

EXHIBIT NO. 1

17  
9-21-04

Docket Item #17  
SPECIAL USE PERMIT #2004-0065

Planning Commission Meeting  
September 9, 2004

**ISSUE:** Consideration of a request for a special use permit to operate a restaurant.

**APPLICANT:** Daniel O'Connell's Irish Restaurant, L.L.C  
by Robert L. Calhoun, Esq., agent

**LOCATION:** 108A, 110 and 112 King Street

**ZONE:** CD/Commercial Downtown

**PLANNING COMMISSION ACTION, SEPTEMBER 9, 2004:** On a motion by Mr. Fossum, 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 6 to 1. Mr. Robinson voted against the motion.

Reason: The Planning Commission was supportive of the proposed new high-end restaurant, discussing how many of the negative issues once associated with restaurants on King Street no longer exist. The Commission found that the proposed restaurant promotes an active street presence, contributing to the goals of the King Street Retail Study, and that any potential negative impacts can be controlled through conditions of the special use permit.

Speakers:

Robert Calhoun, the applicant's attorney, spoke in support of the application stating that this area no longer has the negative activities that had occurred in the past, and that economics have changed such that a larger restaurant is more viable than a small boutique restaurant.

Mark Kirwan, the applicant, spoke in support of the application stating that the establishment will be high-end, and not a pub.

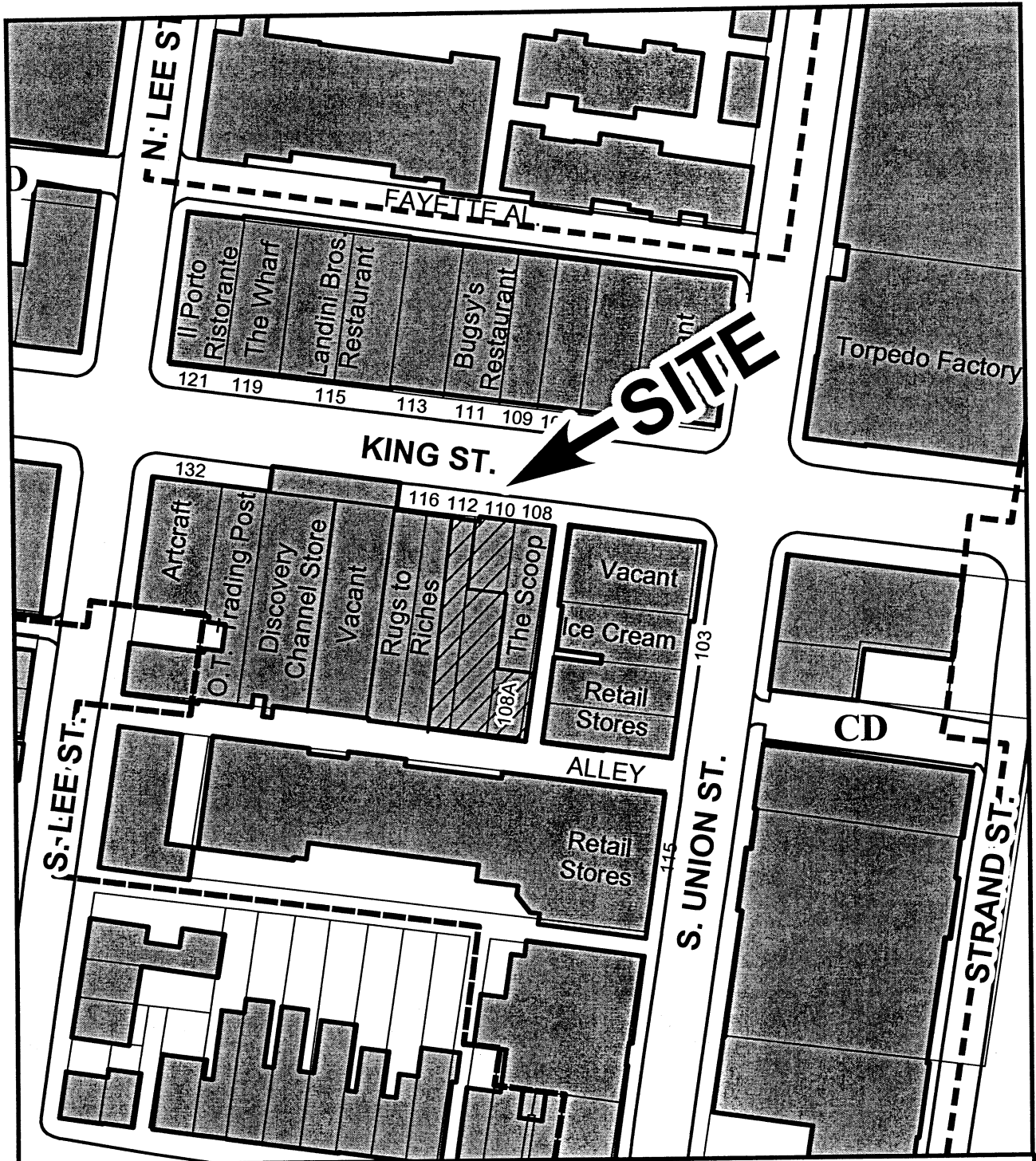
Michael Hobbs, president of the Old Town Civic Association, spoke against the application with concerns about the high number of seats and the frequency of live entertainment and banquet seating, and questioned the proposal's compliance with the Old Town Restaurant Policy.

Charles Lindsey, neighboring business and property owner, spoke in support of the application, but wanted to ensure that the restaurant would not use the side alley for its trash dumpsters, which Mr. Calhoun confirmed.

SUP#2004-0065  
108A, 110 and 112 King Street

Mark Feldheim, area resident, spoke in support of the application stating that the restaurant will add to the activity and vibrancy of King Street.

**STAFF RECOMMENDATION:** Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the permit conditions found in Section III of this report.



**SUP #2004-0065**

**09/09/04**



## I. DISCUSSION

### REQUEST

The applicant, Daniel O'Connell's Virginia Holdings, LLC, requests special use permit approval for the operation of a restaurant located at 108A, 110, and 112 King Street.

### SITE DESCRIPTION

The subject property is three lots of record with 33 feet of frontage on King Street, 116 feet of depth and a total lot area of 4,495 square feet. The site is developed with a two-story brick building totaling 8,200 square feet. The site was most recently occupied by Bullfeathers Restaurant, as well as the Hats in the Belfry store. Bullfeathers vacated the premises in May 2004.

Surrounding the property is a mix of commercial uses. Immediately to the east is What's the Scoop ice cream shop on the first floor and an antique store on the second floor, and to the west is Rugs to Riches home furnishings store. Behind the building to the south is an alley, and a three-story building with offices and shops on the upper floors and a public parking garage on the first floor. Across King Street to the north are restaurants including Landini's, Bugsy's Pizza, and the Fish Market.

### BACKGROUND

A restaurant has occupied the building at 108A and 112 King Street for over 35 years and is considered a grandfathered use. The space was most recently occupied by Bullfeathers Restaurant, which maintained a maximum of 170 seats on the premises, no on-site parking, and a closing hour of 2:00 a.m. There was no live entertainment. These are considered the grandfathered aspects of the restaurant. A new restaurant that included these features could occupy the space without the necessity of a SUP.

### PROJECT DESCRIPTION

The applicant proposes to expand the restaurant into the adjacent space at 110 King Street, most recently occupied by Hats in the Belfry retail shop, and to provide up to 350 seats. The applicant proposes an Irish restaurant called "Daniel O'Connell's", described by the applicant as a high-end, white-table-linen, fine-dining experience. Specific aspects of the proposal are as follows:

#### Number of Seats:

The applicant proposes 245 seats at dining tables and 40 seats at the bar, for a total of 285 seats. In addition, the applicant proposes a banquet room for occasional functions with 50 seats, as well as an outdoor rooftop patio with 15 seats to be open seasonally. When all functions are operational, there will be a total of 350 seats. (The applicant had originally proposed over 400 seats, and reduced the number at staff's suggestion.)

- Hours: The applicant proposes the hours of operation to be 11:00 a.m. to 2:00 a.m. daily, consistent with the grandfathered hours.
- Entertainment: The applicant proposes to have high-end, dining music approximately once per month or once per quarter. The applicant anticipates having featured artists from Ireland to play during dinner hours on infrequent special occasions.
- Alcohol: The applicant proposes on-premise beer, wine and alcohol. The applicant estimates that there will be a balanced ratio of alcohol to food. According to the applicant, the primary use is a restaurant, with drinks served to compliment the food service.
- Number of Employees: Twenty employees between 10:00 a.m. and 6:30 p.m. and 20 employees between 6:00 p.m. and 2:30 a.m. Specific shift hours will be staggered so that there will not be a complete staffing turn-over at a given moment between shifts. A maximum of 30 employees will be on the premises at the shift change.
- Trash: The types of trash and garbage generated will be food wastes, discarded packaging and bottles. The applicant anticipates that the amount of trash and garbage to be generated by the use will be approximately two standard size dumpsters per day. The applicant will contract for three dumpsters to be available. Trash will be collected six days per week by a commercial service. Alternatively, the restaurant may choose to use the City's commercial dumpster in Wales Alley, with City pick-up. The restaurant will not produce the high volume of paper trash of a fast-food or carry-out establishment. The applicant does not anticipate a large number of discarded bottles.
- Litter: The restaurant will not be of a type that is likely to produce litter; patrons will not leave the restaurant with carry-out items for consumption on the streets. Although the applicant does not expect litter to be generated from its restaurant, the applicant will clean its property and adjacent rights-of-way and property daily before opening, at closing, and at any time during the day that circumstances warrant.
- Loading: The applicant proposes to load from the alley located behind the building. Loading will generally be done twice each day before 10:00 a.m.

Code: The applicant will be upgrading the site by adding a complete fire suppression sprinkling system to the entire building.

Facade Improvements: The applicant proposes a new facade that will combine and unify the storefronts and will need approval from the Board of Architectural Review.

PARKING

The subject property is located in the Central Business District where parking is not required for restaurants. In response to staff's discussion with the applicant about parking, it has submitted a Parking Management Plan. The following information is included in the applicant's analysis:

In developing the Parking Management Plan, the applicant used the zoning ordinance requirement for restaurants outside the CBD, which is one parking space for every four seats. Although staff's records indicate that the grandfathered number of seats at Bullfeathers was 170, the applicant found evidence that the restaurant most recently had 198 seats. The applicant estimated that a 198-seat restaurant would have demanded 50 spaces, and the retail shop four spaces. The applicant points out that although it is requesting 350 seats, 50 of those seats are set aside for banquets, receptions, and meetings, and 15 are seasonal for outdoor patio seating. Based on the remaining 285 seats, the estimated generated parking space demand would be 71. If the banquet and outdoor seats are counted, the demand would be for 88 spaces.

Parking demand: In response to this estimated parking demand, the applicant states that the restaurant will actively seek the patronage of local business, professional, and government people during lunch hours and, for dinner, nearby residents many of whom will walk to the restaurant. The applicant estimates that this portion of the restaurant's clientele will total approximately 20 seats and reduce the parking demand by approximately five spaces.

Given the hypothetical parking demand by the previous restaurant and retail use, and assuming a number of clients will walk to the restaurant, the applicant anticipates that the parking demand will increase by approximately 12 spaces when the banquet room and patio are not in use, and by 29 spaces when these areas are in use.

Availability of Off-Street Parking: At the 100 block of North Union Street, Colonial Parking operates an off-street parking garage with a capacity of 405 vehicles. The garage also has an exit in the 100 block of North Lee Street. The hours of operation of the garage are as follows:

Sunday 8:00 a.m. to 12:00 a.m.  
Monday-Thursday 7:00 a.m. to 3:00 a.m.  
Friday and Saturday 8:00 a.m. to 3:00 a.m.

At the 100 block of South Union Street, Central Parking operates another off-street parking garage with two sites—one on the west side of the street and a smaller section on the east side of the street. The Central Parking Garage has a capacity of approximately 100 vehicles, with 75 being on the west side and 25 on the east side. The hours of operation of the Central Parking facility are as follows:

	<u>West Facility</u>	<u>East Facility</u>
Sunday	11:00 a.m. to 8:00 p.m.	5:00 p.m. to 3:00 a.m.
Monday-Thursday	7:00 a.m. to 12:00 a.m.	5:00 p.m. to 3:00 a.m.
Friday	7:00 a.m. to 3:00 a.m.	5:00 p.m. to 3:00 a.m.
Saturday	11:00 a.m. to 3:00 a.m.	5:00 p.m. to 3:00 a.m.

In addition to the foregoing, four off-street parking facilities are located within a three-block radius of the entrance to Daniel O'Connell's. Those facilities are located in the 200 block of South Union Street, the 200 block of The Strand, the 200 block of North Union Street, and the 100 block of North Fairfax Street.

**Employee Parking:** The employment contract for all employees will prohibit employees who choose to drive to work from parking on the street during their working hours. To facilitate off-street parking or use of alternative transportation by employees, the applicant proposes to subsidize employees to an extent of approximately 50% of the employees' parking or public transportation costs. The applicant has verified with Colonial Parking that, at this time, sufficient space exists at the facility for employee contract parking.

**Customer Subsidies:** The applicant will provide subsidized parking for patrons at the Colonial Parking or Central Parking facilities on North and South Union Streets. The applicant anticipates that the parking subsidy provided to patrons will be 30% to 50% of the patron's cost of parking, based on the patron having spent a minimum of \$15.00 at the restaurant.

Because of the above strategies, the applicant anticipates that the restaurant will not have a heavy impact on parking supply in the evening, weekend, or daytime peak hours.

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. In this case, a special use permit is required because of the expansion and intensification of the grandfathered rights on the property.

MASTER PLAN DESIGNATION

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

**II. STAFF ANALYSIS**

Staff supports this new full-service restaurant along King Street. The upscale restaurant will promote an active street presence, will occupy vacant retail spaces, and will return activity and vitality to lower King Street. The proposed restaurant is consistent with the guiding principles set forth in the *King Street Retail Study*, currently underway within the Department of Planning and Zoning, as well as with the Old Town Restaurant Policy. Seeking to retain an active street life along King Street, the Retail Study promotes attracting and retaining the types of businesses that foster such activity. The proposed restaurant will generate desirable customer activity on the ground floor of the building and will optimize the pedestrian experience for people on street level. The proposed rooftop dining area and banquet and meeting space will be added amenities for lower King Street. In addition, the proposed hours of operation will contribute to a vibrant street and sidewalk even beyond the typical retail or office hours. The Old Town Restaurant Policy allows new restaurants on lower King Street, provided that their impacts are minimized. Staff also notes that approval of the restaurant will bring it within the control of SUP regulation and enforcement; it will no longer have its grandfathered status.

Although supportive, staff is mindful of the need to protect surrounding residential areas from any negative effects of increased activity on lower King Street. With the residential neighborhood in mind, staff has some concerns about some of the specific features of the proposal, particularly about parking impacts from the proposed number of seats and about the hours of operation. In considering the impacts from this restaurant, staff is taking into account the fact that it is also processing an application for 100 additional seats at the Fish Market restaurant across the street.

Hours

As a grandfathered restaurant, Bullfeathers was allowed to stay open until 2:00 a.m., as are other grandfathered restaurants in the immediate area, including the Fish Market, the old Alamo restaurant space, the Wharf and the Union Street Public House. Although in recent years many problems have subsided, there have historically been problems with late night drinking and noise spilling over into in the adjacent residential areas that were attributed to the restaurants in the lower King Street area,



and the City has spent considerable resources, in the form of police and inspectors, to control the problem. Although several of the remaining grandfathered restaurants are allowed to remain open until 2:00 a.m., in recent years, restaurants have been approved with 12:00 midnight or 1:00 a.m. closing hours to address this concern. The only recent exception was the Old Town Theater, which is allowed to be open to 2:00 a.m. daily, mainly to accommodate late night movies and shows.

In this case, staff recommends a closing hour of 1:00 a.m., in an attempt to control noise impacts associated with late night drinking in lower King Street, to be consistent with other SUP restaurant closing hours on King Street that are intentionally earlier than 2:00 a.m., and because of the high number of seats proposed for the restaurant. Staff will be recommending the same closing hours at the Fish Market when its SUP is considered. Thus, although a few remaining grandfathered restaurants, such as the Wharf, the Alamo, and Union Street Public House have 2:00 a.m. closing times, with the proposed SUP for the Fish Market and the recently approved earlier hours at Landini's (12:30 a.m.) and with Il Porto (12:00 midnight), there will be several restaurants with earlier hours. The proposed 1:00 a.m. closing for both O'Connell's and the Fish Market will create a better balance, limit the potential problem experienced in the past, and set a precedent for the future.

#### Loss of Retail Space

Staff encourages a diverse mix of restaurants and shops along King Street, and encourages existing retail shops to remain. However, in this case the retail space that will be occupied by the restaurant is small, and will allow the restaurant to have a presence on the street and contribute to street vitality. Therefore, in this case staff does not object to the restaurant expansion into the adjacent retail space.

#### Entertainment

The applicant proposes to have high-end, live entertainment that is conducive to dining at the restaurant on an infrequent basis, once a month or on a quarterly basis. Staff supports the applicant's efforts to provide entertainment as it provides diverse activities along King Street. Staff recommends a condition that only indoor entertainment is permitted and only to the extent that no amplified sound is audible outside the restaurant, no admission or cover fee is charged, and that all entertainment be subordinate to the principal function of the restaurant as an eating establishment.

#### Parking

The issue of parking is essentially one of the availability of parking to meet demand. In the case of a new restaurant on Lower King Street, the question relates to the number of seats proposed and the steps a business can take to minimize the absolute impact and the impact on street parking in residential areas.

Under the zoning ordinance, parking is not required for restaurants in the Central Business District. Nevertheless, it is an issue in the lower King Street where there is a concentration of restaurants competing for limited parking at similar peak hours. The zoning ordinance requirement for restaurants (one space for every four seats) outside the CBD is one way to gauge parking impacts, and in this case would be 88 spaces, based on a restaurant with 350 seats.

The number of seats requested is high, and staff was concerned that with the potential for 350 seats, the restaurant was adding to the parking impact in Old Town. In order to assess the impact of increased restaurant seats, staff considered the fact that there have been several reductions in restaurant seats in the lower King Street area over the last ten years. For example, 285 seats from that portion of the Fish Market that occupied 101 and 103 King Street have been removed. In addition, the Seaport Inn, which had included 290 seats, now only includes 184. On the other hand, Council approved an increase of 117 seats at Landini's for a total of 267 seats two years ago. The overall result is that there are approximately 275 seats fewer than there were ten years ago. If the proposed increase in seats for O'Connell's (180) and the proposed addition to the Fish Market (100) are approved, the number of seats on lower King Street will be similar to what has been there historically. Given that the Fish Market's proposal is for 100 banquet seats, and the applicant's proposal includes 65 seats that are banquet and seasonal outdoor seats, the actual number of full time dining seats is significantly lower than what it was ten years ago. Given this historical analysis, staff is recommending that the O'Connell request for 350 seats be approved, and has fashioned a condition which highlights the fact that 65 of those seats are not anticipated to be used everyday.

In response to staff's concerns about parking, the applicant has submitted a Parking Management Plan stating that it hopes to draw a significant number of customers from the immediate area who will walk to the restaurant, which would reduce the anticipated demand. The applicant is also proposing several measures to reduce parking impacts and to ensure that customers and employees park in nearby garages or take mass transit. It will require that all employees who drive park off the street, and will encourage employees to use public transportation. The applicant's application states that it will subsidize employee parking or transit use. As to customers, the applicant has proposed and agreed to reimburse customers at the rate of \$1 for a meal of at least \$15.

With these significant agreements, staff supports the proposed number of seats with the conditions that the applicant subsidize customer parking for at least \$1, that all employees who drive park off the street, and that employees be encouraged to use public transit. Staff has also included a condition requiring that for banquets and prearranged functions in the banquet room, the applicant must provide information to the guests about the parking garages, including location and rates. Staff also recommends a one year review to ensure that the proposed parking strategies are implemented and function well.

As part of the King Street Retail Study, staff and the community has been looking at a number of parking strategies and hopes to formulate certain organized programs to assist with both employee and customer parking for businesses, such as a rejuvenated Park Alexandria program. In anticipation of that type of organized business approach, which would be far superior to each restaurant having separate and different conditions, staff has included language in the conditions which would require the applicant to participate when and if such a program is established at least to the extent provided in what the applicant has already agreed and is otherwise required to do by this SUP with regard to employee and customer parking.

The proposed restaurant is a location that for years has been operating without a special use permit. Its renewed vitality will add greatly to the active streetlife and economic vitality of King Street. With the special use permit protections, potential negative elements can be controlled with conditions and, if necessary, enforcement strategies and a one year review. With the recommended conditions, staff recommends approval of the special use permit.

### III. RECOMMENDED PERMIT CONDITIONS

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. Seating shall be provided for no more than 285 patrons. An additional 50 seats are allowed only for banquets and special events, and an additional 15 seats are allowed only for seasonal outdoor dining. (P&Z)
3. The closing hour shall be no later than 1:00 a.m. daily. (P&Z)
4. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
5. On-site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z)
6. No delivery service shall be permitted. (P&Z)
7. The three subject lots shall be consolidated and recorded as one lot in the land records in order to comply with fire separation issues between each parcel. The applicant shall file a copy of the consolidation plat with the Department of Planning and Zoning. (Code Enforcement) (P&Z)
8. No food, beverages, or other material shall be stored outside. (P&Z)
9. 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)
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)

11. The applicant shall maintain a parking arrangement with area garages, by which the regular parking price at those garages is discounted by at least \$1 for customers. The applicant shall post information regarding the availability of parking at those garages for patrons at the restaurant. (P&Z) (T&ES)
12. 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.
13. The applicant shall require that its employees who drive to work use off-street parking. (P&Z)
14. Prior to a banquet or special event, the applicant shall provide to the guests information regarding the location, hours and fees at area parking garages. (P&Z)
15. The applicant shall participate in any organized program to assist with both employee and customer parking for businesses, such as the Park Alexandria program, that is formed as a result of suggested parking strategies in the King Street Retail Study, at least to the extent provided in the applicant's application and otherwise required by this SUP with regard to employee and customer parking.
16. 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)
17. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
18. 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)
19. All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line. (T&ES)
20. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business prior and a robbery awareness for all employees prior to opening. (Police)

21. 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)
22. 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)
23. 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, 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: Eileen Fogarty, Director, Department of Planning and Zoning;  
Valerie Peterson, Urban Planner.

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Staff Note: In accordance with section 11-506 (C) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

#### IV. CITY DEPARTMENT COMMENTS

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

##### Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
- R-2 The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line.
- R-4 The applicant shall post signs directing patrons to the availability of discounted validated parking in the immediate area.
- 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.

##### Code Enforcement:

- F-1 The proposed project spans across 3 individual lots of record. In order for the project to comply with the USBC, the 3 lots shall be combined and recorded as one lot in the land records in order to comply with fire separation issues between each parcel.
- C-1 The proposed project shall be equipped with a complete automatic fire suppression system and fire alarm system.
- C-2 An enclosed, rated interior egress stairwell shall be installed in accordance with the USBC.
- C-3 A Handicap accessible elevator is required.
- C-4 The applicant shall submit a list of interior finish materials at the time of permit application for review of compliance with the USBC.

- C-5 The current use of part of the proposed space is classified as B, Business; the proposed use is A, Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-6 A Certificate of Use of Occupancy is required prior to opening (USBC 119.1).
- C-7 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-8 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-9 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 (USBC 112.1.4).
- C-10 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-11 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.
- 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 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-14 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-15 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
- (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
  - (b) How food stuffs will be stored on site.
  - (c) Rodent baiting plan.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Five sets of plans are to be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-3 Permits must be obtained prior to operation.
- C-4 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-5 Certified Food Managers must be on duty during all hours of operation.
- C-6 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 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.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.



R-3 Recommend "ABC On" license only. If "ABC Off" is approved we recommend the following conditions:

1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
2. That the SUP is reviewed after one year.

**APPLICATION for SPECIAL USE PERMIT # 2004-0065**

[must use black ink or type]

**PROPERTY LOCATION: 108A, 110, 112 King Street, Alexandria, VA 22314**

**TAX MAP REFERENCE: 12644010, 12643010, 12642650** **ZONE: CD**

108A-75.01-06-08; 110-75.01-06-07; 112-75.01-06-06

**APPLICANT Name: Daniel O'Connell's Irish Restaurant, LLC**  
**Address: 112 King Street, Alexandria, VA 22314**

**PROPERTY OWNER Name: Daniel O'Connell's Virginia Holdings, LLC**  
**Address: 112 King Street, Alexandria, VA 22314**

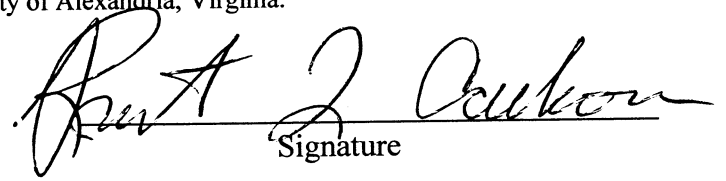
**PROPOSED USE: High-end, fine dining, Irish restaurant**

**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.

**Robert L. Calhoun, Esq. (Agent)**  
**Redmon, Peyton & Braswell, LLP**  
Print Name of Applicant or Agent

  
Signature

**510 King Street, Suite 301**  
**300**  
Mailing/Street Address

**703-684-2000** **703-684-5109**  
Telephone # Fax #

**Alexandria, VA 22314**  
City and State Zip Code

**June 28, 2004**  
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. **The Applicant is owned as follows:**

**Daniel O'Connell's Virginia Holdings, LLC**  
112 King Street  
Alexandria, VA 22314 (95%)

**Mark Anthony Kirwan**  
1427 F. Street, NE,  
Washington, DC 20002 (5%)

**Daniel O'Connell's Virginia Holdings, LLC is owned as follows:**

**John Pius Brennan**  
Licketstown Carrigeen  
Via Waterford  
Ireland (51%)

**William Patrick James O'Sullivan**  
Blenheim Halfway House  
Waterford  
Ireland (49%)

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 8 1/2" 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. **A Floor Plan, in two pages (showing the first and second floors, respectively), is attached as Appendix I. The Floor Plan is submitted as illustrative of general plans and intentions, subject to substantial revision. A Plot Plan, dated June 14, 2004, and heretofore filed with the Land Records of the City of Alexandria, is attached as Appendix II. The Plot Plan does not include a parking layout – which is not applicable to this application because the site of the proposed use is located in the City's Central Business District Zone – but see the Parking Management Plan which is attached as Appendix IV in response to Page 2, Item 1, of the Restaurant Supplemental Application.**

**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)

**Please see Appendix III, Narrative.**

## **APPENDIX III**

### **NARRATIVE<sup>1</sup>**

**[Including Sample Menu and Owners' Biographies]**

**Respectfully submitted by  
Daniel O'Connell's Irish Restaurant, LLC  
in support of  
Application for Special Use Permit  
and  
Restaurant Supplemental Application**

**June 28, 2004**

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<sup>1</sup> **Reference: Application For Special Use Permit, Page 3, Item 3.**

The Applicant, Daniel O'Connell's Irish Restaurant, LLC ("Daniel O'Connell's), respectfully submits the following Narrative as called for at Page 3, Item 3, of the Application for Special Use Permit submitted on this date.

Daniel O'Connell's Irish Restaurant is not a chain, and it is not a large corporate structure sending out cloned versions of a stepford concept. Daniel O'Connell's Irish Restaurant is a single entity dedicated to excellence. To that end, Daniel O'Connell's is the progeny of three men experienced in the design, building, outfitting, and management of Irish restaurants: John Brennan, Billy O'Sullivan, and Mark Kirwan – for each of whom a very brief biographical profile is attached to this Appendix III.

John Brennan, Billy O'Sullivan, and Mark Kirwan are very well aware of the importance of heritage and quality. All three are from Ireland, a country that prides itself in its heritage and on the quality of its people, its food, and its standard of life. This being said, these three men – the owners, designer, and manager of Daniel O'Connell's – understand that Old Town Alexandria is steeped in history and culture. They believe that Old Town reasonably expects any new additions to the community to bring a high-end quality of business that not only will not detract from the community's existing standards but rather will strive to meet the community's highest expectations and improve the quality of the community atmosphere already in place. John Brennan, Billy O'Sullivan, and Mark Kirwan, through Daniel O'Connell's Irish Restaurant, expect to be part of that positive contribution to the Old Town community.

The owners of Daniel O'Connell's are businessmen and restaurateurs who seek a good, healthy environment to call home. In fact, the United States now is "home" for our owner-manager, Mark Kirwan, who brings to Daniel O'Connell's a wealth of experience and a history of community service. With their combined expertise in designing and operating restaurants, the owners of Daniel O'Connell's intend to bring to Old Town a fresh, new concept which should create a "wow" effect that will be appreciated and enjoyed by the community as well as by the many tourists who visit Old Town.

Being Irish, we are very proud of our quality food standards. Our fresh seafood and prime lamb and beef make great staples for any menu. Daniel O'Connell's intends to set a high standard and provide examples of Ireland's finest culinary skills. Although we have a great deal of respect for the Irish pub-style establishments currently operating in Old Town, Daniel O'Connell's will not be an "Irish pub." Rather, we intend to place a much higher and stronger emphasis on the culinary enticements of Ireland. We will not offer "pub grub." We intend to appeal to a clientele who will want to try something different and stray away from the hearty traditional fare. Traditional options will be available, to be sure, but Daniel O'Connell's will be a high-end, white-table-linen, fine-dining experience. A sample of our menu is attached. This is, of course, illustrative since the menu will change as the culinary skills of our chef are applied to

provide our patrons with a consistently exceptional dining experience. However, the consistent aspect of the menu of Daniel O'Connell's will be excellence.

In addition to good food, Daniel O'Connell's will provide a fabulous setting. We are investing a great deal on the design of our restaurant and will incorporate antique pieces which have been salvaged from monasteries, churches, and castles throughout Ireland. In fact, all of the pieces that will be brought over from the old country will be over 200 years old. Our millwork is being manufactured in Ireland and will be shipped over and assembled here. We believe, when our design and decor are revealed, it will please the eye of every customer who graces our door.

Daniel O'Connell's will be located in the City's Central Business District at 112 King Street at the site of what has heretofore been the restaurant known as Bullfeathers and a retail shop known as Hats in the Belfry. Bullfeathers was a grandfathered use for which no Special Use Permit existed. Daniel O'Connell's will provide the City of Alexandria and its citizens, as well as its many tourists, a substantially upgraded, improved, and safer building. We have consulted, and will fully cooperate with, the City's Code Enforcement office toward an objective of a building that is comfortable and attractive while also meeting the highest safety standards including, in some instances, exceeding Code. For example, the building will be fully outfitted with a fire suppressant sprinkler system. The antique materials that will add so much to the ambience of our fine dining establishment will also be fully treated so as to be fire retardant. Our restaurant will be ADA compliant, and our operations will never overlook safety – or hospitality.

Our aim is to be a good neighbor to all who are interested in the 100 block of King Street, Alexandria. We are aware of, and fully sympathetic to, the parking and traffic constraints of Old Town. We will cooperate in reducing the impact Daniel O'Connell's will have on that situation. Our employees, as a condition of their employment, will not be permitted to park on the streets of Alexandria during their working hours at Daniel O'Connell's. Our Parking Management Plan provides more detail, but it is important to note that, in the proactive style that we hope to make a trademark of Daniel O'Connell's relations with the community, we will subsidize employee off-street parking or employee use of public transportation. Likewise, we will subsidize our patrons' off-street parking at one of the nearby facilities on South or North Union Street.

Most importantly, we hope to attract a repetitive business from local residents who will appreciate an evening of fine dining in comfortable and tasteful surroundings within walking distance of their homes. Establishing itself as one of the premier dining sites for Old Town's local residents and business, professional, and government people is important to Daniel O'Connell's success. Daniel O'Connell's seeks to attract and serve that particular clientele – with lunch, dinner, and banquet facilities – and to be a valued and respected neighbor of that clientele while also serving Old Town's myriad daily visitors.

**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). **The Applicant expects an average lunch period patronage of 180 (with an estimate of 11:00 p.m. to 2:00 p.m. being peak lunch hours) and an average dinner period patronage of 220 (with an estimate of 4:00 p.m. to 8:30 p.m. being peak dinner hours). [See "Narrative," Item 3, Page 2, for further relevant discussion.]**

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift). **The Applicant expects 20 employees on a day shift and 20 employees on an evening shift. The day shift hours will be approximately 10:00 a.m. to 6:30 p.m.; the evening shift hours will be approximately 6 p.m. to 2:30 a.m. Specific shift hours will be staggered so that there will not be a complete staffing turn-over at a given moment between shifts. A maximum of 30 employees could be on site for the limited period of the staggered shift turn-over.**

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

Day: **Seven days per week** Hours: **Open at 11:00 a.m.; close at 2:00 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. **We do not anticipate loud noises from any source. We anticipate conversational level noise from diners. On special occasions of perhaps once per month to once per quarter, we anticipate high-end music conducive to dining and conversation fitting to a restaurant serving our target market. We do not anticipate mechanical noise other than very low level noise from exhaust fans that will flow to the twenty-foot alley behind the restaurant. The subject alley enters from South Union Street and runs behind the restaurant. On the other side of the alley is a three-story building with a parking garage over which shops and offices are located.**



- B. How will the noise from patrons be controlled? **Noise from patrons is not anticipated to be a problem since patrons will be comprised primarily of diners; however, management would intercede with any patron in need of reminder of proper conduct and courtesy owed to fellow patrons. Management will be particularly vigilant as to noise from any patrons seated on the outside patio at those times that weather permits the patio to be used for dining. The patio area will be a dining area only; it will not be used as a gathering place for any other purpose.**
8. Describe any potential odors emanating from the proposed use and plans to control them: **Extractors will move some cooking odors to the alley behind the restaurant; however, it is expected that such odors will be mild and of modest levels. The style of cooking does not include any large-volume odor production items such as barbecues, similar sauces, heavy frying, or high-odor producing herbs or spices. The subject alley enters from South Union Street and runs behind the restaurant. On the other side of the alley is a three-story building with a parking garage over which are offices and shops. The nearest residences are to the west on Lee Street and to the south on Prince Street.**
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? **The types of trash and garbage generated will be food wastes, discarded packaging, and bottles.**
- B. How much trash and garbage will be generated by the use? **The Applicant anticipates that the amount of trash and garbage to be generated by the use will be approximately two standard size dumpsters per day. The Applicant will contract for three dumpsters to be available. The restaurant will not produce the high volume of paper trash of a fast-food or carry-out establishment; nor will it produce a large volume of food waste since cooking will be done per order, per diner as opposed to the high volume, multiple foods of a buffet-style establishment. Neither is it anticipated that there will be a large number of discarded bottles since the focus of the use is not a bar; it is a restaurant that will serve wine, beer, and drinks primarily as a complement to food service.**
- C. How often will trash be collected? **Trash will be collected six days per week by a commercial service. The contractor provides no service on Sundays. Trash will be appropriately bagged and placed in dumpsters that will be available for that purpose in the alley behind the restaurant.**
- D. How will you prevent littering on the property, streets and nearby properties? **The restaurant will not be of a type that is likely to produce litter; patrons will not leave the restaurant with carry-out items for consumption on the streets. The only items going out with patrons will be left-over portions of meals that patrons ask to be wrapped to take with them. Although we do not expect litter to flow from Daniel O'Connell's, the Applicant will clean its property and adjacent public rights of way and property daily before opening, at closing, and at any time during the day that circumstances warrant.**

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property? [ ] Yes. [X] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property? [X] Yes [ ] No

If yes, provide the name, monthly quantity, and specific disposal method below: **Heavy cleaning and degreasing - such as hood fans, filters, and evaporators - will be performed by a professional cleaning service under contract. That service will provide, bring, and/or carry away all cleaning materials and the wastes from cleaning.**

**The Applicant will store approximately five gallons, at any given time, of generic cleaning compounds for cleaning items such as floors, restrooms, dishes, and windows. Such compounds will be disposed of by standard means in accordance with directions with the products and all applicable regulations regarding disposal in the sanitary sewer system.**

12. What methods are proposed to ensure the safety of residents, employees and patrons? **The Applicant is not aware of any danger that will be posed to residents, employees, or patrons by the proposed use. However, the Applicant will follow all applicable safety standards and procedures and will fully cooperate with Code Enforcement to maintain high safety standards.**

**On a related matter, the Applicant will be upgrading the site by adding a complete fire suppression sprinkling system to the entire building, assuring safe, emergency ingress and egress points, and providing ADA-compliant facilities for the safety of handicapped patrons.**

#### ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks? [X] 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. **Alcohol sales/service will be on-premises only. Wine, beer, and mixed drinks will be sold primarily as an accommodation to diners in the form of a complement to food service.**

**PARKING AND ACCESS REQUIREMENTS**

14. Please provide information regarding the availability of off-street parking: **Item 14 (Sections A through D) is not applicable since the site of the proposed use is in the City's Central Business District Zone. However, for discussion of parking issues, see the Restaurant Supplemental Application, including Parking Management Plan, that is included with this Application for a Special Use Permit.**

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

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? **In accordance with Section 8-200(B)(2) of the Zoning Ordinance, one loading space is required for the use.**

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

C. Where are off-street loading facilities located? **The grandfathered preceding use had a loading site on the 100 block of King Street, generally in front of the restaurant. However, the Applicant plans to forego use of that site and use instead two loading spaces that are available in the alley that runs from the 100 block of South Union Street westerly behind the restaurant.**

- D. During what hours of the day do you expect loading/unloading operations to occur?  
**Loading / unloading generally will be done in the morning before 10 a.m.**
- E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate? **Loading/unloading operations are expected to occur approximately twice per day, with different vendors servicing the restaurant on different days. We do not expect loading/unloading on Saturdays or Sundays.**
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? **Street access to the property is adequate.**

**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? N/A square feet.
18. What will the total area occupied by the proposed use be?  
**8,200** sq. ft. (existing) + 0 sq. ft. (addition if any) = **8,200** 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: \_\_\_\_\_

**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: **The Applicant's PMP is attached as Appendix IV.**

- 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)  
  X   100%     *Note: See Parking Management Plan*  
\_\_\_\_\_ 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)  
  X   All     *Note: See Parking Management Plan*  
\_\_\_\_\_ 75-99%  
\_\_\_\_\_ 50-74%  
\_\_\_\_\_ 1-49%  
\_\_\_\_\_ None

C. What is the estimated peak evening impact upon neighborhoods? (check one)  
  X   No parking impact predicted     *Note: See Parking Management Plan*  
\_\_\_\_\_ Less than 20 additional cars in neighborhood  
\_\_\_\_\_ 20-40 additional cars  
\_\_\_\_\_ More than 40 additional cars

**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: 310 At a bar: 40 Total number proposed: 350

*This number includes 65 seats that will **NOT** be used for everyday dining; 50 of those 65 seats will be set aside for special use banquets, receptions, and meetings and an additional 15 seats will be seasonal seats used for outdoor patio seating.*

2. Will the restaurant offer any of the following?

X  alcoholic beverages       X  beer and wine (on-premises)

     beer and wine (off-premises)

3. Please describe the type of food that will be served: **The food to be served will be Irish and European food made from the finest ingredients and prepared under the direction of an accomplished chef. An illustrative, sample menu is attached as part of Appendix III.**

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

X  table service    X  bar         carry-out         delivery

5. If delivery service is proposed, how many vehicles do you anticipate?  N/A

Will delivery drivers use their own vehicles?       Yes.       No.

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?  X  Yes.       No.

If yes, please describe: **We anticipate high-end, dining music perhaps once per month to once per quarter. Performances would be by established artists booked for special appearances.**

**Supplemental Application**

**Restaurant**

**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. **Not applicable. There will be no carry-out service for immediate consumption.**

**Alcohol Consumption and Late Night Hours**

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

245 Maximum number of patron dining seats

40 Maximum number of patron bar seats

0 Maximum number of standing patrons

---

285 Maximum number of patrons

*This number (285) DOES NOT include the 50 seats allocated to the Banquet Room and the 15 seats allocated to the outdoor patio dining area. (See note to Response to Question 1, Page 1 of this Restaurant Supplemental Application.)*

2. 30 Maximum number of employees by hour at any one time

*The above number, 30 – stated as the maximum number of employees at any one time – would only occur during the staggered hours between shift changes. We estimate up to 20 employees for a day shift and 20 employees for an evening shift. Between shifts, we estimate the high number of 30 would be on hand for 30 minutes to one hours.*

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

*The Applicant estimates that there will be a balanced ratio of alcohol to food since the focus of the use is not a bar; it is a restaurant that will serve wine, beer, and drinks primarily as a complement to food service.*

# **APPENDIX I**

## **FLOOR PLAN<sup>1</sup>**

**Respectfully submitted by  
Daniel O'Connell's Irish Restaurant, LLC  
in support of  
Application for Special Use Permit  
and  
Restaurant Supplemental Application**

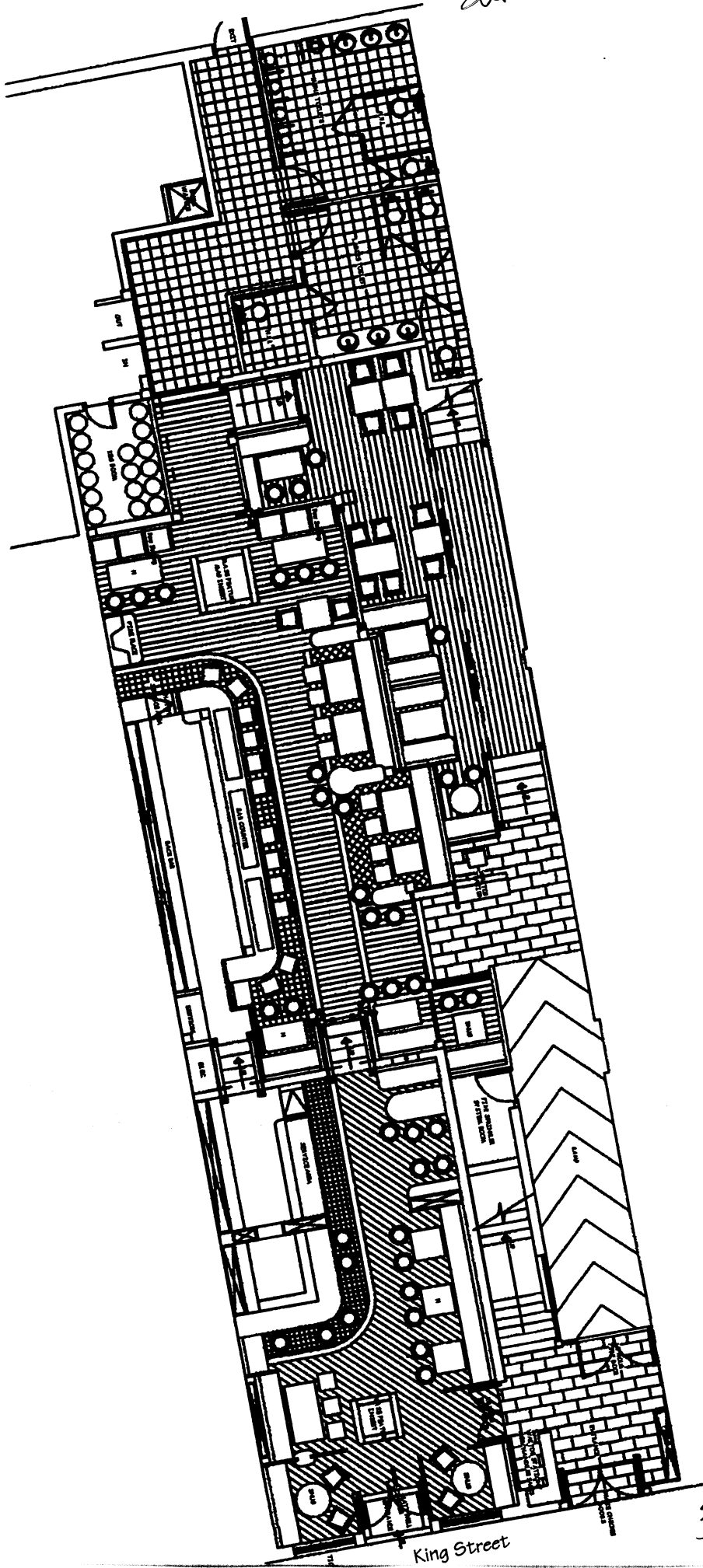
**June 28, 2004**

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<sup>1</sup> Reference: Application For Special Use Permit, Page 2, Item 2



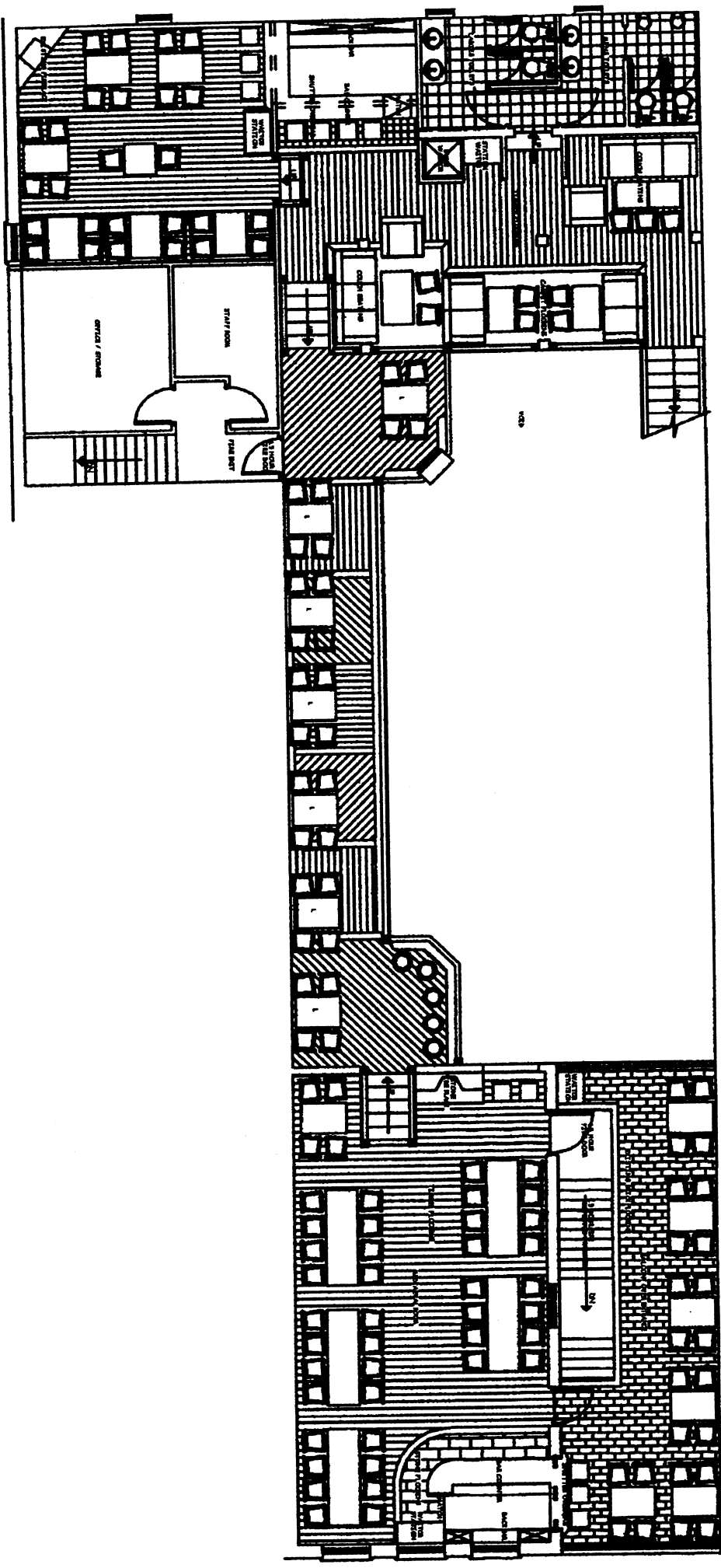
Sup 2004-0605



Daniel O'Connell's  
Irish Restaurant  
Old Town Alexandria  
Proposed first floor plan

SUP 2004-0065

SECOND FLOOR LAYOUT PLAN



Daniel O'Connell's  
Irish Restaurant  
Old Town Alexandria  
Proposed second floor plan

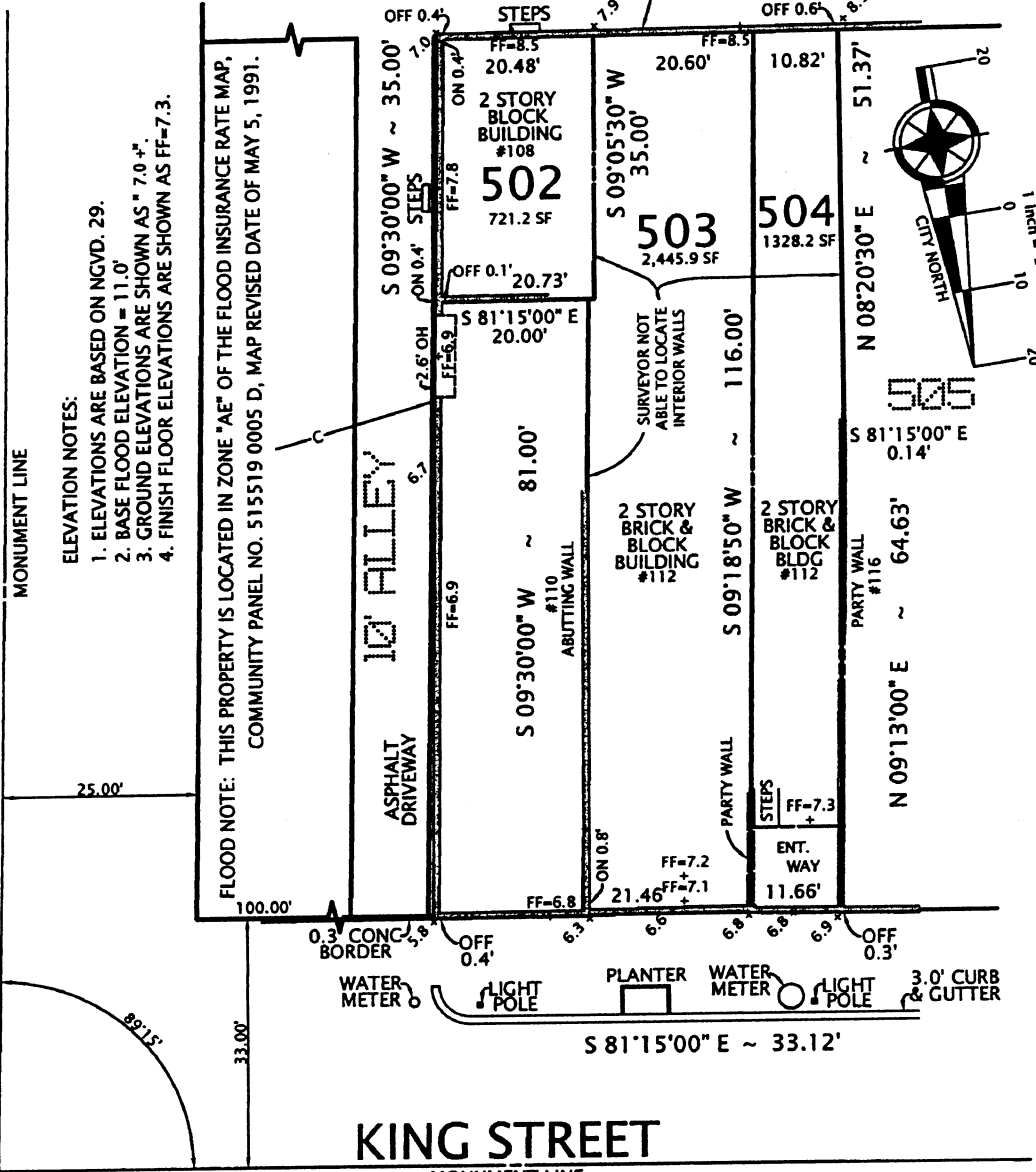
33

Kina Street

3112004-0065

- NOTES: 1. FENCES ARE FRAME.  
 2. SURVEYOR UNABLE TO LOCATE INTERIOR WALLS.  
 3. TOTAL LAND AREA= 4,495 SF

SOUTH UNION STREET



- ELEVATION NOTES:  
 1. ELEVATIONS ARE BASED ON NGVD. 29.  
 2. BASE FLOOR ELEVATION = 11.0'  
 3. GROUND ELEVATIONS ARE SHOWN AS " 7.0 +"  
 4. FINISH FLOOR ELEVATIONS ARE SHOWN AS FF=7.3.

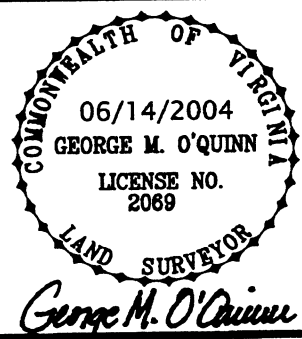
FLOOD NOTE: THIS PROPERTY IS LOCATED IN ZONE "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 515519 0005 D, MAP REVISED DATE OF MAY 5, 1991.

KING STREET

PLAT  
 SHOWING BUILDING LOCATION ON  
 LOTS 502, 503, & 504  
**WELGOD**  
 (DEED BOOK 730, PAGE 239)  
 CITY OF ALEXANDRIA, VIRGINIA  
 SCALE: 1" = 20'      JUNE 14, 2004

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.  
 A TITLE REPORT WAS NOT FURNISHED.  
 NO CORNER MARKERS SET.



CASE NAME:  
 #112 KING STREET, L.L.C.  
 REDMON, PEYTON & BRASWELL, L.L.P.

**DOMINION SURVEYORS, INC.**  
 8808-H PEAR TREE VILLAGE COURT  
 ALEXANDRIA, VIRGINIA 22309  
 703-619-6555  
 FAX 703-799-6412

## **APPENDIX II**

### **PLOT PLAN<sup>1</sup>**

**Respectfully submitted by  
Daniel O'Connell's Irish Restaurant, LLC  
in support of  
Application for Special Use Permit  
and  
Restaurant Supplemental Application**

**June 28, 2004**

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<sup>1</sup> Reference: Application For Special Use Permit, Page 2, Item 2

**APPENDIX III ATTACHMENT A:**  
**SAMPLE MENU**

**[7 PAGES, INCLUDING THIS COVER SHEET]**

DANIEL O'CONNELL'S



Sample Menu

IRISH RESTAURANT

## Main Course

### Filet of Sole

*Stuffed with salmon, crab,, and prawn mousse, masked with lime scented lightcream sauce, served with vegetable of the day and scalloped potatoes.*

### Wicklow Lamb

*Herb crusted Rack of Lamb served with champ potatoes and vegetable of the day.*

### Salmon of knowledge

*Horseradish crusted Atlantic salmon pan seared, served with sauteed vegetables and tomato fondue.*

### Golden Vale Filet Mignon

*8 oz tenderloin steak grilled to order served with caramelized onions, sauteed vegetables, and red wine sauce and your choice of baked, roasted, or champ potatoes*

### Lawless Linguini

*Linguini tossed with chopped rashers "Irish bacon," parmesan cheese, and red and green peppers in a rich white wine cream sauce.*

### Maric's Monkfish

*Monkfish, sauteed leeks, and brie cheese dressed in filo pastry with a fresh chive hollandaise sauce, served with rice and vegetable of the day.*

### Ballygunner Chicken

*Herb Roasted Chicken served with champ potatoes and a medley of parsnip and carrots.*

### Dan Breen's Pasta

*Cannelloni di casa tri-colored pasta stuffed with spinach and three cheeses and baked in boru vodka and cream sauce.*

# Soups & Salads & Sandwiches

## Potato & Leek Soup

Chef's Soup of the Day

## Guinness Onion Soup

*Just like French but we make it better!*

## House Salad

*Mixed greens, tomatoes, and cucumber with choice of dressings.*

## Caesar Salad

*Romaine lettuce tossed in a classic Caesar dressing with garlic croutons.*

## Tipperary Salad

*Mixed greens with Cashel blue cheese, spring onion, corn, tomatoes, croutons and a honey mustard dressing.*

## Kilkenny Chicken Salad

*Mixed greens, spring onion, tomatoes, tasty chicken nuggets, wontons and a choice of dressing.*

## Maryland Crab cake Sandwich

*Broiled jumbo lump crab cake served on a Kaiser roll with coleslaw, pickle, and fries.*

## Roscrea BLT

*Rashers "Irish bacon," lettuce, tomato, and Tipperary mustard layered on a double decker of bread.*

## Brennan's Corned Beef Sandwich

*Thinly sliced corned beef with Guinness mustard served on your choice of bread.*

## Basket of Toasties

*Your choice of Irish ham and cheddar, turkey and cheddar, or tuna and sweet corn toasted to perfection and served in a basket.*

## Billy's Burger

*8 oz of organic beef marinated in Guinness and served on a potato pancake with Guinness sauce.*

## Healthy wrap

*Avocado, bean sprouts, red onion, lettuce, humus, and shaved Dubliner cheddar all wrapped up.*



## STARTERS

### **Dungarven Potato Cakes**

*Irish cheddar and spring onion potato cakes accompanied with a zesty roulade.*

### **Dublin Bay Prawn Cocktail**

*Jumbo prawns with Jameson whiskey cocktail sauce.*

### **Aranmore Mussels**

*Steamed in Guinness, garlic and herbs finished with cream.*

### **Baked Bric Wheel**

*Served with toasted almonds, baguette and a fresh berry sauce.*

### **Irish Oak Smoked Salmon**

*Served with Irish brown bread, diced red onion, capers and lemon.*

### **Chesapeake Bay Crab and Artichoke Dip**

*Served warm with a fresh baguette.*

### **Colonel Fitzer's Buffalo Wings**

*Served with blue cheese dressing.*

### **Uncle Arthur's Tid Bits**

*Chunks of organic beef marinated in Guinness, cooked to perfection and served au jus.*

### **Fitzgerald's Calamari**

*Fried calamari with hot peppers and served with dipping sauce.*

## TRADITIONAL IRISH FARE

### **Uncle Arthur's Irish Stew**

*Traditional Irish stew made with Guinness marinated lamb, carrots, peas, and potatoes in a Guinness sauce.*

### **Roscrea Bacon and Cabbage**

*Irish bacon "Ham" and cabbage with parsley sauce and boiled potatoes or champ.*

### **Fish and Chips**

*Beer battered cod served with Irish chips "French fries" coleslaw, tartar sauce and a wedge of lemon.*

### **Bangers and Mash**

*Bangers "Irish sausages" and mashed potatoes with gravy.*

### **Shepherd's Pic**

*Beef or Vegetarian, carrots, peas, and onions baked with a mashed potato crust.*

### **Traditional Irish Breakfast**

*Rasher's "Irish bacon" sausages, black and white pudding, baked beans and Kirwan's spuds.*

### **The Jackine Curry**

*Chicken, onions and peas cooked in a rich Irish curry sauce, served over rice or Irish chips "French fries"*

### **Molly's Seafood Pic**

*Assortment of seafood, peas and carrots cooked in a white wine cream sauce and covered in pastry.*

## **Desserts**

**Baileys Irish Cream Cheese Cake**

**Jameson Irish Bread Pudding**

**Traditional Apple Pie**

**Rhubarb Tart with Whiskey Cream**

**Brown Bread Ice Cream**

**O'Sullivan's Hot Fudge Sunday**

**Pecan Pie**

**Chocolate Layer Cake.**

**APPENDIX III ATTACHMENT B:**  
**OWNER'S PROFILES**

**[7 PAGES, INCLUDING THIS COVER SHEET]**

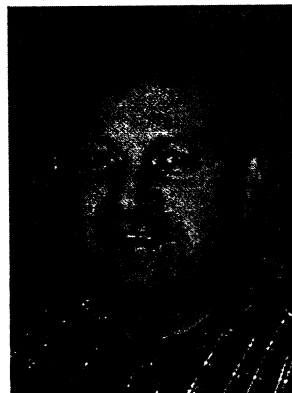
**OWNER'S PROFILE:****JOHN PIUS BRENNAN**  
(John)

John Brennan was born in Kilkenny, Ireland – in the mediaeval city. In 1980, John moved to Germany and two years later to Australia, where he and his wife, Margaret, raised their family for 15 years. John's background and training are in Civil Engineering. In Australia, he worked on the cross-country pipeline and as a Civil Engineer for 15 years.

John and Margaret moved back to Ireland with their five children in 1997, where they opened an Australian-themed restaurant and bar. In 2003, John bought a second restaurant.

John was introduced to Mark through his friend Billy O'Sullivan, and the three men combined their considerable talents and experience to come up with the concept for Daniel O'Connell's.

John fell in love with Old Town, Alexandria, and has his heart set on opening an Irish Restaurant in an area – an area that he feels he and his family can call a second home!



OWNER'S PROFILE:**WILLIAM JAMES PATRICK O'SULLIVAN:**  
(Billy)

As one of the owners of Daniel O'Connell's, Billy O'Sullivan brings with him the extensive expertise that he has obtained and finely honed as the Managing Director of O'Sullivan's Interiors, Ireland's premier quality restaurant and pub design and construction company working in the United States today. Billy has been involved in the opening of more than 100 Irish restaurants and pubs in Ireland, Europe, and the United States.

Educated at the Waterford Institute of Technology in the Master Carpenter and Joiner / Design and Construction Management field, Billy has, for the last 15 years, been managing building contracts of various types from high-rise car parks to fine restoration works and, more importantly for Daniel O'Connell's, Billy has been the designer of some of the most exceptional Irish restaurants and pubs opened in the United States in recent years.

Billy ably spoke for all three of the owners of Daniel O'Connell's when he recently said, "Since 1991 I have been looking for locations and helping customers pick the right site for restaurants of the type of Daniel O'Connell's. The location in Old Town is the most suitable location for this type of restaurant that I have seen in my more than 20 years of experience in the field."



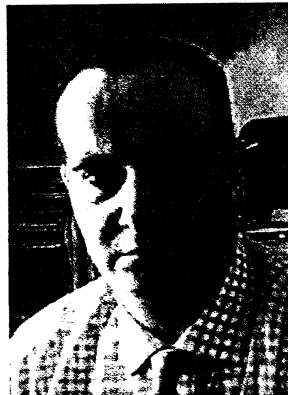
**OWNER'S PROFILE:****MARK ANTHONY KIRWAN:**  
(Mark)

Mark Kirwan was born in Dublin, Ireland, and later moved to Roscrea, County Tipperary. He attended University College, Dublin, and obtained a degree in equine science.

Mark moved to the United States in 1992 and managed the Dubliner Restaurant on Capitol Hill in Washington, D.C. In 1996, he began work for the Guinness brewery – specializing in opening Irish restaurants throughout the United States.

In 2003, Mark began working for South African breweries, Miller, as a manager of national accounts in the North Atlantic region.

Mark has been a member of the Metropolitan Reserve Police Force, Washington, D.C., since 2001, and is assigned to the branch which promotes alcohol awareness, sets and conducts sobriety checkpoints, and enforces laws designed to prevent under age drinking.



**APPENDIX IV**

**PARKING MANAGEMENT PLAN<sup>1</sup>**

**Respectfully submitted by  
Daniel O'Connell's Irish Restaurant, LLC  
in support of  
Application for Special Use Permit  
and  
Restaurant Supplemental Application**

**June 28, 2004**

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<sup>1</sup> Reference: Restaurant Supplemental Application, Page 2, Item 1, §§ A-E



The Applicant, Daniel O'Connell's Irish Restaurant, LLC ("Daniel O'Connell's"), respectfully submits the following Parking Management Plan ("PMP") as called for at Page 2, Item 1, of the Restaurant Supplemental Application submitted on this date in conjunction with Daniel O'Connell's Application for Special Use Permit.

Daniel O'Connell's will be located in the City's Central Business District at 112 King Street at the site of what has heretofore been the restaurant known as Bullfeathers and a retail shop known as Hats in the Belfry. Bullfeathers was a grandfathered use for which no Special Use Permit existed.

#### **A. PARKING DEMAND GENERATED**

In developing this PMP, Daniel O'Connell's has consulted the Zoning Ordinance of the City of Alexandria, Virginia (adopted and effective June 24, 1992, as amended). Recognizing that under § 8-300(B), the restaurant parking requirements stated in §8-200 (A)(8) are not applicable to restaurants in the Central Business District, we have nonetheless used the Zoning Ordinance as a starting point to estimate the parking demand that will be generated by Daniel O'Connell's. For example, § 8-200(A)(8) of the Zoning Ordinance, if it were applicable, would require one parking space for each 4 seats in the restaurant. Daniel O'Connell's has requested 350 seats, but 50 of those seats are set aside for special use for banquets, receptions, and meetings, and 15 of those seats are seasonal seats for outdoor patio seating. Based on the remainder of 285 seats, with the Zoning Ordinance's guidance as our starting point, the estimated generated parking space demand would be 71 parking spaces (all fractional parking space calculations have been rounded up to the next whole number). If the banquet room and outdoor patio seats are counted, the number would be 88.

As is more fully discussed in the Narrative that is provided in response to Question 3, at Page 3, of the Application for Special Use Permit, Daniel O'Connell's will be a white-linen, fine-dining experience. Our menu, our decor, and the nature of our restaurant are designed to appeal to a high-end market seeking excellent food and drink in comfortable and attractive surroundings. We hope to, and will actively seek, the patronage of local business, professional, and government people during lunch hours and, for dinner, nearby residents who may desire to walk to Daniel O'Connell's for a pleasant evening of fine dining and good conversation. That portion of our anticipated clientele, which is important to our success, will not add to the parking congestion in Old Town. Using what we hope is a modest estimate of 20 seats for residents, and local business, professional, and government people, our estimated parking requirement would be reduced by 5 spaces.

The former owner of Bullfeathers has advised us that Bullfeathers had an approved seating capacity of 198 seats. Using the same Zoning Ordinance provisions that we have applied

to Daniel O’Connell’s as a guideline for parking requirements at Bullfeathers, the prior grandfathered use would have required 50 parking spaces. Advice we have received from the prior owner and from the lessee at Hats in the Belfry, the retail shop on site, indicates that the retail shop would have required 4 parking spaces. Consequently, if our estimate of resident and other local patronage holds true, the parking space demand generated by Daniel O’Connell’s would portend an increase over the prior, grandfathered restaurant and retail shop of 12 spaces when Daniel O’Connell’s banquet room and patio are not in use and 29 spaces at those times when the banquet room and patio are in use.

**B. AVAILABILITY OF OFF-STREET PARKING FOR PATRONS**

Off street parking is available at three sites within 500 feet from the entrance to Daniel O’Connell’s.

At the 100 block of North Union Street, Colonial Parking operates an off-street parking garage with a capacity of 405 vehicles. The garage also has an exit in the 100 block of North Lee Street. The hours of operation of the Colonial Parking Garage are as follows:

Sun	8:00 a.m. to 12:00 a.m.
Mon - Thu	7:00 a.m. to 3:00 a.m.
Fri - Sat	8:00 a.m. to 3:00 a.m.

At the 100 block of South Union Street, Central Parking operates an off-street parking garage with two sites – one on the west side of the street and a smaller section on the east side of the street. The Central Parking Garage has a capacity of approximately 100 vehicles, with 75 being on the west side and 25 on the east side. The hours of operation of the Central Parking facility are as follows:

	<u>West Facility</u>	<u>East Facility</u>
Sun	7:00 a.m. to 12:00 a.m.	9:30 a.m. to 2:00 p.m.
Mon - Tue	7:00 a.m. to 12:00 a.m.	
Wed - Thu	7:00 a.m. to 12:00 a.m.	6:00 p.m. to 12:00 a.m.
Fri	7:00 a.m. to 12:00 a.m.	5:30 a.m. to 1:00 a.m.
Sat	7:00 a.m. to 12:00 a.m.	9:30 a.m. to 12:00 a.m.

In addition to the foregoing, four off-street parking facilities are located within a three-block radius of the entrance to Daniel O’Connell’s. Those facilities are located in the 200 block of South Union Street, the 200 block of The Strand, the 200 block of North Union Street, and the 100 block of North Fairfax Street.

**C. ACCOMMODATION OF EMPLOYEES RE PARKING**

All employees of Daniel O'Connell's will be on contract. The employment contract will provide that employees who choose to drive to work will be forbidden to park on-street during their working hours at Daniel O'Connell's. To facilitate off-street parking or use of alternative transportation by employees, Daniel O'Connell's will subsidize employees to an extent that we estimate will be 50% of employees' parking or public transportation costs. The Applicant has verified with Colonial Parking that, at this time, sufficient space exists at that facility for employee contract parking.

**D. PREDICTED IMPACT OF RESTAURANT ON PARKING SUPPLY: EVENING PEAK, WEEKEND PEAK, AND DAYTIME PEAK**

Daniel O'Connell's should not have a heavy impact on parking supply in the evening, weekend, or daytime peak hours. For reasons already discussed in the PMP, we believe the impact of Daniel O'Connell's over the prior use at the site will be an additional requirement of 12 to 29 parking spaces.

**E. PARKING IMPACT REDUCTION PROPOSAL**

As we have discussed, Daniel O'Connell's intends to proactively compete for and serve a residential customer base during dinner hours and a local professional and business people customer base during lunch hours. We recognize that to do this requires, among other things, being the proverbial "good neighbor." Accordingly, to reduce the restaurant's impact on parking in nearby areas, Daniel O'Connell's will put into place the employee off-street parking and public transportation incentives discussed above in section C of this PMP and will also provide subsidized parking for patrons at the Colonial Parking or Central Parking facilities on North Union Street and South Union Street, respectively. At this time we estimate that the parking subsidy provided to patrons by Daniel O'Connell's will be 30% to 50% of the patron's cost of parking, based on the patron having spent a minimum of \$15.00 at Daniel O'Connell's.

August 26, 2004

Valerie Peterson  
301 King Street  
Room 2100  
Alexandria, VA 22313

Re: SUP 2004-0062

We are writing to let you know that we oppose the placement of trash dumpsters by a restaurant in the 10 foot alley abutting the proposed use in SUP 2004-0062. The placement of dumpsters at this location by Bullfeathers Restaurant allowed smells to travel to King Street with a southerly wind and was unsightly. Additionally, despite complaints to the Health Department, the site, which is visible from King Street, was constantly littered.

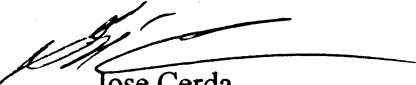
Previous public policy determinations as to restaurant dumpster usage in this alley prohibited any new placement there and planned for future removal of existing ones.

Your attention to this matter is appreciated.

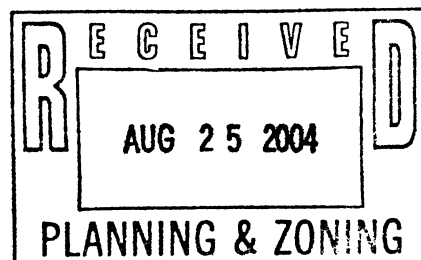
Sincerely,



Charles B. Lindsey  
The Scoop Grill & Homemade Ice Cream  
110 King Street  
Alexandria, VA 22314  
703-799-7885 (home office)



Jose Cerda  
Ben & Jerry's Ice Cream  
103 South Union Street  
Alexandria, VA 22314



Statement of Michael E. Hobbs  
on behalf of the  
Old Town Civic Association  
Planning Commission  
September 9, 2004

PC Docket Item #17  
SEP 2004-0065

Daniel O'Connell's Irish Restaurant

Thank you, Chairman Wagner and members of the Commission. I am Michael Hobbs, President of the Old Town Civic Association, and I thank you for this opportunity to share our views as you consider the special use permit application of Daniel O'Connell's Irish Restaurant.

There is much that is appealing about this proposal for a new restaurant on lower King Street. The applicant promises a "high-end, white-table-linen fine dining experience" with a menu of "Irish and European food made from the finest ingredients and prepared under the direction of an accomplished chef," accompanied occasionally by "high-end, dining music . . . by established artists." The proposed setting is particularly impressive, incorporating 200-year-old antique pieces salvaged from monasteries, churches, and castles throughout Ireland. Some have described the prospect here as resembling that of the Old Ebbitt Grill in Washington. And without intending any offense to the predecessor here, the operation of a restaurant of that quality in Alexandria would be most welcome.

As enticing as that prospect is, however, the Old Town Civic Association cannot endorse this proposal as submitted for this site, and urges that you not approve this special use permit. Our concern has to do principally with how this proposal comports—or in our view does not—with the Old Town Restaurant Policy, and in particular with the impact of a new restaurant of this size on the nearby residential neighborhoods.

And make no mistake about it: while a small portion of the seating here is described as banquet or patio seating, the inescapable bottom line is that the proposed restaurant here will be more than double the size of its predecessor—an increase from 170 seats to 350 seats—in an area that has a more than ample supply of restaurants already, and with another 100-seat expansion under consideration right across the street, and restoration of another 160-seat restaurant just down the block.

We are aware, of course, that the staff recommends approval of the additional seating under this permit: stating, first, that the restaurant "will return activity and vitality to lower King Street"; second, that it is consistent with the principles of the *King Street Retail Study*; and third, that it accords with the Old Town Restaurant Policy. We appreciate all that staff has done with this application, but we respectfully disagree with those conclusions.

### Old Town Restaurant Policy

Our overriding concern about this proposal has to do with its impact on the surrounding neighborhood, and with its implications for the Old Town Restaurant Policy.

The Old Town Small Area Plan, adopted as part of the Master Plan for the city in 1992, is the basic plan and policy that does and should govern this and all other land use applications in the area.

It is well worth remembering the fundamental statement of policy about Old Town in that plan:

Old Town is unique in that it maintains a very fine residential area in close proximity to the commercial establishments on King and Washington Streets. While both the residential and the commercial areas are currently strong, *there is a fragile balance which must be preserved if both are to remain strong and if the ambience of Old Town is to be preserved.* Further, the commercial areas contain a mix of activities that is unique within the metropolitan area, and *that mix needs to be protected if the character of Old Town is to be preserved.* (Emphasis added.)

When the Old Town Small Area Plan was adopted, the policy on restaurants was quite clear, stating that “no additional restaurants should be allowed east of Fairfax Street, and few, if any, east of Washington Street.” A year later, that policy was amended and amplified to read as it does now:

City Council shall not approve a request for special use permit for any new restaurant . . . or an expansion of an existing restaurant . . . *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 [existing] establishments and the number of food service seats, bar seats and standing service areas in the immediate area.

and further, that

The City should do whatever possible to retain a mix of restaurants and shops providing a diversity of goods and services in the King Street area.

The grandfathered Bullfeathers restaurant at this site was authorized 170 seats, no live entertainment, and a closing hour of 2:00 a.m., and there was a retail shop next door. The proposal here is for 350 seats, live entertainment, the same closing hour (although staff proposes to limit it to 1:00 a.m.) and conversion of that retail space to the expanded restaurant. There are numerous residences a block (or less) away on Union, Lee, Prince and Cameron Streets.

We respectfully submit that it would be next to impossible to find that an enlargement and expansion of such scale and scope would have “no significant impact on nearby residential neighborhoods.”

We also note the estimate that, if the proposed increase in seats for O’Connell’s (180) and the Fish Market (100) were approved, the resulting number of seats on lower King Street would be similar to what was there when the Old Town Restaurant Policy was adopted. We would urge, however, that the level of seats ten years ago not be used as a kind of “base-line” measure of an acceptable total number of restaurant seats. The number of seats and the intensity of restaurant impacts in the neighborhood ten years ago was precisely what concerned our members and neighbors and impelled us to urge adoption of the Old Town Restaurant Policy in the first place. If a kitchen metaphor can be excused in this context, moving back to that level would be climbing back out of the frying pan into the fire!

“Return Activity and Vitality to lower King Street”

The 100 block is probably already one of, if not the most, active blocks on King Street on its entire length from the waterfront to the Metro station. There are already 7 other restaurants and food-service establishments in this block. O’Connell’s and the planned successor to the Alamo will make 9, with My Thai and Starbucks across the street, and the Chart House and Food Pavilion a block away on the dock. A walk down King Street to the dock at almost any day and hour should confirm that this section of our city’s “main street” does not lack for “activity and vitality.”

King Street Retail Study

The staff analysis urges that the proposal is “consistent with the guiding principles set forth in the *King Street Retail Study*, currently underway within the Department of Planning and Zoning...” As noted, that is a work in progress. We certainly agree with the goals of promoting and maintaining vibrant and varied activity on King Street, and of optimizing the pedestrian experience at street level. But if that is understood to connote or condone approval of multiple new and expanded restaurants of this scale on King Street east of Washington, then we would have deep concerns about it. That would be a dramatic departure from the present Old Town Small Area Plan and its component Old Town Restaurant Policy, at least in our understanding of those policies. The Planning Commission and City Council should not rely on an emerging “King Street Retail Policy” to approve current proposals such as this until and unless it is decided, after thorough public debate and considered action, that the new policy repeals or replaces the old in our zoning ordinance.

## Parking

The principal impact of this restaurant on the surrounding neighborhood would appear to be in the demand for parking.

The applicant has submitted a Parking Management Plan which suggests that the impact would be minimal to nonexistent. But the calculations that lead to that conclusion are problematic. In calculating the number of spaces to be provided, O'Connell's starts with the 350 seats requested, but then subtracts the 50 banquet seats, 15 patio seats, and an estimated 20 seats attributed to walk-in customers—and then subtracts from the remainder a number of parking spaces attributed to the old Bullfeathers and Hats in the Belfry, to conclude that the net increase in parking demand would be a mere 12 spaces.

We would submit, rather, that:

- (1) Subtracting the 65 banquet and patio seats from the calculation—as if banquet and patio patrons do not park—is misleading. If anything, banquet patrons probably would represent a greater demand for parking spaces than regular dining customers: most patrons do not “walk in” to banquets and special events.
- (2) Subtracting an additional allowance of 20 seats for walk-in customers is also misleading. The ratio of 1 parking space for 4 patrons presumably already takes into account the fact that some portion of a restaurant's patrons will be walk-in rather than drive-in customers. If that were not the case, an allowance of just 1 parking space for every 4 patrons would be grossly inadequate.
- (3) The Parking Plan attributes 50 spaces to Bullfeathers, based on “an approved seating capacity of 198 seats”. But our understanding is that the grandfathered, approved seating at Bullfeathers was 170 seats, not 198 seats, which would translate to 43 parking spaces, not 50.

Taken all together, the likely parking demand of a 350-seat O'Connell's as compared to a 170-seat Bullfeathers would be 88 spaces as compared to 43, slightly more than double. (Or slightly less than double, if 4 spaces are attributed to Hats in the Belfry.)

The applicant points to the proximity of the parking garages in the 100 blocks of North and South Union Streets to address this demand. But on most nights, the South Union Street facility closes one to two hours before O'Connell's requested closing time; and the parking demand of 88 spaces is more than 20% of the capacity of the North Union garage, for this one restaurant. There are, as noted, several other large restaurants already operating or planned in the immediate neighborhood: Il Porto, the Wharf, Landini Brothers, Bugsy's, the Fish Market, the proposed O'Connell's, the Chart House, the Union Street Public House, the successor to the Alamo—it's not realistic to expect that they can all rely on the same 500 parking spaces in these two garages to meet their parking demand.



Finally, the applicant is to be commended for requiring that its employees park off street during their working hours—that is a neighborhood-friendly policy. But it does add an additional requirement of up to 20 spaces on the finite supply at the North Union Street garage.

### Banquet Use

The Special Use Permit Application and the staff report both refer to a 50-seat Banquet Room, and recommended permit condition #2 provides that those seats may be used “only for banquets and special events.” We presume that means that the banquet seating would not be used for overflow or peak-period use by regular diners, but rather, only when booked in advance for a banquet or special event. Indeed, condition #14 provides that advance information about parking availabilities be given to banquet guests—which would be impossible if “banquet” seating were understood to be available for individuals or small groups at peak periods without advance notice. If that were the interpretation, it would only exacerbate our concern about the magnitude of this expansion.

### Entertainment

The impact of a new or expanded restaurant on nearby residential neighborhoods is a function not just of the number of seats and the demand for parking, but also the hours of operation, whether there will be amplified sound or other late-night noise—and above all, the nature and quality of the operation. As the Old Town Restaurant Policy puts it, “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.”

The applicant here proposes to provide “high-end, dining music perhaps once per month to once per quarter” by “established artists booked for special appearances.” Such infrequent live entertainment would probably not have any significant negative impact on the neighborhood—particularly when provided in accordance with the condition (#16) that no amplified sound would be audible outside the restaurant, no admission or cover fee would be charged, and entertainment would be subordinate to the principal function of the restaurant as an eating establishment. But that condition makes no mention of the frequency. If the applicant plans no more than quarterly or at most monthly entertainments, a condition to that effect would strengthen the assurance.

\* \* \*

As stated at the outset, there is much that is appealing about the applicant’s aspirations for this restaurant—but on balance, not on this scale at this site. If, by some flight of fancy, the 350-seat Chart House or 300+-seat Fish Market were to disappear, we would probably welcome their replacement by an establishment of this promised quality. But that is not the case. The addition of another 350-seat restaurant in this immediate neighborhood, more than double the size of its predecessor, gives us substantial concern about the impact on the neighborhood and about application of the Old Town Restaurant Policy, and we urge that you not approve it.

Thank you for your consideration.

17  
9-21-04

Statement of Michael E. Hobbs  
before the  
City Council  
on behalf of the  
Old Town Civic Association  
September 21, 2004

DANIEL O'CONNELL'S IRISH RESTAURANT

Thank you, Mayor Euille and Members of Council. I am Michael Hobbs, President of the Old Town Civic Association, and I thank you for this opportunity to share our views as you consider a special use permit for Daniel O'Connell's Restaurant.

We oppose this application, for the reasons outlined in my written statement which you have.

The staff report recommends approval of this request as consistent with the King Street Retail Study and the Old Town Restaurant Policy. We respectfully disagree.

The King Street Retail Study is a work in progress. Whatever conclusions and recommendations may emerge from that process, they have not yet been published to the community; they have not been presented to the Council; they have not been debated and discussed; they have not been adopted; and they are not part of the ordinance. If that emerging policy were understood to condone approval of multiple new and expanded restaurants of this scale on King Street east of Washington , we would have deep concerns about it.

Members of the Planning Commission urged us to consider that it might be well to review the Old Town Restaurant Policy, which this Council adopted more than a decade ago, in light of present circumstances and conditions—and we think that is a very reasonable suggestion. In the meantime, however, we think the core principle of that policy is still valid--and it is, still, the City's governing policy in these matters. It provides that:

City Council shall not approve a request for a special use permit for any new restaurant . . . or an expansion of an existing restaurant . . . *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 [existing] establishments and the number of food service seats, bar seats and standing service areas in the immediate area.

As compared to the existing restaurant, this application would more than double the size and roughly double the demand for parking spaces. It would add, essentially, a new restaurant the size of the Chart House in a neighborhood that already has eight other full service restaurants—which all rely largely on the same 500 parking spaces in two garages on Union Street to meet their parking demand.

However you act on the current application, we believe it is imperative going forward that the core principle of the Old Town Small Area Plan be preserved: that is, that large-scale new commercial development on King Street not be allowed to overwhelm what the Plan calls the “fragile balance [between residential and commercial areas in Old Town] which must be preserved if both are to remain strong and if the ambience of Old Town is to be preserved.”

Thank you for your consideration.

17  
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9-21-04



"Marguerite Lang"  
<margueritel@hotmail.com>

09/21/2004 03:08 PM

To <alexvamayor@aol.com>, <council@joycewoodson.net>,  
<Councilmangaines@aol.com>, <delpepper@aol.com>,  
<jackie.henderson@ci.alexandria.va.us>,  
cc  
bcc  
Subject SUP2004-0065

Dear Mr. Mayor and Members of City Council,

As a member of the King Street Retail Study, I would like to support Daniel O'Connell's Irish Restaurant's application for a Special Use Permit, subject to the conditions recommended by staff.

This is an opportunity to have a "one of a kind" business, not the type of business found at every shopping mall in the area.

I sincerely hope that you approve this application.

Thank you for your consideration,

Marguerite L Lang  
14 West Rosemont Avenue

SPEAKER'S FORM

DOCKET ITEM NO. 17

**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: Robert L. Calloun

2. ADDRESS: 510 King Street, 22314

TELEPHONE NO. 703-684-2000 E-MAIL ADDRESS Robert1522@aol.com

3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? \_\_\_\_\_

Daniel O'Connell's Irish Restaurant

4. WHAT IS YOUR POSITION ON THE ITEM?

FOR:  AGAINST: \_\_\_\_\_ OTHER: \_\_\_\_\_

5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):

Attorney for Applicant

6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?

YES  NO \_\_\_\_\_

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. 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.

(c) If more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.

(d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.

(e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.

**APPLICATION for SPECIAL USE PERMIT # 2004-0065**

[must use black ink or type]

**PROPERTY LOCATION: 108A, 110, 112 King Street, Alexandria, VA 22314**

**TAX MAP REFERENCE: 12644010, 12643010, 12642650** **ZONE: CD**

108A-75.01-06-08; 110-75.01-06-07; 112-75.01-06-06

**APPLICANT Name: Daniel O'Connell's Irish Restaurant, LLC**  
**Address: 112 King Street, Alexandria, VA 22314**

**PROPERTY OWNER Name: Daniel O'Connell's Virginia Holdings, LLC**  
**Address: 112 King Street, Alexandria, VA 22314**

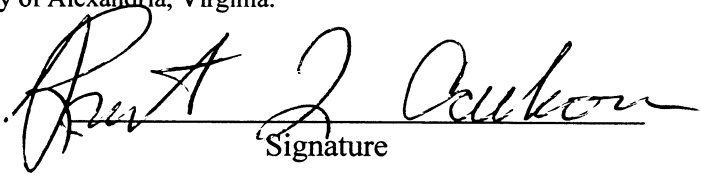
**PROPOSED USE: High-end, fine dining, Irish restaurant**

**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.

**Robert L. Calhoun, Esq. (Agent)**  
**Redmon, Peyton & Braswell, LLP**  
Print Name of Applicant or Agent

  
Signature

**510 King Street, Suite 301**  
Mailing/Street Address

**703-684-2000**  
Telephone #

**703-684-5109**  
Fax #

**Alexandria, VA 22314**  
City and State Zip Code

**June 28, 2004**  
Date

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

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

ACTION - PLANNING COMMISSION: 9/9/04 RECOMMEND APPROVAL 6-1  
9/21/04 CC approved the Planning Commission recommendati

ACTION - CITY COUNCIL: 7-0