

EXHIBIT NO. 1

10  
11-19-07

Docket Item #9  
SPECIAL USE PERMIT #2007-0103

Planning Commission Meeting  
November 8, 2007

**ISSUE:** Consideration of a request for a special use permit to operate a restaurant with expanded hours, increased seating and on premises alcohol sales.

**APPLICANT:** Hank's Oyster Bar Old Town, LLC  
by David Chamowitz, attorney

**STAFF:** Allison Anderson  
Allison.anderson@alexandriava.gov

**LOCATION:** 1026 King Street  
Parcel address: 1024 King Street

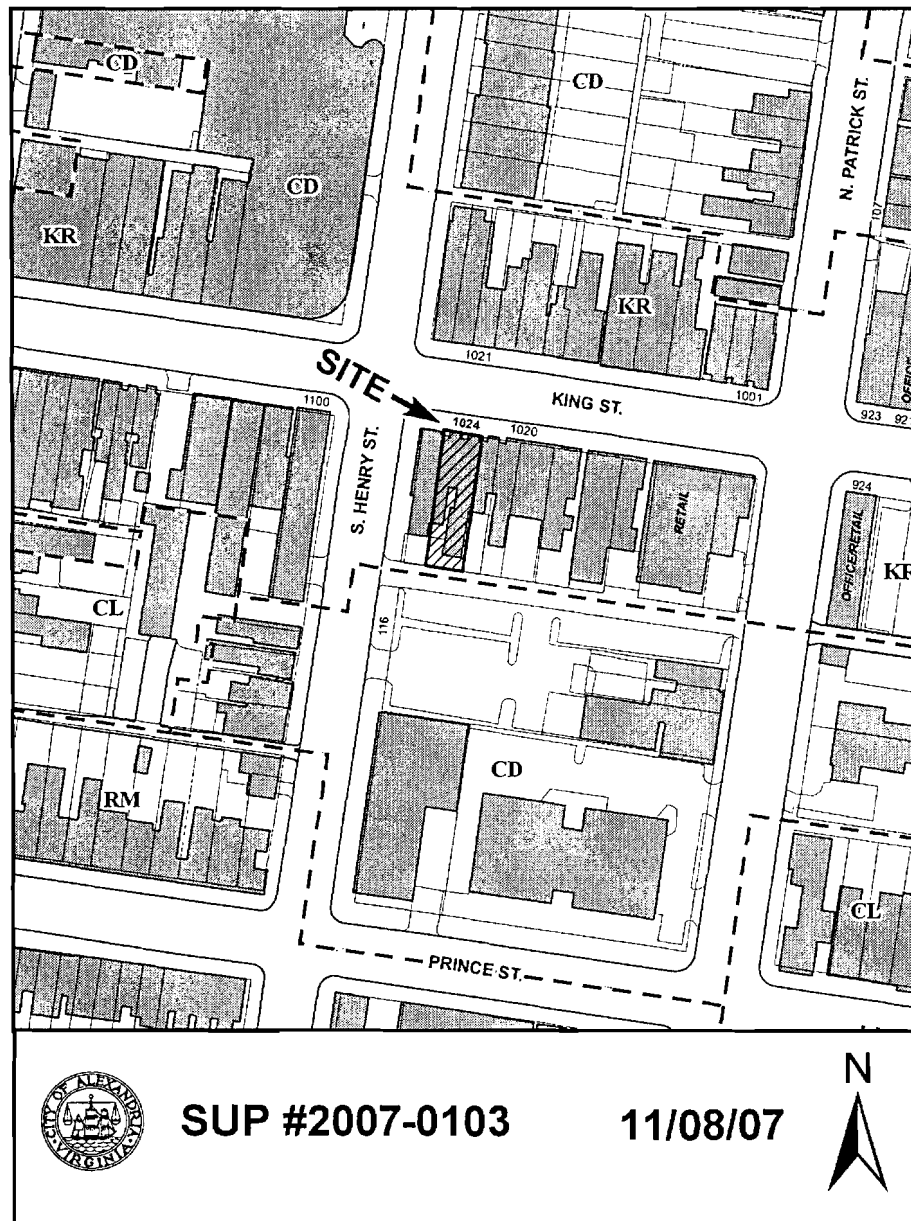
**ZONE:** KR/King Retail Urban Retail

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**PLANNING COMMISSION ACTION, NOVEMBER 8, 2007:** On a motion by Ms. Fossum, seconded by Mr. Dunn, the Planning Commission voted to recommend approval subject to compliance with all applicable codes, ordinances, and staff recommendations, with the deletion of conditions #4, #7 and #9 as requested by staff. The motion carried on a vote of 5 to 0. Mr. Wagner and Mr. Robinson were absent.

Reason: The Planning Commission agreed with the staff analysis.

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



## **I. DISCUSSION**

### **REQUEST**

The applicant, Hank's Oyster Bar Old Town, LLC, requests special use permit approval for expanded hours, increased seats, and on premises liquor sales at a restaurant located at 1026 King Street.

### **SITE DESCRIPTION**

The subject property is one lot of record with 28 feet of frontage on King Street, 100 feet of depth and a total lot area of 2,771 square feet. The site is developed with a restaurant. Access to the property is from King Street.

The surrounding area is occupied by a mix of commercial and office uses. Immediately to the north is a retail store. To the south is a parking lot. To the east and west are a retail store and a deli.

### **BACKGROUND**

On March 16, 1991, City Council granted Special Use Permit #2472 to Taekyun Kim and Taesok Kim for operation of a 40 seat restaurant located at 1026 King Street, named Egg Roll House. On March 20, 2001 staff approved administrative request, Special Use Permit #2001-0002, to change the ownership of the existing restaurant to Global Connections LLC, by Teodula R. Pascual, operating Speedy's Chicken Place. On November 12, 2001, City Council approved Special Use Permit #2001-0096, a request for an expansion of the restaurant. On September 12, 2007 staff approved an administrative request, SUP #2007-0093, to change the ownership to Hank's Oyster Bar Old Town, LLC.

On October 4, 2007, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no major violations of the special use permit. The operating hours were advertised as noon to 9:00pm on Sundays as opposed to noon to 8:00pm as approved.

### **PROPOSAL**

Hours:	Monday – Sunday, 7:00am – 1:00am
Number of seats:	60
Noise:	No unusual or disruptive noise is anticipated.
Trash/Litter:	Trash will be collected daily.

## PARKING

According to Section 8-300 of the Zoning Ordinance, parking provisions do not apply within the Central Business District.

As part of the King Street Retail Strategy, a validated parking program, similar to “Park Alexandria,” was recommended in order to encourage the use of garages. The parking validation program would involve negotiating agreements with garage operators to accept a subsidy given by King Street restaurants to be used for customer’s parking. Both garage operators and restaurants calculate the amount that has been subsidized and the restaurant will pay the subsidized amount due to garage operators for allowing their customers to park there. At this time, the validated parking program does not exist, however it is anticipated to be operational by December 2007.

## ZONING/MASTER PLAN DESIGNATION

The subject property is located in the KR zone. Section 6-702 of the Zoning Ordinance allows a restaurant in the KR zone only with a special use permit.

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

## **II. STAFF ANALYSIS**

Staff supports the requested changes to the special use permit. The proposed changes are consistent with the King Street Retail Strategy in that they will help enliven and activate the street. The proposed 1:00am closing time is consistent with other restaurants in the area. Restaurant closings range from 10:00pm for Bistro Lafayette at 1118 King Street, to 2:00am for Café Salsa at 808 King Street. The Vermillion restaurant at 1120 King Street operates until 11:00 on Friday and Saturday, and the Café Salsa Restaurant at 808 King Street operates until 2:00am on Fridays and Saturday. The Flying Fish at 815 King Street operates until 1:00am weeknights, and 2:00am weekends.

The applicant will need to obtain a new certificate of occupancy prior to adding the additional seating.

With the following conditions, staff recommends approval of the special use permit.

### III. RECOMMENDED CONDITIONS

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)(SUP #2472)
2. **CONDITION AMENDED:** Seating shall be provided inside for no more than 60 40 patrons. (P&Z) (SUP #2472)
3. The applicant shall be able to use the first and second floors for customer seating and customer service. (P&Z) (SUP #2001-0096)
4. **CONDITION DELETED BY PLANNING COMMISSION:** ~~No outside dining facilities shall be located on the premises. (P&Z) (SUP #2472)~~
5. **CONDITION AMENDED:** The hours during which the restaurant is open to the public shall be restricted to ~~11:00AM to 11:00PM, Monday through Thursday, and from 11:00AM to 10:00PM on Friday and Saturday, and noon to 8:00PM on Sunday~~ 7:00 A.M. to 1:00 A.M., daily, as requested by the applicant. (P&Z)
6. No food, beverage, or other material shall be stored outside. (P&Z) (SUP #2472)
7. **CONDITION DELETED BY PLANNING COMMISSION:** ~~Trash and garbage shall be stored inside or in a dumpster. (P&Z) (SUP #2472)~~
8. Trash and garbage SHALL be collected daily when the business is open. (P&Z) (SUP #2472)
9. **CONDITION DELETED BY PLANNING COMMISSION:** ~~Two standard City trash containers shall be furnished to the City of Alexandria for installation by the City on the adjacent public right of way. (P&Z) (SUP #2472)~~
10. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2472)
11. No live entertainment shall be provided at the restaurant. (P&Z) (SUP#2001-002)
12. **CONDITION AMENDED:** The applicant shall be permitted to sell alcohol, beer and wine for on-premises consumption only. (Police) (P&Z)
13. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)(SUP#2001-0002)

14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)(SUP#2001-0002)
15. **CONDITION AMENDED:** All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. No amplified sound shall be audible at the property line. (P&Z) (T&ES) (SUP #2007-0003)
16. **CONDITION AMENDED:** The applicant shall require its employees who drive to work to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (P&Z) (SUP #2007-0093)
17. **CONDITION AMENDED:** The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Study. ~~The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in an equivalent parking subsidy program by which the regular parking price is discounted by at least \$1.~~ (P&Z) (SUP #2007-0093)
18. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)(SUP#2001-0002)
19. **CONDITION AMENDED:** The applicant shall control ~~existing~~ odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP #2007-0093)
20. **CONDITION ADDED:** The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
21. **CONDITION ADDED:** Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)

22. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for all employees. (Police) (SUP#2001-0002)
23. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2001-0096)
24. The applicant shall comply with any regulations adopted as part of a smoke-free ordinance. (P&Z) (SUP #2007-0033)
25. **CONDITION ADDED:** The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
26. **CONDITION ADDED:** 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)
27. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP #2001-00096)

STAFF:        Richard Josephson, Deputy Director, Department of Planning and Zoning;  
                 Allison Anderson, 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. (T&ES)
- 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. (T&ES)
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
- R-4 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- R-5 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-6 Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
- R-7 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.



- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

Code Enforcement:

- F-1 Applicant has indicated in his application that he is proposing 60 seats in the restaurant. The approved Fire Prevention Permit (Occupancy) allows for fewer than 50 occupants. Additionally, the approved Special Use Permit allows for only 40 – seats. A new certificate of occupancy is required for the proposed addition of seating.
- C- 1 Any configuration of outdoor seating shall comply with the following conditions:
- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
  - Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
  - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
  - The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.
- C- 2 Any increase in occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code.
- C- 3 Any increase in occupancy will only be considered for the exterior of the structure and will not modify the approved interior approved occupant load. At no time shall any approved outdoor seating be incorporated inside due to foul weather or other situations.

Health Department:

- F-1 No Comment

Parks & Recreation:

- F-1 No Comment

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.
- F-1 The Police Department has no objections to the extended hours and no objections to the increased seating.
- F-2 The applicant is seeking an “ABC On” license only. The Police Department has no objections.
- F-3 It is requested that this SUP is reviewed after one year.



# APPLICATION

**SPECIAL USE PERMIT #** 2007-0103

**PROPERTY LOCATION:** 1026 King Street (1024 King St)  
**TAX MAP REFERENCE:** 074.01-05-18 **ZONE:** CD

## APPLICANT

**Name:** Hank's Oyster Bar Old Town, LLC  
**Address:** 1026 King Street, Alexandria, VA 22134

## PROPERTY OWNER

**Name:** Tedoula Pascual  
**Address:** 3306 N. 16th St., Arlington, VA 22201

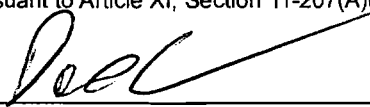
**PROPOSED USE:** Restaurant

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

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

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

David L. Chamowitz  
**Print Name of Applicant or Agent**  
307 N. Washington Street  
**Mailing/Street Address**  
Alexandria, VA 22314  
**City and State** **Zip Code**

  
**Signature**  
(703) 836-5757 (703) 548-5443  
**Telephone #** **Fax #**  
dlc.hcgk@verizon.net  
**Email address**  
10 August 2007  
**Date**



## APPLICATION

SUP 2007-0103

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

1. The applicant is the (check one):
- ☐ Owner
  - ☐ Contract Purchaser
  - ☒ Lessee or
  - ☐ Other: \_\_\_\_\_ of the subject property.

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

Jamie Leeds, 1124 Fairmont St., NW, Washington, DC 20009 -- 80%

Fresh, LLC (Sandy Lewis), 1700 N. Adams St., Arlington, VA 22201 -- 20%

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

☒ **Yes.** Provide proof of current City business license

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

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 11" x 17" or smaller. Twenty-four copies are required for plans larger than 11" x 17" if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

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### NARRATIVE DESCRIPTION

**3.** The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should include such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary.)

This application is to extend the hours of an existing restaurant, to add the ability to serve distilled spirits (mixed drinks), and to increase the number of interior seats permitted.

Hank's is a full-service restaurant focusing on fresh seafood. There will be 60 seats inside, served by approximately 20 employees on various shifts. The restaurant will be open to the public from approximately 11 a.m. until 1 a.m., which is consistent with other restaurants in the area. Employees will be required to park off-street, and the applicant will participate in a City-sponsored customer-parking subsidy program if one is established.

No unusual or disruptive noise is expected to be associated with this use.

**USE CHARACTERISTICS**

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**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 restaurant will serve lunch and dinner, so the 60 seats will be more heavily occupied during those peak periods

\_\_\_\_\_

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

\_\_\_\_\_

20 total employees on various shifts, with the emphasis on evening and weekend dining hours

\_\_\_\_\_

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

Day:

Hours:

\_\_\_\_\_

Mon-Sun

\_\_\_\_\_

\_\_\_\_\_

7 a.m. - 1 a.m.

\_\_\_\_\_

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

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

\_\_\_\_\_

No unusual or elevated noise is expected.

\_\_\_\_\_

- B. How will the noise from patrons be controlled?

\_\_\_\_\_

The noise level will not require special controls.

\_\_\_\_\_



SUP2007-0123

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

No unusual or offensive odors will be produced.

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

A. What type of trash and garbage will be generated by the use?

Typical restaurant trash and garbage.

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

Typical restaurant amounts of trash and garbage.

C. How often will trash be collected?

Several times/week, or as needed.

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

We do not expect littering to be a consequence of our full-service restaurant.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

[ ] Yes. [x] No.

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



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11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☒ Yes. ☐ No.

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

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

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

Typical restaurant methods.

### ALCOHOL SALES

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

☒ Yes. ☐ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

The restaurant will sell wine, beer, and distilled spirits (mixed drinks) for on-premises consumption

only.

### PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking.

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

None. Pursuant to 8-300(B), restaurants in the Central Business District are exempt from 8-200(A)



SUP2007-0103

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? (check one)

☐ on-site  
☐ off-site

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

\_\_\_\_\_

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

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

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

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance?  
None. Pursuant to 8-300(B), lots or groups of contiguous lots of less than 10,000 sq. ft. in the Central Business District are exempt from 8-200(B).

\_\_\_\_\_

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

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

\_\_\_\_\_

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

Mornings

\_\_\_\_\_

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

\_\_\_\_\_

Daily, as necessary.

\_\_\_\_\_

CUP 2007-0103

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 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? \_\_\_\_\_ square feet.

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

2000 sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = 2000 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: A rowhouse-style building.

SUP2007-0103



## APPLICATION

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

1. How many seats are proposed?

Indoors: 60

Outdoors: 20 under the King Total number proposed: 80  
Street Outdoor  
Dining scheme

2. Will the restaurant offer any of the following?

Alcoholic beverages (**SUP only**) X Yes        No

Beer and wine — on-premises X Yes        No

Beer and wine — off-premises        Yes X No

3. Please describe the type of food that will be served:

Primarily seafood appetizers and entrees.

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?

Will delivery drivers use their own vehicles?        Yes        No

Where will delivery vehicles be parked when not in use?

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?

       Yes X No

If yes, please describe:

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SUP 2007-0103

**Parking impacts.** Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)  
☒ 100%  
☐ 75-99%  
☐ 50-74%  
☐ 1-49%  
☐ No parking can be accommodated off-street
2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)  
☒ All  
☐ 75-99%  
☐ 50-74%  
☐ 1-49%  
☐ None
3. What is the estimated peak evening impact upon neighborhoods? (check one)  
☐ No parking impact predicted  
☒ Less than 20 additional cars in neighborhood  
☐ 20-40 additional cars  
☐ More than 40 additional cars

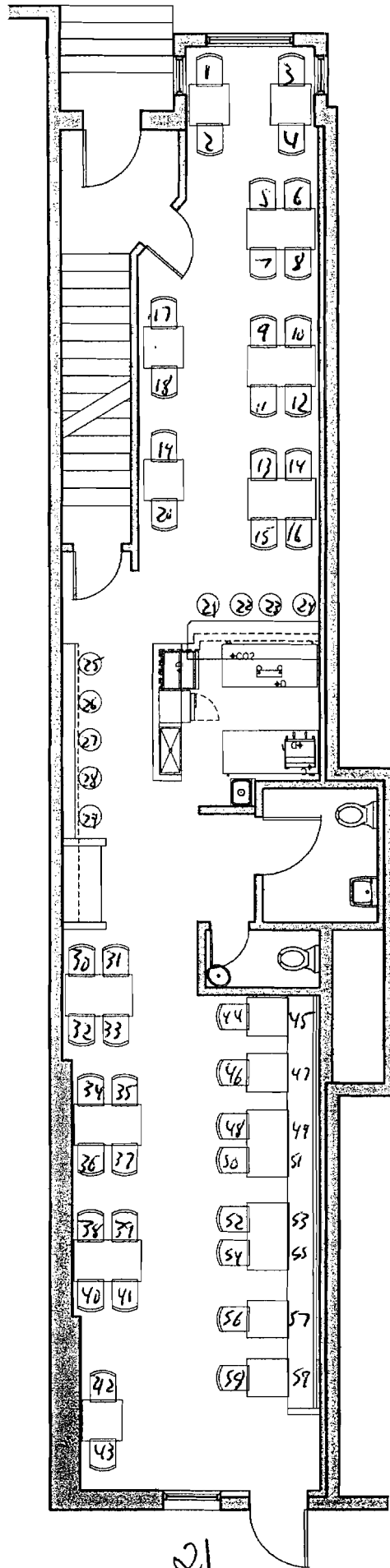
**Litter plan.** The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

**Alcohol Consumption and Late Night Hours.** Please fill in the following information.

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























	<u>70</u>	Maximum number of patron dining seats
+	<u>5</u>	Maximum number of patron bar seats
+	<u>5</u>	Maximum number of standing patrons
=	<u>80</u>	Maximum number of patrons
2. 20 Maximum number of employees by hour at any one time
3. Hours of operation. Closing time means when the restaurant is empty of patrons. (check one)  
☐ Closing by 8:00 PM  
☐ Closing after 8:00 PM but by 10:00 PM  
☐ Closing after 10:00 PM but by Midnight  
☒ Closing after Midnight
4. Alcohol Consumption (check one)  
☐ High ratio of alcohol to food  
☒ Balance between alcohol and food  
☐ Low ratio of alcohol to food

Llank's  
1026 King St.



SUP ~~2006~~<sup>2007</sup> - 0103

[illegible]

- Legend**
-  Highlighted Feature
-  Metrorail Station
-  City Boundary
-  Address Points
-  Metrorail Tracks
-  Bus
-  Taxi
-  Taxi on Bus
-  Parcels
-  Road Labels
-  Road Centerlines
-  Averaged Point-to-Point Residential Count
-  Expressway
-  Other Road
-  Roads
-  Railroads
-  Buildings
-  Parks
-  Water
-  Downtown River
-  Other
-  City of Alexandria

Map Produced: 8/30/2007

Hank's Oyster Bar Old Town, LLC

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# City of Alexandria, Virginia

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## MEMORANDUM

DATE: NOVEMBER 8, 2007  
TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION  
FROM: FAROLL HAMER, DIRECTOR  
DEPARTMENT OF PLANNING AND ZONING *FH*  
SUBJECT: DOCKET ITEM #9  
SUP #2007-0103; RESTAURANT

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Staff proposes to delete three conditions in the staff report for the Special Use Permit for the restaurant located at 1026 King Street.

Conditions to be Deleted:

Condition number 4, requiring that no outdoor seating be provided on the premises. Outdoor seating for restaurants on King Street is handled through a separate approval process.

Condition number 7 requiring that the applicant store trash and garbage in a dumpster is redundant with the more recent condition number 18.

Condition number 9 requiring two City trash containers be furnished by the applicant is redundant with the condition 21 requiring a contribution of \$500 to the City's Litter Control Fund.



# APPLICATION

**SPECIAL USE PERMIT #** 2007-0103

**PROPERTY LOCATION:** 1026 King Street (1024 King St)  
**TAX MAP REFERENCE:** 074.01-05-18 **ZONE:** CD

## APPLICANT

**Name:** Hank's Oyster Bar Old Town, LLC  
**Address:** 1026 King Street, Alexandria, VA 22134

## PROPERTY OWNER

**Name:** Tedoula Pascual  
**Address:** 3306 N. 16th St., Arlington, VA 22201

**PROPOSED USE:** Restaurant

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

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

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

David L. Chamowitz  
**Print Name of Applicant or Agent**  
307 N. Washington Street  
**Mailing/Street Address**  
Alexandria, VA 22314  
**City and State** **Zip Code**

**Signature**  
(703) 836-5757 (703) 548-5443  
**Telephone #** **Fax #**  
dlc.hcgk@verizon.net  
**Email address**  
10 August 2007  
**Date**