

Docket Item # 12  
SPECIAL USE PERMIT #2002-0020

Planning Commission Meeting  
May 7, 2002

**ISSUE:** Consideration of a request for a special use permit to extend the hours of operation of a restaurant.

**APPLICANT:** H T Acquisition Inc.  
by James R. Parker

**LOCATION:** 1404 King Street  
Hard Times Café

**ZONE:** CD/Commercial Downtown

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**PLANNING COMMISSION ACTION, MAY 7, 2002:** On a motion by Mr. Robinson, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the request, 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. Members discussed their responsibility to be consistent in regards to approving late night operating hours along King Street. Members also discussed their willingness to approve the request because the operator has been a good neighbor and because of his long, successful experience at this well run restaurant. Finally, members discussed their specific support for staff's position against the applicant's request to play music from a speaker at the entrance of the restaurant.

Speakers:

James Parker, representing the owner, spoke in support.

Mark Feldheim, president of the Old Town Civic Association, spoke in opposition of the proposal stating that the later hours would be an intrusion on the peace and quiet in the neighborhood.



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant or to any corporation in which the applicant has a controlling interest only. (P&Z)(SUP 95-0025) (SUP 1830)
2. Seating shall be provided for no more than 118 patrons. (P&Z)(SUP 95-0025)
3. No outside dining facilities shall be located on the premises. (P&Z)(SUP 95-0025) (SUP 1830)
4. **CONDITION AMENDED BY STAFF:** The hours shall be limited to between ~~11:00 a.m. and 11:00 p.m. Monday through Friday, 11:00 a.m. and 11:00 p.m. Saturday, and 11:00 a.m. and 10:00 p.m. Sunday. (PC)~~ and 2:00 a.m., Monday through Saturday, and 11:00 a.m. and 12:00 a.m., Sunday. (P&Z)
5. No food, beverages, or other material shall be stored outside. (P&Z)(SUP 95-0025)(SUP 1830)
6. 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)(SUP 95-0025) (SUP 1830)
7. Condition deleted.(SUP 96-0137)
8. The applicant shall (a) provide a minimum of 17 off-street parking spaces in the lot behind the restaurant to accommodate restaurant patrons after the normal working hours in the evenings; (b) shall advertise such parking by posting notice at its restaurant and including such notice in any advertising; and (c) shall urge patrons who drive to use the space. (P&Z)(SUP 98-0128)
9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)(SUP 95-0025)

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 95-0025)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (P&Z)(SUP 95-0025)
12. No amplified sound shall be audible at the property line. (P&Z)(SUP 96-0137)
13. The applicant shall require its employees who drive to use off-street parking. (P&Z)(SUP 95-0025)
14. Condition deleted. (SUP 98-0128)
15. 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)(SUP 98-0128)(SUP 95-0025)
16. The applicant shall post signs directing patrons to the availability of parking behind the restaurant. (P&Z)(SUP 95-0025)
17. **CONDITION DELETED BY STAFF:** ~~Each April, on each anniversary of the approval of Special Use Permit #95-0025, the applicant shall provide to the Director of Planning and Community Development a copy of the lease or other arrangement by which the applicant makes off-street parking available for customers and employees, and the materials advertising such off-street parking. (P&Z)(SUP 98-0128)(SUP 95-0025)~~
18. 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 all employees. (Police) (SUP 96-0137)
19. Condition deleted. (SUP 98-0128)
20. **CONDITION ADDED BY STAFF:** 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)

21. **CONDITION ADDED BY STAFF:** Alcoholic beverages may be sold for on-premise consumption. The sale of off-premise beer and wine is limited to infrequent special events as described by the applicant. (P&Z)
  
22. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review, 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)

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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.

DISCUSSION:

1. The applicant, James R. Parker, requests special use permit approval for the extension of the operating hours at an existing restaurant located at 1404 King Street.
2. The subject property is one lot of record with 24 feet of frontage on King Street, 101 feet of depth and a total lot area of approximately 2,424 square feet. The site is developed with a two-story brick structure. There are seventeen parking spaces behind the building which are used by the restaurant after 6:00 P.M. Adjacent uses in the area include offices to the south and to the west and retail uses including a salon and flower shop to the east and across the street to the north.
3. A restaurant has operated at 1404 King Street since before the requirement of a special use permit for restaurants was adopted. Since 1985, City Council has approved four special use permits for the restaurant each requesting small changes in the operation. The most recent was on November 14, 1998 when City Council granted Special Use Permit #98-0128 allowing change of the opening hours from 11:30 a.m. on Sundays to 11:00 a.m. and a change from 18 to 17 required off-street parking spaces due to a misprint on the previous application.
4. The applicant seeks permission to make the following changes to the operation of the restaurant:

Extend the hours of operation. The restaurant's hours of operation are currently 11:00 a.m. to 11:00 p.m. Monday through Saturday and 11:00 a.m. to 10:00 p.m. on Sundays. The applicant proposes to change the hours of operation to 11:00 a.m. to 2:00 a.m. Monday through Saturday and 11:00 a.m. to 12:00 a.m. on Sunday. The applicant requests the later closing hours to accommodate what they anticipate as increased late night dining customers as the western end of Old Town develops.

Delete Parking Lease Requirement: The applicant is now required, and has been since 1995 pursuant Condition #17, to provide to the Director of Planning and Zoning a copy of the lease or other arrangement by which he makes off-street parking available for customers and employees, and the materials advertising such off-street parking. The applicant maintains that he has a perpetual lease of the parking area and that having to submit the document each year has little value.

Allow Amplified Music: In addition, the applicant requests permission to play music from the restaurant's juke box from a speaker placed outside above the front door of the restaurant underneath the awning on King Street. The music is thereby audible to people walking past the restaurant. The applicant feels that this will attract customers into the café and will enhance their business. According to the applicant, the volume of the music will be kept low and only audible to people walking in front of the restaurant.

5. The applicant currently has Alcoholic Beverage Control licenses for on- and off-premise beer and wine sales and on-premise mixed alcohol. In response to questioning by staff, the applicant explained that the off-premise license is to allow flexibility for providing alcohol at special events that are catered off site on an infrequent basis. The applicant does not sell bottles of beer or wine "to go" from the restaurant.
6. On February 27, 2002, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no information posted about DASH and METRO routes or other public transportation information, a violation of condition #15, and issued a ticket. Staff revisited the property on March 22 and the business had corrected its violation and was in full compliance with its special use permit.
7. Zoning: The subject property is located in the CD/Commercial Downtown zone. Section 4-503(W) of the zoning ordinance allows a restaurant in the CD zone only with a special use permit.
8. Master Plan: The proposed use is consistent with the King Street/Eisenhower Avenue Metro Station small area plan chapter of the Master Plan which designates the property for commercial downtown uses.

#### STAFF ANALYSIS:

Staff does not object to the applicant's request to extend the hours of operation for the Hard Times Café located at 1404 King Street. Staff notes that the business has been operating for a number of years without incident or problems. Other restaurants in the area including both the Rockit Grill and Lizard Lounge, a half block to the east of the restaurant, are open until 2:00 a.m.

The applicant requests that Council delete Condition #17 from his previous special use permit so that he no longer must provide annually a copy of his lease for parking to staff. The applicant has provided a copy of the lease and sign since the time it was required in 1995. When staff visited the site on February 27, 2002, the off-street parking area, consisting of 17 spaces, was advertised both at the front door and on a metal sign in the back of the establishment. The applicant informed staff

that the lease for the parking does not expire. Staff agrees with the applicant that, as long as Condition #8 is retained requiring that there be the 17 parking spaces, there is no need for staff to review the lease each year. Staff therefore recommends the deletion of this requirement.

Staff is concerned about the possibility of off-premise alcohol sales from the restaurant. To address this concern, staff has included a condition limiting off-premise beer and wine sales to the infrequent special events as described by the applicant.

Staff does not support the applicant's request to play music from a speaker at the front door of the restaurant. Although the applicant states that the music would be played at a low level, the music constitutes advertising which is clearly not permitted pursuant to Section 11-5-4 (b) 3 of the City Code which prohibits sound reproduction devices operated on the public street for purposes of advertising or attracting attention of the public to a building.

Finally, in order to ensure that the later hours of operation do not negatively impact the restaurant's neighbors, staff has added Condition #22 which requires a review of the restaurant one year after approval of the special use permit.

Staff recommends reapproval of the special use permit with the requested extension of hours and the removal of Condition #17 so that he no longer must provide annually to staff a copy of his lease for parking.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;  
Barbara Ross, Deputy Director;  
Valerie Peterson, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 It is recommended that the request made in the letter dated March 14, 2002 to play music above front door to attract customers be denied as it directly conflicts with the Section 11-5-4 (b) 3 of the City code.

Code Enforcement:

- F-1 No comments.

Health Department:

- F-1 No comments.

Police Department:

- F-1 No objections to the change in hours.
- F-2 The applicant has had the security survey completed.
- F-3 The applicant has an ABC-ON only permit. The Police Department concurs with this.

JP.

APPLICATION for SPECIAL USE PERMIT # 2002-0020

[must use black ink or type]

PROPERTY LOCATION: 1404 KING Street

TAX MAP REFERENCE: 64.03 12 3 ZONE: CD

APPLICANT Name: HT Acquisitions, INC.

Address: 1404 KING Street, ALEXANDRIA, VA. 22314

PROPERTY OWNER Name: LINDEN, THEBERG & MOUTERH

Address: 229 N. HENRY St., ALEXANDRIA, VA. 22314

PROPOSED USE: EXTENDING hours of operation of a RESTAURANT  
UNTIL 2 AM (HARD TIMES CAFE)

**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.

JAMES R. PARKER  
Print Name of Applicant or Agent  
90 HT ACQUISITIONS INC.

\_\_\_\_\_  
Signature

112 S. WEST ST., Suite 310  
Mailing/Street Address

703/683-8545 703/684-6646  
Telephone # Fax #

ALEXANDRIA, VA. 22314  
City and State Zip Code

2/21/2002  
Date

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

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

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.

JAMES R. PARKER - 50% OWNER HT ACQUISITION, INC.  
FREDERIC G. PARKER - 50% OWNER HT ACQUISITION, 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)

HAROTIMES CAFE IS A RESTAURANT THAT HAS  
BEEN IN BUSINESS AT 1404 KING ST. FOR  
22 YEARS. THIS APPLICATION IS TO EXTEND OUR  
HOURS OF OPERATION. WE ARE REQUESTING  
LATER CLOSING HOURS TO ACCOMMODATE WHAT  
WE ANTICIPATE AS INCREASED DINING  
CUSTOMERS AS OUR END OF OLD TOWN DEVELOPS.

**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).
- WE ANTICIPATE AN ADDITIONAL 15 TO 20 CUSTOMERS  
by extending our hours
- B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).
- NO ADDITIONAL STAFF WOULD BE NECESSARY  
by extending the hours.
6. Please describe the proposed hours and days of operation of the proposed use:
- | Day:              | Hours:                     |
|-------------------|----------------------------|
| <u>SUNDAY</u>     | <u>11:00 AM - MIDNIGHT</u> |
| <u>MON - SAT.</u> | <u>11:00 AM - 2:00 AM</u>  |
| _____             | _____                      |
| _____             | _____                      |
| _____             | _____                      |
7. Please describe any potential noise emanating from the proposed use:
- A. Describe the noise levels anticipated from all mechanical equipment and patrons.
- NO ADDITIONAL NOISE EMANATING  
from the proposed use.

B. How will the noise from patrons be controlled?

N/A  
\_\_\_\_\_  
\_\_\_\_\_

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

NO ADDITIONAL ODOES EMANATING  
FROM THE PROPOSED USE  
\_\_\_\_\_

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?

SAME AS EXISTING S.U.P. DESCRIBES  
\_\_\_\_\_

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

SAME AS EXISTING S.U.P.  
\_\_\_\_\_

C. How often will trash be collected?

SAME AS ABOVE  
\_\_\_\_\_

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

SAME AS ABOVE  
\_\_\_\_\_

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:

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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:

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

A locked BACK GATE PREVENTS UNAUTHORIZED ENTRY  
FROM BACK DOOR. DOORS ARE PROMPTLY LOCKED AT  
CLOSING TIME. AREAS AROUND CAFES ARE WELL-LIT.

#### 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.

HARD TIMES CAFE SALES BREAKDOWN IS 80% FOOD SALES AND  
20% SALES OF ALCOHOLIC BEVERAGES. OF THOSE ALCOHOLIC BEVERAGE  
SALES 95% IS BEER & WINE AND 5% HAS HISTORICALLY  
BEEN SALES OF MIXED DRINKS.

**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?

Condition # 8 of our SUP requires 17 spaces

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

17 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:

Behind the RESTAURANT with an ENTRANCE on West St.

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? \_\_\_\_\_

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

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

LOADING AND UNLOADING IS AVAILABLE  
VIA THE BACK ALLEY

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

Before 11:00 AM

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

DAILY

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

N/A

**SITE CHARACTERISTICS**

17. Will the proposed uses be located in an existing building?  Yes  No

Do you propose to construct an addition to the building?  Yes  No

How large will the addition be? \_\_\_\_\_ square feet.

18. What will the total area occupied by the proposed use be?

\_\_\_\_\_ sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = 2,446 sq. ft. (total)

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

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

a shopping center. Please provide name of the center: \_\_\_\_\_

an office building. Please provide name of the building: \_\_\_\_\_

other, please describe: \_\_\_\_\_

**RESTAURANT SUPPLEMENTAL APPLICATION**

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

Please provide the following information:

1. How many seats are proposed?

At tables: 104 At a bar: 14 Total number proposed: 118

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:

AMERICAN CUISINE - ENTREES FEATURING CHILI  
AND OTHER TYPICAL AMERICAN FARE

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? \_\_\_\_\_

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: WE HAVE PERMISSIONS TO FEATURE  
LIVE ENTERTAINMENT BUT HAVE NO PLANS TO DO SO

**SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN**

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

**Parking**

1. The applicant must submit a parking management plan (PMP), which specifically addresses the following issues:
  - A. The parking demand generated by the proposed restaurant.
  - B. The availability of off-street parking for patrons. For the purpose of this policy, availability shall be measured in terms of the number of vacant off-street parking spaces within 500 feet from the entrance to the restaurant.
  - C. How employees who drive will be accommodated off the street at least in the evenings and on weekends.
  - D. The predicted impact of the restaurant on the parking supply at the evening peak, weekend peak, and daytime peak.
  - E. A proposal to reduce the impact of parking created by the restaurant on nearby areas. Acceptable alternatives for reducing parking impacts include, but are not limited to, the following: validated parking or valet parking for patrons, and off-street parking or transit subsidies for employees.
  
2. Additionally, please answer the following:
  - A. What percent of patron parking can be accommodated off-street?  
(check one)
    - 100%
    - 75-99%
    - 50-74%
    - 1-49%
    - No parking can be accommodated off-street
  
  - B. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends?  
(check one)
    - All
    - 75-99%
    - 50-74%
    - 1-49%
    - None
  
  - C. What is the estimated peak evening impact upon neighborhoods?  
(check one)
    - No parking impact predicted
    - Less than 20 additional cars in neighborhood
    - 20-40 additional cars
    - More than 40 additional cars

Litter

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

Alcohol Consumption and Late Night Hours

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

	<u>104</u>	Maximum number of patron dining seats
+	<u>14</u>	Maximum number of patron bar seats
	<u>          </u>	Maximum number of standing patrons
<hr/>		
	<u>118</u>	Maximum number of patrons

2. 8 Maximum number of employees by hour at any one time

3. Hours of operation:  
(check one)

           Closes by 8:00 P.M.  
           Closes after 8:00 P.M. but by 10:00 P.M.  
           Closes after 10:00 P.M. but by Midnight  
  ✓   Closes after Midnight

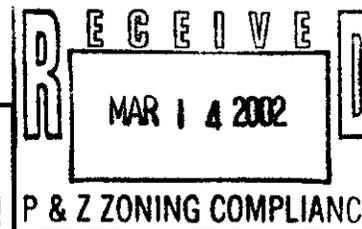
[Closing time means when the restaurant is empty of patrons.]

4. Alcohol Consumption:  
(Check one)

           High ratio of alcohol to food  
           Balance between alcohol and food  
  ✓   Low ratio of alcohol to food

Answers to questions for the Supplemental Special Use Permit Application  
for Hard Times Cafe

- A. Hard Times Cafe has access to a parking lot behind the restaurant for customers and staff. The expansion of hours to Hard Times Cafe should not impact parking availability because there is always plenty of parking available after 9 PM .
- B. Staying open additional hours at night should have no impact on parking in the adjacent neighborhoods. Parking on King and West Streets within a block of the restaurant is normally used by businesses during the day and is available for patrons at restaurants in the evening and at night.
- C. Hard Times has normally closed no later than 11 PM, however, we feel that with the completion of addition residences in upper old town there is a potential market for people seeking a meal later in the evening.
- D. Our emphasis will be to serve a meal to those people who have had a night of drinking and wish to stop to get something to eat on their way home. We have required that all of our employees attend a **TECHNIQUES IN ALCOHOL MANAGEMENT** class to better handle customers who may have had too much to drink and to create an awareness in our staff of the importance of alcohol management with the customer. The ratio of bar stools to seats is 14 stools to 104 seats. We discourage customers from sitting at the counter drinking without having something to eat.
- E. There will be no additional litter generated in nearby neighborhoods as a result of later hours.



March 14, 2002

Valerie Peterson  
Urban Planner  
Alexandria Department of Planning  
and Zoning, Room 2100  
301 King Street  
Alexandria, VA 22314

Dear Ms. Peterson:

As you know Hard Times Café has submitted an application to revise our Special Use Permit SUP 98-0128. I'm requesting that two additional items be added to our request.

First, the existing Special Use Permit requires that each April we provide to the Director of Planning and Community Development a copy of our lease outlining our arrangements for off-street parking. The lease we have for parking does not have an expiration date and will continue for an indefinite period of time. Since we would simply be providing a copy of the same lease year after year we request that we no longer have to furnish the copy of this lease to the Planning Commission. In addition, metal signs are posted at the entrance to the parking lot and additional signs are posted inside the Café. We would request that we no longer be required to provide copies of these materials to the Planning Commission on an annual basis.

Secondly, we would like permission to play music from our juke box at a low sound level from a small speaker placed above our front door underneath the awning. We feel this music will attract customers into the café and will enhance our business. The volume of the music will be kept low and only audible to people walking in front of the Café.

Please feel free to contact me if you need any additional information. My office number is 703/683-8545 extension 399.

Regards,

James R. Parker  
Secretary/Treasurer  
HT Acquisition, Inc.



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

SUP 98-0128 (WM 2002-0157)

L-02

TICKET NO. 2469 ✓

**NOTICE OF VIOLATION**

YOU ARE CHARGED WITH VIOLATING THE  
ALEXANDRIA, VIRGINIA ZONING ORDINANCE

2/27/02 Wednesday 2:40  
Date ticket served Day of Week Time AM/PM

Location of Violation: 1404 King  
Hard Times Restaurant

Ord. Section: 11-505

Description of Violation: condition of  
SUP # 98-0128- # 15  
applicant post information  
regarding DASH and  
METRO with the building

Penalty \$: 50.00

1st  2nd  
 3rd/MORE

IF THE VIOLATION IS NOT CORRECTED BY  
10 days AN ADDITIONAL MONETARY  
PENALTY WILL BE ASSESSED.

William H. Brock  
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

NOTICE SERVED ON:

NAME: LAST FIRST MIDDLE

PROPERTY OWNER  
 COMPANY Hard Times  
NAME

OTHER  
POSITION

1404 King St.  
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

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;
- 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 \_\_\_\_\_

SUP 2002-0020

#12. SUP 2002-0020

# UPPER KING STREET NEIGHBORHOOD

## Civic Association

121 Harvard Street  
Alexandria, VA 22314  
(703) 549-1622  
paspencer@aol.com

**President**  
Peter Spencer  
**Vice-President**  
Dean Traxel  
**Secretary**  
Laura Campbell

**Street Representatives**

**Cameron**  
Paul Will

**Commerce**

Sara & Darren Donahue

**Duke**

Heather & Scott  
Shay-Peters

**Harvard**

Jocelyn Flanagan

**Payne**

Hope Gibbs & Bob Lennox

**Payson**

Valina & Rouben Allen

**Prince**

Peter Lauria &  
Kathleen Sheehan

**West**

Marylou Whelan

**Treasurer**

Ashley Spencer

**Business Liaison**

Peter Spencer

**Counsel**

Mike Flanagan

May 6, 2002

To: The Chairman and Members of Planning and Zoning Commission

From: Peter Spencer, for the Executive Committee

Re: Hard Times Cafe, 1404 King Street; Docket item 12, S.U.P. #2002-0020

In the event an Upper King Street Neighborhood Civic Association (UKSNA) representative will be unable to attend this hearing, this is to report that, after consideration of this request, the information supplied by the applicant, and the city staff report, we see no compelling reason to object to this special use permit for Hard Times to extend its hours of operation.

The permit simply, and fairly, brings the potential hours of operation up to those of nearby establishments. Moreover, the potential hours – based on our familiarity with Hard Times’ offerings, its patrons, and activity in this area – do not appear to present any significant problems.

We would note, further, that Hard Times has been (and remains) a well-regarded and important contributor to the revitalization of the Upper King Street area since its establishment some 22 years ago – establishment at a time when the foot traffic it generated was most welcome in this part of town. More recently, Hard Times has been supportive of community activities, including several by UKSNA, which makes us particularly confident that the Parker brothers will be sensitive to resident concerns and will be responsive should any problems develop.

Thank you for considering our perspective.

c.c. James R. Parker  
Barbara Ross  
Valerie Peterson

VP

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APPLICATION for SPECIAL USE PERMIT # 2002-0020

[must use black ink or type]

PROPERTY LOCATION: 1404 KING Street

TAX MAP REFERENCE: 64.03 12 3 ZONE: CD

APPLICANT Name: HT Acquisitions, INC.

Address: 1404 KING Street, ALEXANDRIA, VA. 22314

PROPERTY OWNER Name: LINDEN, THEBERG & MOUTERH

Address: 229 N. HENRY St., ALEXANDRIA, VA. 22314

PROPOSED USE: EXTENDING hours of operation of a RESTAURANT  
until 2 AM (HARD TIMES CAFE)

**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.

JAMES R. PARKER

Print Name of Applicant or Agent  
90 HT ACQUISITION INC.

112 S. WEST ST., Suite 310  
Mailing/Street Address

ALEXANDRIA, VA. 22314  
City and State                      Zip Code

\_\_\_\_\_  
Signature

703/683-8545      703/684-6646  
Telephone #                      Fax #

2/21/2002  
Date

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

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

ACTION - PLANNING COMMISSION: 5-7-02 Recommend Approval 7-0

ACTION - CITY COUNCIL: 5/18/02PH--CC approved the Planning Commission recommendation.