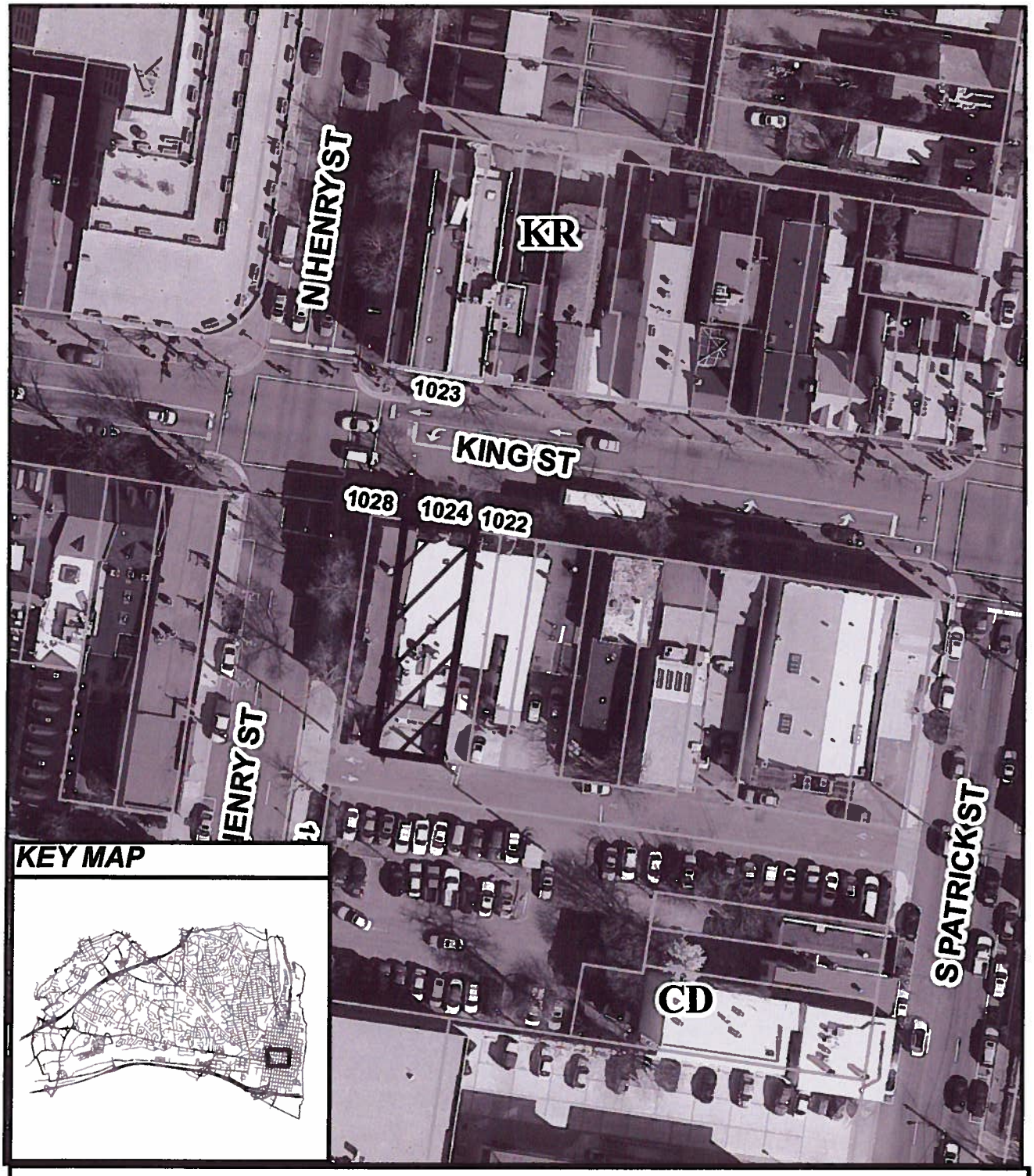
DOCKET ITEM #7
Special Use Permit #2012-0027
1024 and 1026 King Street – Hank's Oyster Bar

Application	General Data	
Consideration of a request to expand an existing restaurant.	**Planning Commission Hearing:**	June 5, 2012
	City Council Hearing:	June 16, 2012
Address: 1024 and 1026 King Street	**Zone:**	KR/King Street Retail
Applicant: Hank's Oyster Bar Old Town, LLC by David Chamowitz, attorney	**Small Area Plan:**	Old Town

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.
Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov



SUP #2012-0027 **6/5/2012** N

I. DISCUSSION

The applicant, Hank's Oyster Bar Old Town LLC by David Chamowitz, attorney, requests a Special Use Permit amendment to expand an existing restaurant at 1024 and 1026 King Street.

SITE DESCRIPTION

The subject site is one lot of record with 28 feet of frontage on King Street, 100 feet of depth, and a total lot area of approximately 2,800 square feet. The lot is improved with two commercial townhouses. The space at 1026 King Street houses the current Hank's Oyster Bar. The space at 1024 King, which formerly housed a home furnishings store, is the site of the requested expansion. Offices are located on the second floor of both townhouses.

The surrounding area is comprised of primarily commercial uses, both along King Street and on nearby Route 1. Other uses in the 1000 block of King Street include a bookstore, a hair salon, two home furnishings/antiques stores, a cupcake bakery, a gelato shop, a deli, and two other restaurants. A City-owned parking lot is located across an alley immediately to the south of the property. Residential townhouses are located about a half-block to the southwest.

BACKGROUND

City Council first approved a restaurant at this site in 1991. In 2001, SUPs were approved to expand the restaurant and change its ownership. The current owners assumed ownership of the business in 2007. The most recent SUP approved at the site, SUP#2007-0103, was approved in November 2007 to increase seating and hours of operation and add on-premises alcohol.

On May 4, 2012, staff inspected the premises for compliance with conditions of SUP#2007-0103 and found no violations.

PROPOSAL

The applicant proposes to expand its existing seafood restaurant into the tenant space immediately next-door. Seating at the restaurant will increase from the currently approved 60 to 89. The elimination of Condition #11 has also been requested to allow the applicant to offer live entertainment in the future. No other changes to the operation of the business are proposed. Additional elements of the restaurant operation are as follows:

Hours of Operation: 7 a.m. – 1 a.m. daily

Number of Seats:	60 (current) 29 (additional requested) **89 total seats**
Type of Service:	Table service, bar service and carry-out
Alcohol:	On-premises alcohol service only
Entertainment:	Live entertainment may be offered in the future
Delivery:	No delivery service is proposed
Noise:	No unusual noise levels anticipated
Trash/Litter:	Typical restaurant waste will be picked up several times/week

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the KR zone. Section 6-702 of the Zoning Ordinance allows a restaurant in the KR zone only with a Special Use Permit.

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

PARKING

The subject property is located within the Central Business District (CBD). Restaurants located within the CBD are exempt from parking requirements pursuant to Section 8-300(B) of the Zoning Ordinance.

II. STAFF ANALYSIS

Although the restaurant expansion will replace a retail tenant, staff does not object to the applicant's request. The proposal represents modest increases that will support an existing Alexandria business. Overall the restaurant will remain modest in size at 89 seats (only a 29-seat addition) and it is not expected to significantly impact the surrounding neighborhood either as a general matter or with regard to the specific elements (diversity of uses, parking, litter and late night hours/alcohol) found in the Old Town Restaurant Policy.

Diversity of Uses

The Policy and the King Street Retail Strategy express related concerns about maintaining a diversity of uses and preventing restaurants from crowding out retail shops in Old Town. Although the expanded restaurant is replacing Chinoiserie, a retail home furnishings store, staff does not find that the concerns expressed in the Policy and the Strategy are an issue here. The

expansion of Hank's into one small storefront immediately next to its existing business will not negatively alter the existing diversity on the block or crowd out retail uses. An array of commercial uses will remain in the 1000 block of King Street including a bookstore, four home furnishings/antiques stores, a clothing boutique, a do-it-yourself art studio, three beauty salons, and offices. Staff also notes that Chinoiserie has found an alternate location a few blocks away on King Street.

Parking

The Policy also recognizes the potential for restaurant customer parking to spill over into residential areas in some instances. Staff finds that this potential is reduced at this location given the relatively small size of the restaurant and the presence of a public parking lot located immediately behind the building. Condition language has been either added or retained in this report to further reduce the potential parking impact from this use. Condition #16 will continue to require the applicant to provide off-street parking spaces for its employees who drive to work. Condition #17 will require the applicant to participate in any future parking program developed consistent with recommendations in the King Street Retail Strategy. Staff has also included Condition #25 to require the applicant to post information about the location of parking and the availability of public transportation on its website and in printed materials.

Litter

Significant litter impacts are not anticipated from this use given that the restaurant concept here is primarily oriented toward dine-in customers. Nonetheless, staff has retained standard condition language (Condition #10) that will require the applicant to pick up litter on the property and surrounding area on a routine basis.

Late Night Hours / Alcohol

The existing restaurant presents a low potential for the types of impacts associated with the combination of alcohol service and late-night hours of operation, since the restaurant closes earlier in practice than the SUP-approved 1 a.m. closing hour and because no live entertainment is allowed at the site. However, the applicant is now requesting the elimination of Condition #11, which prohibits live entertainment, in anticipation of offering such entertainment in the future. Staff sees some potential for impacts from this portion of the request. Second-floor residential apartments are located immediately next-door and the concerns about late night hours and alcohol from the Old Town Restaurant Policy can be elevated with the presence of live entertainment. Balancing these potential concerns with the applicant's desire to add some entertainment at the site, staff is recommending limited live entertainment at the restaurant in revised Condition #11, rather than removing the condition entirely as requested. The condition language ensures that the use remains a restaurant and not a destination for live entertainment. Entertainment will need to be subordinate to the main function of the restaurant as an eating establishment, and no cover charge or other fee shall be assessed. Should any problems arise from live entertainment at the site, staff will revisit this matter during its one-year review.

Staff concludes that the applicant's proposal represents a modest expansion request and recommends approval subject to the conditions contained in Section III of this report.

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)(SUP #2472)

2. **CONDITION AMENDED BY STAFF:** Seating shall be provided inside for no more than ~~60~~ 89 patrons. (P&Z) ~~(SUP #2472)~~

3. **CONDITION DELETED BY STAFF:** ~~The applicant shall be able to use the first and second floors for customer seating and customer service. (P&Z) (SUP #2001-0096)~~

4. Condition deleted. (PC)

5. The hours during which the restaurant is open to the public shall be restricted to 7:00 A.M. to 1:00 A.M., daily, as requested by the applicant. (P&Z) (SUP#2007-0103)

6. No food, beverage, or other material shall be stored outside. (P&Z) (SUP #2472)

7. Condition deleted. (PC)

8. Trash and garbage shall be collected daily when the business is open. (P&Z) (SUP #2472)

9. Condition deleted. (PC)

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 more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (T&ES) ~~(SUP #2472)~~

11. **CONDITION AMENDED BY STAFF:** ~~No live entertainment shall be provided at the restaurant.~~ Limited live entertainment shall be permitted at the restaurant in the form of background music for restaurant patrons. No cover or admission fee may be assessed. 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) ~~(SUP#2001-0002)~~

12. **CONDITION AMENDED BY STAFF:** The applicant shall be permitted to sell alcohol, beer and wine for on-premises consumption only. No off-premises alcohol sales shall be allowed. (Police) (P&Z) ~~(SUP#2007-0103)~~

13. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)(SUP#2001-0002)

14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)(SUP#2001-0002)

15. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. No amplified sound shall be audible at the property line. (P&Z) (T&ES) (SUP#2007-0103)

16. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to work 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~~ 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. The applicant shall provide information about off-street parking and alternative forms of transportation to access the location of the restaurant, via print and electronic promotional materials, posting on the restaurant website, and other similar methods. (T&ES) (P&Z) ~~(SUP#2007-0103)~~

17. 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) (SUP#2007-0103)

18. 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#2001-0002)

19. 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) (SUP#2007-0103)

20. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES) (SUP#2007-0103)~~

21. **CONDITION DELETED BY STAFF:** ~~Applicant shall contribute $500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering~~

~~Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES) (SUP#2007-0103)~~

22. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for all employees. (Police)(SUP#2001-0002)

23. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2001-0096)

24. **CONDITION SUPERSEDED BY STATE LAW AND DELETED BY STAFF:** ~~The applicant shall comply with any regulations adopted as part of a smoke free ordinance. (P&Z) (SUP #2007-0033)~~

25. **CONDITION DELETED BY STAFF:** ~~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#2007-0103)~~

26. 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) (SUP#2007-0103)

27. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after ~~it~~ the expansion 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) ~~(SUP #2001-00096)~~

28. **CONDITION ADDED BY STAFF:** No delivery service of food to customers shall operate from the restaurant. (P&Z)

29. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

30. **CONDITION ADDED BY STAFF:** All waste products including but not limited to organic compounds (solvents) shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: In accordance with Section 11-506(c) of the Zoning Ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a Special Use Permit by City Council or the Special Use Permit shall become void.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

R-1 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

R-2 All waste products including but not limited to organic compounds (solvents) shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)

R-3 Conditions to carry forward from SUP2007-00103:

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 more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z/ **T&ES**) (SUP2007-00103)

14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP2007-00103)

15. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. No amplified sound shall be audible at the property line. (P&Z) (T&ES) (SUP2007-00103)

16. The applicant shall require its employees who drive to work 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) (P&Z) (SUP2007-00103)

17. 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) (SUP2007-00103)

19. 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) (SUP2007-00103)

R-4 Conditions to be deleted from SUP#2007-0103:

20. DELETED BY STAFF: (See City Code Requirement #2) ~~The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES) (SUP2007-00103)~~

21. DELETED BY STAFF: ~~Applicant shall contribute $500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)~~ (SUP2007-00103)

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. (T&ES) (SUP2007-00103)

C-2 AMENDED BY STAFF: 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).

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

F-1 Applicant currently operates said business from the adjacent building of 1026 King Street. Conditions have been carried from the existing SUP for that operation – SUP2007-00103. (T&ES)

Code Enforcement:

F-1 The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Ken Granata, Acting Plan Review Supervisor at ken.granata@alexandriava.gov or 703-746-4193.

C-1 The proposed use is a change in use group classification (Use Group B to Use Group A) a new Certificate of Occupancy is required.

C-2 Building and trades permits are required for this project. Six sets of *construction documents* prepared by a licensed architect or professional engineer shall accompany the permit application. Construction documents shall fully detail the construction as well as

layout and schematics of the mechanical, electrical, and plumbing systems shall accompany the permit application(s).

C-3 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. The plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use. The applicant shall include a building code analysis with the following building code data on the plans: a) use group; b) number of stories; c) type of construction; d) floor area per floor; e) fire protection plan f) total occupancy load g) means of egress h) accessibility requirements

C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

C-5 Alteration to a building/structure shall comply with the Uniform Statewide Building Code (USBC).

C-6 Before a building permit can be issued on any proposed future alterations, a certification is required from the owner or owner's agent that the building has been inspected by a licensed asbestos inspector for the presence of asbestos.

C-7 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11. Handicapped accessible bathrooms shall also be provided.

C-8 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.

C-9 Toilet Facilities for Persons with Disabilities: Larger, detailed, dimensioned drawings are required to clarify space layout and mounting heights of affected accessories. Information on door hardware for the toilet stall is required (USBC 1109.2.2).

C-10 Toilet Rooms for Persons with Disabilities:
(a) Water closet heights must comply with USBC 1109.2.2
(b) Door hardware must comply with USBC 1109.13

C-11 Electrical wiring methods and other electrical requirements must comply with NFPA 70, 2008.

C-12 A 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-13 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-14 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
(a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
(b) How food stuffs will be stored on site.
(c) Rodent baiting plan.

C-15 Any proposed space that may be used for outdoor seating with tables must provide a minimum of 15 square feet per person.

C-16 Any outdoor dining will not be included as part of the building/structures interior occupancy load. At no time shall any approved outdoor seating be incorporated inside due to foul weather or other situations.

C-17 Any configuration of outdoor seating shall comply with the following conditions:
- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
- Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
- Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
- The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.

C-18 Any increase in occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code.

Health:

F-1 An Alexandria Health Department Permit is required for all food establishments. A permit shall be obtained prior to operation, and is not transferable between one individual or location to another.

F-2 Plans shall be submitted to the Health Department through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction or renovation. There is a $200.00 plan review fee payable to the City of Alexandria.

F-3 Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.

F-4 Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.

F-5 A Certified Food Manager shall be on-duty during all operating hours.

F-6 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.

F-7 Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

Parks and Recreation:

F-1 No comments received

Police Department:

F-1 No comments received

APPLICATION
SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2012-0027

PROPERTY LOCATION: 1024 King Street

TAX MAP REFERENCE: 074.01-05-18 **ZONE:** KR

APPLICANT:

Name: Hank's Oyster Bar Old Town, LLC

Address: 1026 King Street

PROPOSED USE: Full-Service Restaurant (Expanded)

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

[X] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

[X] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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

David L. Chamowitz
Print Name of Applicant or Agent

Signature — Date: 4 March 12

307 N. Washington Street
Mailing/Street Address

703 836 5757 — Telephone #

703 548 5443 — Fax #

Alexandria, VA 22314
City and State — Zip Code

dlc.hcgk@verizon.net
Email address

RECEIVED
MAR 27 2012
PLANNING & ZONING

ACTION-PLANNING COMMISSION: _____ DATE: _____

ACTION-CITY COUNCIL: _____ DATE: _____

SUP # 2012-0027

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 1024 King Street (Property Address), I hereby grant the applicant authorization to apply for the full-service restaurant (use) use as described in this application.

Name: Teodula Pascual (Please Print)

Phone 703 548 0110

Address: 3306 N. 16th St., Arlington, VA 22201

Email: dolly234TC@yahoo.com

Signature: Teodula P. Pascual

Date: 3/23/12

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

[✓] **Required floor plan and plot/site plan attached.**

[ ] **Requesting a waiver. See attached written request.**

2. The applicant is the *(check one)*:

[ ] Owner

[ ] Contract Purchaser

[✓] Lessee or

[ ] Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

_____

_____

_____

_____

SUP2012-0027

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. 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. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Jamie Leeds	1124 Fairmont St., NW, Washington DC 20009	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1024 King Street (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Teodula Pascual	3306 N. 16th St., Arlington, VA 22201	100%
2.		
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require to disclose **any** business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity below and "None" in the corresponding fields)**

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. NONE		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

26 March 12 — DAVID CHAMOVITZ — [signature]

Date — Printed Name — Signature

4a

SUP # 2012-0027

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

[✓] **Yes.** Provide proof of current City business license

[ ] **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

This Special Use Permit application concerns the expansion of a successful Alexandria restaurant into the adjacent space. Hank's Oyster Bar was granted SUP #2007-0103 to operate at 1026 King Street in November, 2007. Hank's now wishes to expand into the building at 1024 King Street.

The expansion consists primarily of 29 bar-style seats and additional service facilities on the first floor of the building, with principally storage, refrigeration, and office space in the basement.

SUP # 2012-0027

USE CHARACTERISTICS

4. The proposed special use permit request is for *(check one)*:

[ ] a new use requiring a special use permit,
[ ] an expansion or change to an existing use without a special use permit,
[✓] an expansion or change to an existing use with a special use permit,
[ ] other. Please describe:_____

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).

89 total seats, with heavier traffic expected during lunch and dinner hours

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

Approx 25 during heaviest traffic periods

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

Day:	Hours:
Monday-Sunday	7 a.m. - 1 a.m.

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

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

No unusual or elevated noise is anticipated.

B. How will the noise be controlled?

The noise will not require special controls.

SUP # 2012-0029

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

No unusual or elevated odors are anticipated.

9. Please provide information regarding trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

Typical types of trash for full-service restaurants

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

Typical amounts of trash for a full-service restaurants

C. How often will trash be collected?

Several times/week, or as needed

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

Litter is not expected to be a problem for a full-service restaurant

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:

SUP # 2012-0027

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:

Cleaning and degreasing agents typically used in restaurants

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

Typical restaurant methods

ALCOHOL SALES

13.

A. Will the proposed use include the sale of beer, wine, or mixed drinks?

[✓] Yes [ ] No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

Beer, wine, and spirits for on-premises consumption.

SUP # 2012-0027

PARKING AND ACCESS REQUIREMENTS

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

0 Standard spaces
0 Compact spaces
0 Handicapped accessible spaces.
0 Other.

Planning and Zoning Staff Only
Required number of spaces for use per Zoning Ordinance Section 8-200A_____
Does the application meet the requirement? [ ] Yes [ ] No

B. Where is required parking located? *(check one)*
[ ] on-site
[ ] off-site

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

There is no required parking for a restaurant in the Central Business

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

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

[ ] Parking reduction requested; see attached supplemental form

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

A. How many loading spaces are available for the use? 2

Planning and Zoning Staff Only
Required number of loading spaces for use per Zoning Ordinance Section 8-200_____
Does the application meet the requirement?
[ ] Yes [ ] No

SUP # 2012-0027

B. Where are off-street loading facilities located? Behind the building

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

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

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 improvements necessary

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?

4000 sq. ft. (existing) + _____ sq. ft. (addition if any) = 4000 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: Rowhouse-style building in KR zone

End of Application

SUP # 2012-0027
Admin Use Permit # _____

SUPPLEMENTAL APPLICATION

RESTAURANT

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

1. How many seats are proposed?
   Indoors: 89 Outdoors: 0 Total number proposed: 89

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

3. Please describe the type of food that will be served:
   Oysters and other Seafood

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
   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 _____ No
   If yes, please describe:
   The additional area of the restaurant contemplated by this SUP application may contain televisions. We would ask further that Condition #11 of existing SUP #2007-0103 be removed. ~~While live entertainment is not contemplated at this time, it may be in the future.~~

SUP # 2012-0027

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:
   - 60 Maximum number of patron dining seats
   + 29 Maximum number of patron bar seats
   + UNKNOWN Maximum number of standing patrons
   = 89+- Maximum number of patrons

2. 25 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

SUP 2012-0027

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

ATTORNEYS AND COUNSELLORS AT LAW

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CYRIL D. CALLEY, 2005

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LURAY, VA 22835

TELEPHONE: 540-743-2922
FAX: 540-743-2422

March 27, 2012

Mr. Nathan Randall
Planner, Department of Planning & Zoning
Suite 2100
301 King Street
Alexandria, VA 22314

RE: SUP Request - 1024 King Street
Expansion of Hank's Oyster Bar

Dear Mr. Randall:

Enclosed please find a completed Special Use Permit application pertaining to the above-referenced location, along with a check in the amount of $575 to satisfy the filing fee.

I write this letter to more fully address certain matters not explicitly covered on the application form.

1) On Page 1 of the Supplemental Application: Restaurant, I have indicated that there will be no outdoor seats. In fact, we are not requesting those seats under the Special Use Permit process, but will do so separately under the King Street Outdoor Dining Program.

2) As noted on Page 9 of the Application: Special Use Permit document, restaurants in the Central Business District are exempt from parking requirements, pursuant to Alexandria Zoning Ordinance Section 8-300(B).

We look forward to the City's consideration of this application. Please do not hesitate to contact me with any questions.

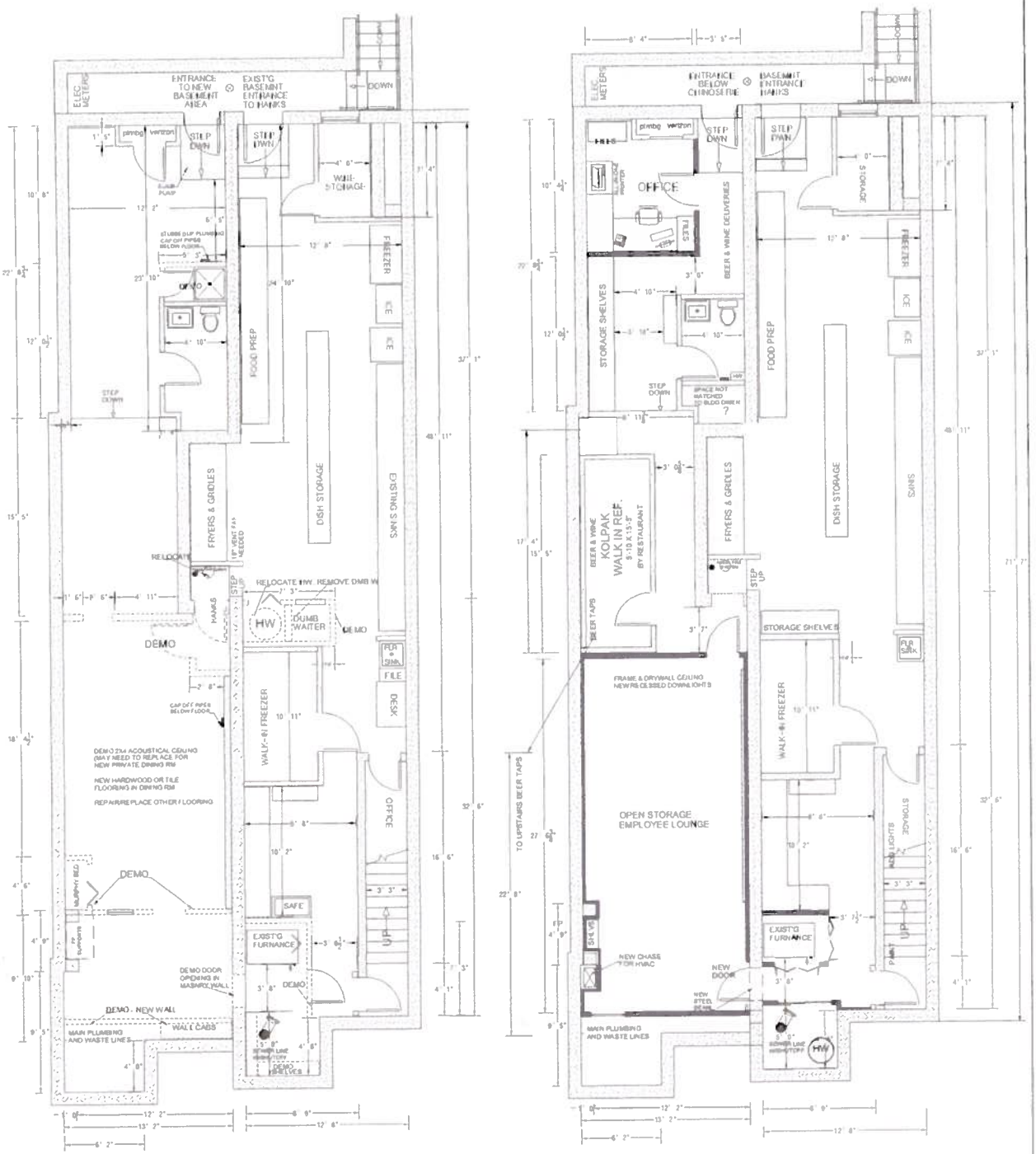
Very Truly Yours,

David L. Chamowitz

Enclosures (as stated)

SUP2012-0027

HANK'S OYSTER BAR
BASEMENT DEMO & NEW



EXISTING BASEMENT BEFORE EXPANSION

EXISTING KITCHEN

NEW EXPANDED BASEMENT

NOTE: BASEMENT ACOUSTICAL CEILING IS APPROXIMATELY 7'-9"
EACH BAY IS ALITTLE OVER 1,000 SF

KEY:
EXISITNG STUDWALLS
NEW STUDWALLS
MASONRY WALLS

HANK'S OYSTER BAR
1026 KING STREET, ALEXANDRIA, VA 22314
REST. 703-739-4265 OWNER: JAMIE LEEDS.
CLAUDE @ 571-278-0110

TITLE: BASEMENTS - DEMO & NEW

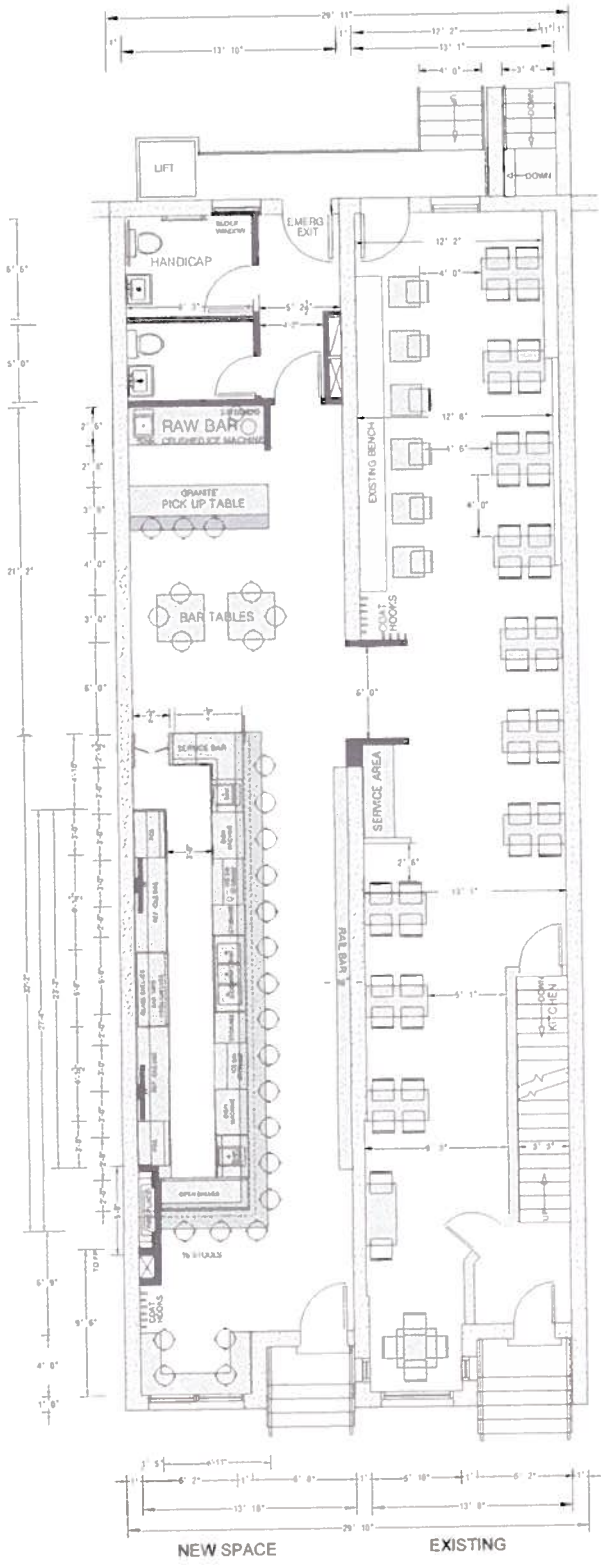
DRW. NO. C-2

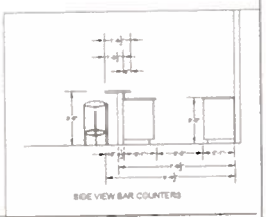
REVISION 4: 03-02-12
DRAWN BY: SALLY ELLISON 703-980-7171 INNOVATIVE DESIGN SOLUTIONS, ALEX, VA
DATE: ORIG. 01/12/12
FINAL:
SCALE: 1/4" = 1'-0"
APPROVED:

Innovative Design Solutions
ARCHITECTURAL DESIGN
BY SALLY ELLISON
703-980-7171 sallyellison@gmail.com

SUP 2012-0027

HANKS PROPOSED 1ST FLOOR BAR & RESTAURANT





NOTES:

HANK'S OYSTER BAR
1026 KING STREET, ALEXANDRIA, VA 22314
REST. 703-739-4265 CONTACT: CLAUDE @ 571-278-0110

TITLE:
NEW 1ST FLOOR BAR & RESTAURANT

DRW. NO.
A-1

DATE: ORIG. 01/12/12
SCALE: 1/4" = 1'-0"

REVISION: 03-16-12
DRAWN BY:
SALLY ELLISON 703-980-7171
INNOVATIVE DESIGN SOLUTIONS, ALEX. VA
FINAL:
APPROVED:

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