

EXHIBIT NO. 1

4  
1-20-07

Docket Item #3  
SPECIAL USE PERMIT #2006-0108

Planning Commission Meeting  
January 4, 2007

**ISSUE:** Consideration of a request for an amendment to an existing special use permit to increase seating, change the hours of operation, and add live entertainment.

**APPLICANT:** Austin Grill, LLC  
by Duncan Blair, attorney

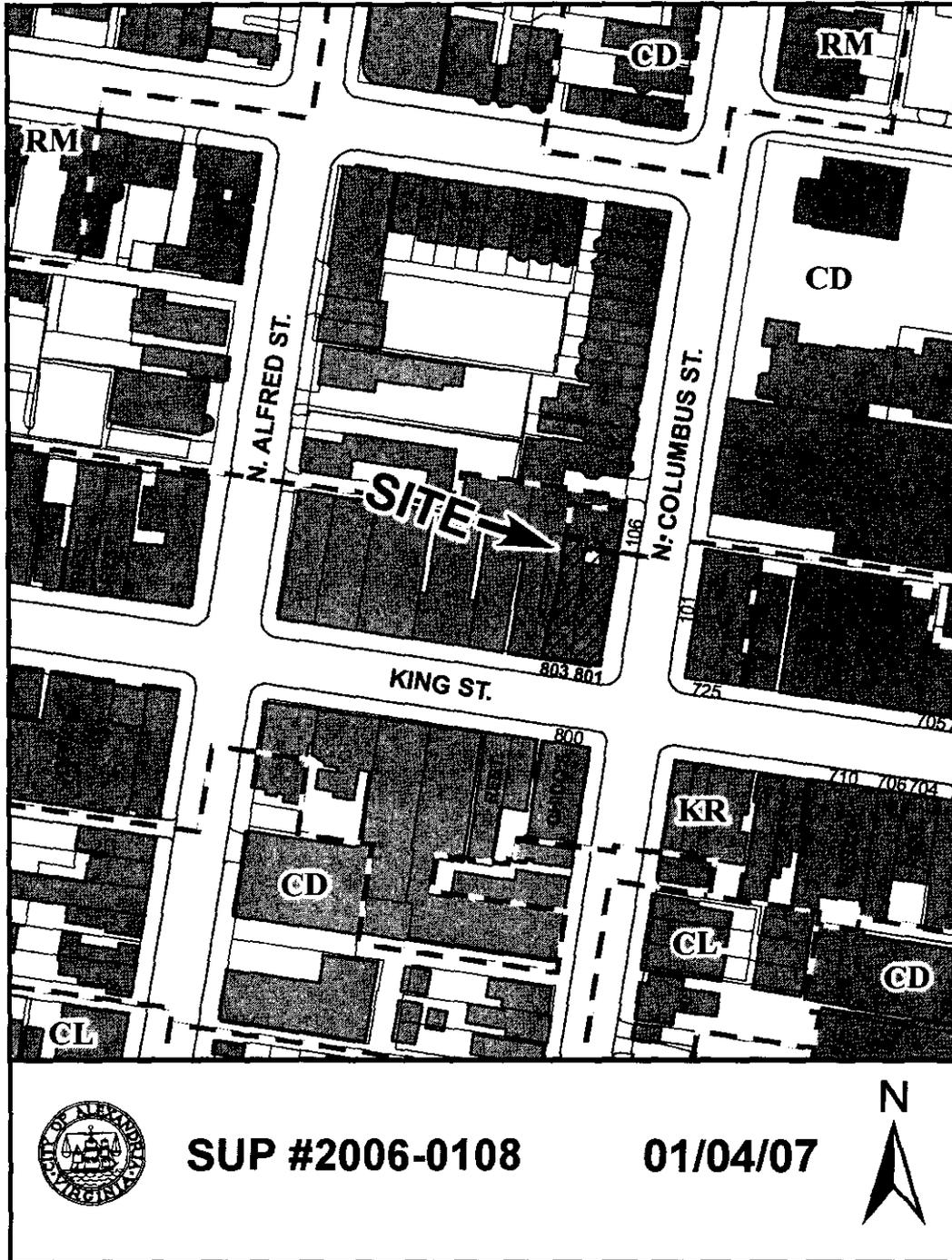
**LOCATION:** 801 & 803 King Street

**ZONE:** KR/King Street Retail

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**PLANNING COMMISSION ACTION, JANUARY 4, 2007:** By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable, codes, ordinances and staff recommendations.

**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.



**I. DISCUSSION**

REQUEST

The applicant, Austin Grill, LLC, requests special use permit approval for an increase in seating, a change in the hours of operation, and the addition of live entertainment.

SITE DESCRIPTION

The subject properties are two lots of record with 44.2 feet of frontage on King Street, 121.4 feet of depth and a total lot area of 3,882 square feet. The site is developed with a two-story building. Access to the property is from King Street. The subject restaurant occupies the first and second floors.



A mix of office, retail, restaurant, and residential uses occupy the surrounding area. Immediately to the north is a thrift shop. To the west and east are a dry cleaning business and Bertucci's Restaurant. To the south is a Chico's clothing store and Eamon's Restaurant.

BACKGROUND

On February 25, 1989 the City Council granted SUP#1341-B to Kathryn Ball Clifford for a change of ownership of a 225 seat restaurant at 801-803 King Street, in existence since 1980. The new owner did not commence operation of the restaurant within one year of granting the special use permit and therefore the permit became void. Several other special use permits for restaurants have been granted for the property at 801- 803 King Street both before and after, including:

<b>Date Granted</b>	<b>SUP#</b>	<b>Request</b>	<b>Location</b>
13-Sep-80	#1341	172 seat restaurant on 2 floors	801 King Street
28-Jun-83	#1341-A	Expand 2nd floor of restaurant to add 75 seats	801- 803 King Street
28-Jun-88	#2124	180 seat restaurant (never opened)	801 King Street
13-Oct-90	#2438	160 seat restaurant (existing)	801- 803 King Street

On October 13, 1990, City Council granted SUP#2438 to South Austin Grill Limited Partnership for the operation of a restaurant. Since the restaurant began operation, staff has not been made aware of any issues regarding the business.

PROPOSAL

The applicant proposes to increase the number of seats within the existing restaurant from 160 to 175, change the hours of operation on Saturday and Sunday to permit the restaurant to open at 9am rather than 11:30am, and to add live entertainment. The applicant has described the proposed operations of the restaurant as follows:

Hours:	Sunday 9am- Midnight Monday-Thursday 11:30am- Midnight Friday 11:30am- 1am Saturday 9am- 1am <i>(Existing SUP allows Fri. - Sat. 11:30am-1am)</i>
Number of seats:	161 dining seats <u>+ 14 bar seats</u> 175 total seats <i>(Existing SUP allows 160 indoor seats)</i>
Noise:	The applicant does not anticipate high levels of noise from the restaurant.
Trash/Litter:	Trash will be commercially collected daily and employees will monitor the property and public right-of-way for litter daily.
Alcohol:	On premise alcohol sales
Live Entertainment:	The applicant proposes solo acoustic singers and karaoke.

PARKING

According to Section 8-300 (B) of the Zoning Ordinance, parking provisions do not apply to restaurants located within the Central Business District. According to condition #16, the applicant shall participate in any organized program to assist with both employee and customer parking, and condition #19 requires employees to park off-street. In addition, the applicant will maintain an existing agreement with the parking garage located at 117 N. Alfred Street to provide parking for patrons.

As part of the King Street Retail Strategy, a validated parking program, similar to "Park Alexandria," is recommended in order to encourage the use of garages. The parking validation program would involve negotiating agreements with garage operators to accept

a subsidy given by King Street restaurants to be used for customer's parking. Both garage operators and restaurants calculate the amount that has been subsidized and the restaurant will pay the subsidized amount due to garage operators for allowing their customers to park there. At this time, staff is developing a plan to reactivate the Park Alexandria Program in early 2007.

#### BOARD OF ARCHITECTURAL REVIEW

The restaurant is located within the jurisdiction of the Old and Historic Board of Architectural Review. Since the applicant is not proposing any exterior changes to the building, the applicant is not required to file with the BAR for review. However, if there are any exterior changes to the building that are visible from the public right-of-way, the applicant will be required to file an application for review of the modifications with the Old and Historic Board of Architectural Review.

#### ZONING/MASTER PLAN DESIGNATION

The subject property is located in the KR/King Street Urban Retail zone. Section 6-702 (A)(2) of the Zoning Ordinance allows a restaurant in the KR/King Street Urban Retail zone only with a Special Use Permit.

The proposed use is consistent with the King Street Retail Strategy chapter of the Master Plan.

## **II. STAFF ANALYSIS**

Staff has no objection to the increased seating, change in hours of operation, and the proposed live entertainment. Previously other restaurants were granted SUP's for a greater number of seats than is currently proposed. Since the approval of SUP#2438 was granted to operate Austin Grill, staff has not received any complaints regarding the existing restaurant operation. The King Street Retail Strategy indicates a need for active uses along King Street and staff finds that this small increase in seating will continue to promote a more active street.

Staff has no objection to the earlier opening hour of 9am. The proposed hours are consistent with what has been granted for other area restaurants. Staff has included a condition permitting the restaurant to open at 7am daily.

Staff has no objection to the request for live entertainment. The King Street Retail Strategy indicates that, "King Street also lacks a significant base of entertainment venues, which often forms an integral part of a main street retail environment, creates return visitors to the street and provides nighttime activity."

The restaurant does not have a parking requirement under the Central Business District section of the Zoning Ordinance; however, the restaurant is required by the Old Town Restaurant Policy to address the need for off-street parking. The applicant has maintained an existing agreement with the parking garage located at 117 North Alfred Street pursuant to condition #8. The business serves a combination of local workers, residents, and tourists who walk to the restaurant from nearby shops and hotels. In addition, staff has included a condition requiring the applicant to provide employees off-street parking and/or with subsidized transit fare media. At this time, staff is developing a plan to reactivate the Park Alexandria Program in early 2007.

Austin Grill wishes to continue on-premise alcohol sales and staff has included condition #21 to indicate that alcohol sales are permitted. Staff has also included a condition requiring a review of the restaurant one year after this 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. That the permit be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)(SUP#2438)
2. **CONDITION AMENDED BY STAFF:** That seating be provided inside for no more than ~~160~~ 175 patrons. (P&Z) (SUP#2438)
3. **CONDITION DELETED BY STAFF:** ~~That no outside dining facilities be located on the premises. (P&Z) (SUP#2438)~~
4. **CONDITION AMENDED BY STAFF:** That the hours during which the business is open to the public be restricted to ~~11:30A.M. 12:00 Midnight, Sunday through Thursday, and between 11:30A.M. to 1:00A.M. on Friday and Saturday, as requested by the applicant~~ 7:00A.M.- 12:00AM, Sunday through Thursday, and between 7:00 A.M. and 1:00 A.M. Friday and Saturday. (P&Z) (SUP#2438)
5. That no food, beverages, or other material be stored outside. (P&Z) (SUP#2438)

6. CONDITION AMENDED BY STAFF: That trash and garbage be stored inside or in a dumpster 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#2438)
7. That trash and garbage be collected daily when the business is open. (P&Z) (SUP#2438)
8. That the applicant provides evidence of 20 off-street parking spaces to serve restaurant patrons between the hours of 6:00P.M. and 1:00A.M. daily. (PC) (SUP#2438)
9. CONDITION ADDED BY STAFF: 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)
10. CONDITION ADDED BY STAFF: Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
11. CONDITION ADDED BY STAFF: Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z) (T&ES)
12. CONDITION ADDED BY STAFF: The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of P&Z) (T&ES)
13. CONDITION ADDED BY STAFF: Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hours. (P&Z)
14. CONDITION DELETED BY STAFF: The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. This is to be completed prior to opening for business.(Police)

15. **CONDITION ADDED BY STAFF:** The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Study. (P&Z)
16. **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 SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
17. **CONDITION ADDED BY STAFF:** The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation and 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)
18. **CONDITION ADDED BY STAFF:** 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)
19. **CONDITION ADDED BY STAFF:** Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
20. **CONDITION ADDED BY STAFF:** On-site alcohol service is permitted. (P&Z)
21. **CONDITION ADDED BY STAFF:** Indoor live entertainment shall be permitted to the extent that no amplified sound is audible outside the restaurant. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z)
22. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation at the entrance of the business. (P&Z)

23. **CONDITION ADDED BY STAFF:** 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 a result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Richard Josephson, Acting Director, Department of Planning and Zoning;  
James Hunt, 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 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.
- R-3 Loudspeakers shall be prohibited from the exterior of the building.
- 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 Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval.
- 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:

- F-1 The addition of additional seating will require a new Certificate of Occupancy due to a change in the number of occupants. As a result of the proposed additional seating / occupants an egress plan showing fixture location, aisles and exit doors shall be submitted for review.
- C-1 Any alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-3 Bathroom facilities are required for both men and women. These facilities shall be accessible to the handicapped as required by Chapter 11 of the USBC.
- C-4 Required exits, parking and accessibility for persons with disabilities must be provided to the building.

Health Department:

- F-1 No Comment

Parks & Recreation:

- F-1 No Comment

Police Department:

- F-1 The Police Department has no objections to the applicant increasing its maximum number of seating from 160 to 175.
- F-2 The Police Department has no objections to the business changing its opening hours on Saturdays and Sundays from 11:30 am to 9 am.
- F-3 The applicant is seeking to retain a current "ABC On" license only. The Police Department has no objections to the applicant selling alcohol beverages on premises only.

Special Use Permit # \_\_\_\_\_

APPLICATION for SPECIAL USE PERMIT # 2006-0108

PROPERTY LOCATION: ~~801-803~~ King Street, Alexandria, Virginia 22314

TAX MAP REFERENCE: 074.02 01 08 and part 07      ZONE: CD/Commercial Downtown

APPLICANT Name: Austin Grill, LLC  
Address: 505 Huntmar Park Drive, Suite 350, Herndon, Virginia 20170

PROPERTY OWNER Name: Mildred H. Downham *et al*  
Address: 7514 Berwick Court, c/o P. Harrington, Alexandria, Virginia 22315  
(As to second story, 803 King Street) Un Suk Song  
5067 Twinbrook Run Drive, Fairfax, Virginia 22032

PROPOSED USE: Amendment to Special Use Permit 2438 to add additional seats and to change the hours of operation for opening on Saturday and Sunday from 11:30 a.m. to 9:00 a.m.

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.

Land, Clark, Carroll, Mendelson & Blair, P.C.  
Duncan W. Blair, Esquire



Print Name of Applicant or Agent

Signature

524 King Street  
Mailing/Street Address

(703) 836-1000  
Telephone #

(703) 549-3335  
Fax #

dclair@landclark.com

Alexandria, Virginia 22314  
City and State      Zip Code

October 26, 2006  
Date

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

Application Received: 10/26/06      Date & Fee Paid: 500.00      10/26/06

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 entities 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.

**Austin Grill, LLC is a wholly owned subsidiary of Thompson Hospitality.**

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.

**SEE ATTACHED.**

### **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)

**The Applicant is requesting two amendments to Special Use Permit 2438 for the South Austin Grill restaurant located at 801 and 803 King Street.**



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 from SUP 2438.**

B. How will the noise from patrons be controlled?

**No change from SUP 2438.**

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

**No change from SUP 2438.**

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 from SUP 2438.**

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

**No change from SUP 2438.**

C. How often will trash be collected?

**No change from SUP 2438.**

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

**No change from SUP 2438.**

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 from SUP 2438.**

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:

**No change from SUP 2438.**

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

**No change from SUP 2438.**

### 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 from SUP 2438.**

### 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?

**None. The property is located in the Downtown Central Business District and exempt from required parking. The Applicant maintains a relationship with the parking garage at 117 North Alfred Street pursuant to Condition 8 of SUP 2438.**

- 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.

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?

**None.**

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

**No change from SUP 2438.**

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

**No change from SUP 2438.**

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

**No change from SUP 2438.**

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

**No change from SUP 2438.**

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?

**Not applicable.**

**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? -0- square feet.

18. What will the total area occupied by the proposed use be? **No change from SUP 2438.**

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

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

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

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

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

other, please describe: **Existing commercial row structure.**

**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: 175 At a bar: \_\_\_\_\_ Total number proposed: 175

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:

**No change from SUP 2438.**

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: **Solo acoustic singers, karaoke.**

**SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN**

**OLD TOWN RESTAURANT POLICY**

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

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

**Goals of the Old Town Restaurant Policy**

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

**Policies to attain the goals of the Old Town Restaurant Policy**

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

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

**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.

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

158 Maximum number of patron dining seats  
14 Maximum number of patron bar seats  
\_\_\_\_\_ Maximum number of standing patrons  
\_\_\_\_\_ Maximum number of patrons

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

3. Hours of operation:  
(Check one)

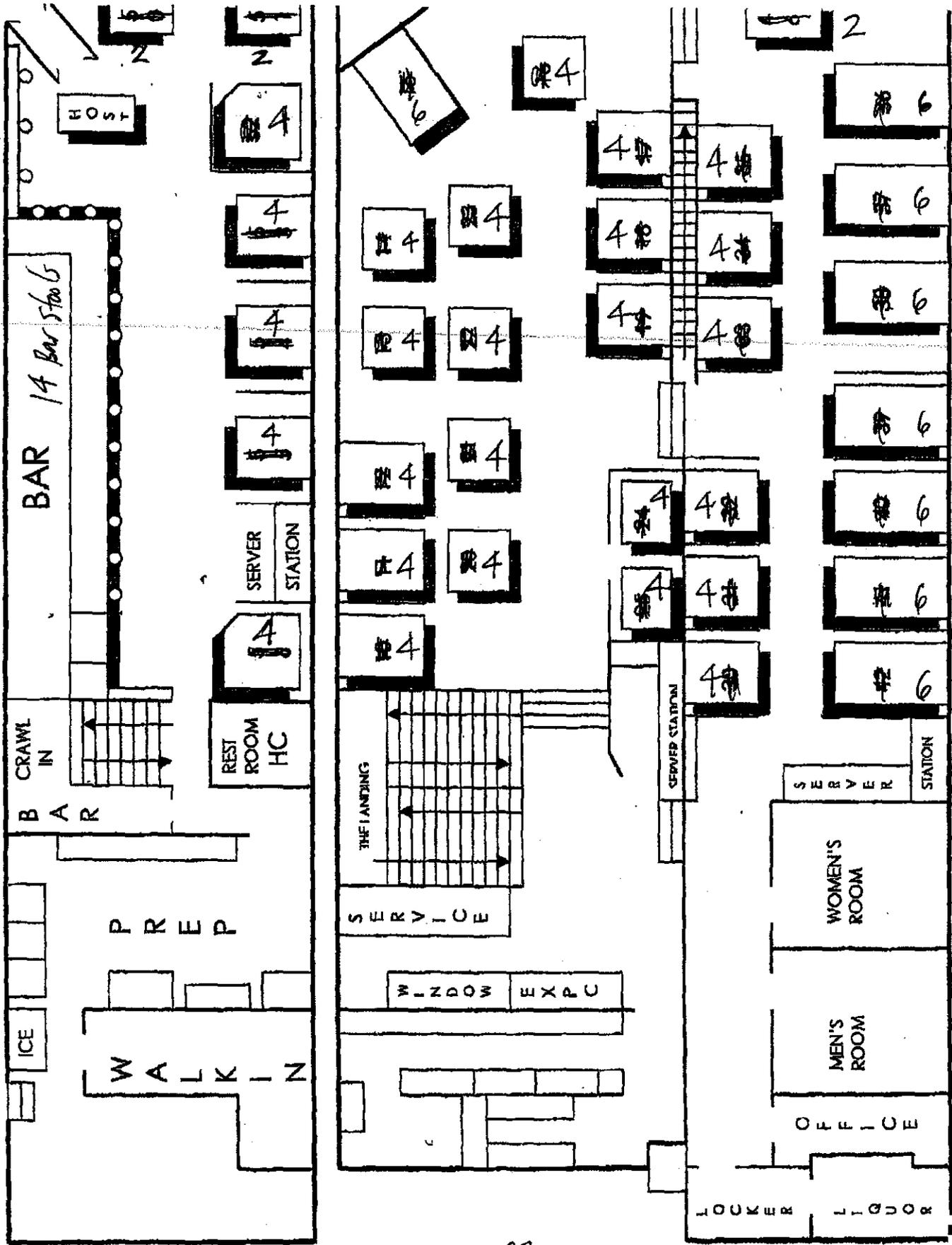
\_\_\_\_\_ Closes by 8:00 P.M.  
\_\_\_\_\_ Closes after 8:00 P.M. but by 10:00 P.M.  
\_\_\_\_\_ Closes after 10:00 P.M. but by Midnight  
X Closes after Midnight

[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  
X Low ratio of alcohol to food

SUP 2006-0108



NO. 749 P. 1

23  
AUSTIN GRILL ALEXANDRIA

OCT. 23. 2006 10:51AM



SUPA006-0108

**LAWRENCE N. BRANDT, INC.**1054 31<sup>ST</sup> STREET, NW, SUITE 110, WASHINGTON, DC 20007  
Phone 202-965-1221 FAX 202-965-1331

October 24, 2006

Mr. Kurt Miller  
The Austin Grill  
801 King Street  
Alexandria, VA 22314

Dear Mr. Miller:

Lawrence N. Brandt, Inc. finds it possible, at this time, to grant to The Austin Grill the availability of twenty (20) parking spaces at our parking garage located at 117 North Alfred Street. These non-reserve spaces will become available to the grill immediately and shall be used for patrons' parking between the hours of 6:00 p.m. and the close of the lot.

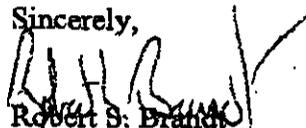
Patrons will pay the posted parking rates at the time and must conform to the lots hours of operation, policies and regulations as set forth by Lawrence N. Brandt, Inc.

Any agreement made between Lawrence N. Brandt, Inc. and The Austin Grill shall be subjected to change or cancellation by either party, given a 30 day notice.

We do appreciate your interest in parking at the Alfred Street Garage and look forward to working with you in this matter.

Should you have further questions, I can be reached at 202/965-1221.

Sincerely,

  
Robert S. Brandt

President

Lawrence N. Brandt, Inc.

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**SPEAKER'S FORM**

**DOCKET ITEM NO. 4**

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK  
BEFORE YOU SPEAK ON A DOCKET ITEM.**

**PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.**

- 1. **NAME:** Duncan W. Blair, Esquire
- 2. **ADDRESS:** 524 King Street, Alexandria, Virginia 22314  
**TELEPHONE NO.** 703 836-1000 **E-MAIL:** dblair@landclark.com
- 3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**  
Austin Grill, LLC
- 4. **WHAT IS YOUR POSITION ON THE ITEM?**  
For
- 5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):**  
Attorney
- 6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?**  
Yes

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

**Guidelines for the Public Discussion Period**

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker

Special Use Permit # \_\_\_\_\_

APPLICATION for SPECIAL USE PERMIT # 2006-0108

PROPERTY LOCATION: 801-803 King Street, Alexandria, Virginia 22314

TAX MAP REFERENCE: 074.02 01 08 and part 07 ZONE: CD/Commercial Downtown

APPLICANT Name: Austin Grill, LLC  
Address: 505 Huntmar Park Drive, Suite 350, Herndon, Virginia 20170

PROPERTY OWNER Name: Mildred H. Downham et al  
Address: 7514 Berwick Court, c/o P. Harrington, Alexandria, Virginia 22315  
(As to second story, 803 King Street) Un Suk Song  
5067 Twinbrook Run Drive, Fairfax, Virginia 22032

PROPOSED USE: **Amendment to Special Use Permit 2438 to add additional seats and to change the hours of operation for opening on Saturday and Sunday from 11:30 a.m. to 9:00 a.m.**

**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.

**Land, Clark, Carroll, Mendelson & Blair, P.C.**  
**Duncan W. Blair, Esquire**



*Print Name of Applicant or Agent*

*Signature*

524 King Street  
*Mailing/Street Address*

(703) 836-1000  
*Telephone #*

(703) 549-3335  
*Fax #*

dblair@landclark.com

Alexandria, Virginia 22314  
*City and State Zip Code*

October 26, 2006  
*Date*

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

Application Received: 10/26/06 Date & Fee Paid: 500.00 \$ 10/26/06

ACTION - PLANNING COMMISSION: By unanimous consent, recommended approval 1-4-07

ACTION - CITY COUNCIL: 01/20/07 -City Council approved the PC recommendation

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