper@aol.com>,  
<councilmagaines@aol.com>, <rob@krupicka.com>,  
<timothylovain@aol.com>, <paulcsmedberg@aol.com>,  
cc sal work <salena@bioinjury.com>

bcc

Subject Retail at the Monarch

13  
-----  
9-15-07

Alexandria City Council Members,

My name is Salena Zellers Schmidtke. I am a business owner and property owner in Alexandria and Board President of the Braddock Lofts Homeowners Association. We at the Lofts, are all very excited about the completion of the Monarch project. We see the Monarch as a very big step forward in creating the safe, walkable community that so many of us want in the Braddock Road Metro area. The retail in the Monarch is extremely important in reaching this goal.

My understanding is that the Building Commissioners approved the SUP 2007-062 for a coffee shop at this location last week and that this is coming before the City Council this Saturday. We are very much in support of having a coffee shop at the Monarch and Starbucks, in particular, will provide a solid anchor for the building. Such a well respected company will also attract other key retailers to the building and to the area. Please let me know if there is anything that I can do to assist the Council in moving forward with the approval of SUP 2007-062 for a Starbucks in this location.

I have included two other Braddock Loft Owner emails that were sent to the Building Commission last week reiterating what I've stated above. You may be receiving emails from other owners as well. We at the Lofts appreciate all of the hard *and trying* work that the City Council has put forth with the Braddock Road plan and look forward to a positive planning process in the future. Please let me know if there is anything that you need to help the process move forward more smoothly. Thank you again for your time and all of your efforts.

Salena Zellers Schmidtke  
BioInjury, LLC  
1122 Madison Street  
Alexandria, Va 22314  
703-837-0991

---

**From:** Worden

**To:** [erwagner@comcast.net](mailto:erwagner@comcast.net) ; [hsdunn@ipbtax.com](mailto:hsdunn@ipbtax.com) ; [komorosj@nasd.com](mailto:komorosj@nasd.com) ; [jlr@cpma.com](mailto:jlr@cpma.com) ;  
[Donna Fossum@rand.com](mailto:Donna_Fossum@rand.com) ; [mslyman@verizon.net](mailto:mslyman@verizon.net)

**Sent:** Thursday, August 30, 2007 12:59 PM

**Subject:** Monarch project -coffee shop

Dear Sirs and Madams

As a neighbor of the Monarch we enthusiastically endorse retail shops as part of the Monarch project generally, and specifically think that a coffee shop would be an excellent neighbor. we understand that you are considering a coffee shop for the corner of Henry and Pendelton Streets. This will bring activity and convenience to our neighborhood, and should attract other retail enterprises to set up shop. We understand that Starbucks is being considered, and we endorse them. We have no problem with a national chain being in the neighborhood. Their name recognition should enhance the project's ability to sign other retail tenants. While some would prefer more independent shops we think a mix of national and independent stores is good. We encourage your approval of the proposed coffee shop. Starbucks has been a good neighbor in many other areas of Alexandria, and would be welcome in our neighborhood as well. .

Susan and Donald Worden  
1120 Madison St.  
Alexandria, VA 22314

---

**"Traylor, Patrick D." <PDTraylor@HHLAW.com> wrote:**  
**Honorable Commissioners:**

**I write in support of the special use permit application pending for a coffee shop at the new Monarch development at Henry and Pendleton Streets. I live one block from the development, at 709 N. Fayette St., and strongly support street-level retail like a coffee shop at the development. Development like that will improve pedestrian traffic in the neighborhood and continue to improve the character of this un-redeveloped area of Old Town.**

**I understand that at least one person has objected to any national chain coffee shop locating at the Monarch (e.g., Starbuck's). Our neighborhood's redevelopment should not be slowed by an individual's preference for coffee—if that person dislikes Starbuck's, then they are free to purchase coffee elsewhere. If Starbuck's is the only (or most economically attractive) tenant for the location, then the special use permit process should not interfere with that business transaction.**

**I strongly urge the Commission to approve the pending application for a special use permit.**

**Patrick D. Traylor  
709 N. Fayette St.  
Alexandria, VA 22314  
(703) 838.2080**

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Salena Zellers  
703-837-0991

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