

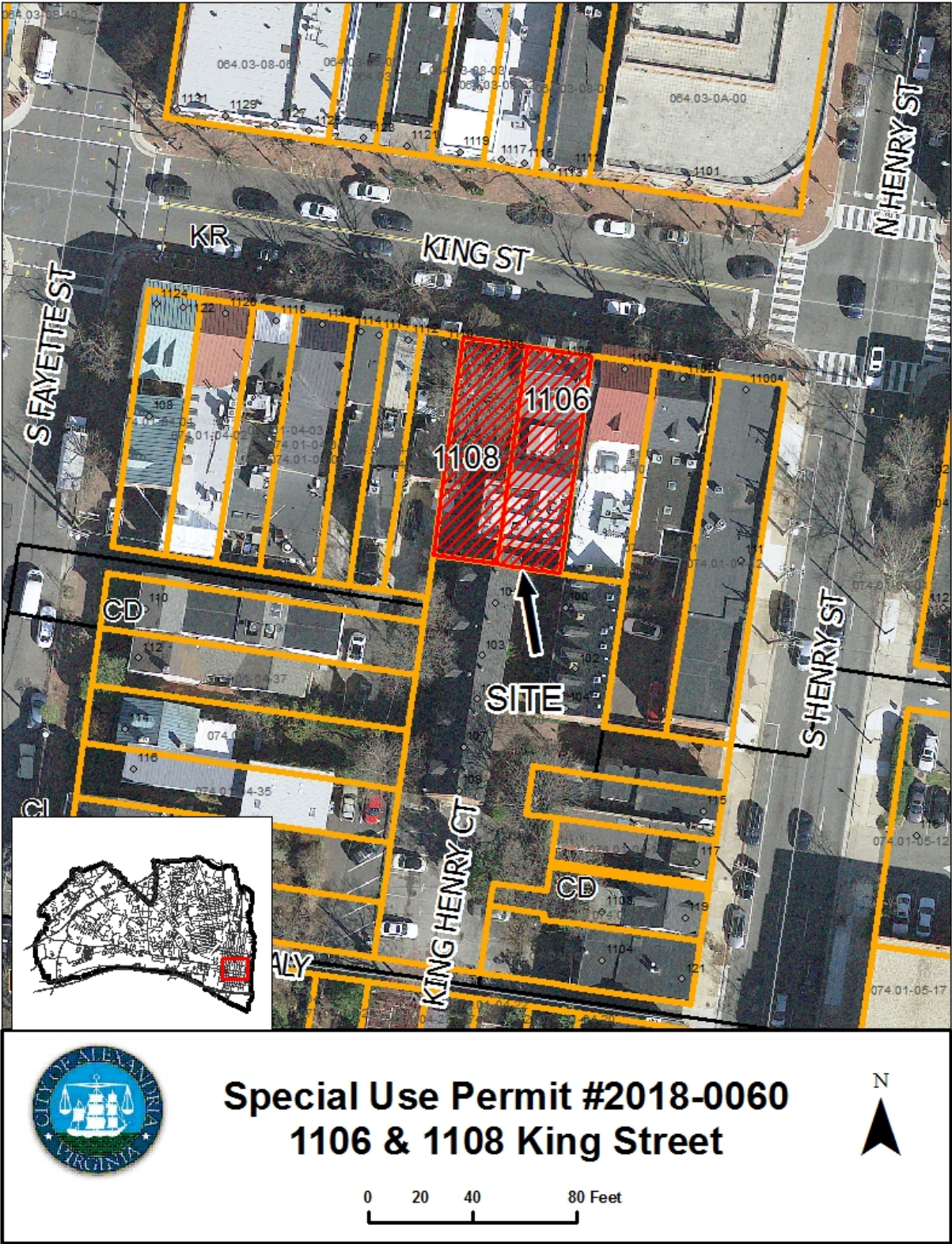


DOCKET ITEM #16
Special Use Permit # 2018-0060
1106 & 1108 King Street – Augie’s Mussel House and Patio

Application	General Data	
Public hearing and consideration of a special use permit amendment to add indoor and outdoor seating, add outdoor live entertainment, extend hours of operation, and delete a condition requiring 15 off-street parking spaces at an existing restaurant	Planning Commission Hearing:	September 4, 2018
	City Council Hearing:	September 15, 2018
Address: 1106 & 1108 King Street	Zone:	KR/King Street Urban Retail
Applicant: Eat Augies, LLC represented by M. Catharine Puskar, attorney	Small Area Plan:	Old Town

Staff Recommendation: PARTIAL APPROVAL subject to compliance with all applicable codes, ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Sam Shelby, sam.shelby@alexandriava.gov



I. DISCUSSION

The applicant, Eat Augies, LLC, requests special use permit (SUP) approval to amend conditions of SUP #2018-0047 for an existing restaurant located at 1106 and 1108 King Street.

SITE DESCRIPTION

The subject site contains two lots of record with a total of 49.4 feet of frontage on King Street, 84.2 feet of depth and a lot area of 4,158 square feet. The 1106 King Street lot contains a two-and-a-half story structure that houses an existing 108 seat restaurant. The 1108 King Street lot, located immediately adjacent to the west, contains a brick patio that accommodates an accessory outdoor dining area with 45 seats. Figure one, below, shows the restaurant building and adjacent patio.



Figure 1 - subject site

A mix of residential and commercial uses surround the subject site. The 1100 block of King Street contains a mix of commercial uses including retail, restaurant, personal service, and others. Some of these ground floor commercial spaces along King Street have residential apartments located above them. Kings Court, located directly behind the site, contains townhouse condominiums with seven dwelling units. In 1978, the Board of Zoning Appeals granted a 16-foot variance from the

required side yard setback for these townhouses to be constructed on the shared lot line between the subject site and the townhouse dwellings

BACKGROUND

A restaurant has operated almost continuously at the subject site for over 30 years. Le Gaulois, a 108 seat French restaurant, received SUP approval in 1985. To date, staff has administratively approved three changes of ownership SUPs. City Council has also approved several amendments to SUP conditions relating to expansion of the restaurant operation including outdoor dining, indoor live entertainment, off-street parking and hours of operation.

The restaurant has featured outdoor dining since City Council granted SUP approval in 1996 for a 30-seat outdoor dining patio. A condition of that approval required the completion of a 14-foot tall brick privacy wall to provide separation between the outdoor dining area and the adjacent residential properties. In 2012, staff administratively approved a request to add 15 additional outdoor dining seats. In its review of SUP #2013-0074, City Council approved the reduction of the off-street parking requirement to 15 spaces, however, did not approve the applicant's request for live entertainment, loudspeakers, and a bar in the outdoor dining area due to neighbor complaints and concerns related to late night noise and to the applicant's history of zoning and code violations.

Special Use Permit #2018-0047 for a change of ownership was administratively approved from 1106 Steak, LLC to Eat Augies, LLC on June 25, 2018.

In the last five years, City staff has issued warnings and citations to previous restaurant operators for Code and SUP violations. Staff primarily found these violations during proactive or routine inspections but two were investigated based on neighborhood complaints. Restaurant operators generally responded quickly to correct violations. Staff performed a routine SUP inspection on August 6, 2018 and found no violations.

PROPOSAL

The applicant requests amendments to SUP #2018-0047 to allow increased indoor and outdoor seats (conditions #2 and #3), expanded hours of operation indoors and outdoors (conditions #4 and #11), to eliminate the agreement to provide 15 off-street parking spaces (Condition #7) and removal of the prohibition on outdoor live entertainment and loudspeakers (Condition #10). The restaurant would continue to operate under the name "Augie's Mussel House and Patio;" serving Belgian cuisine with a focus on mussels and craft beers. The applicant proposes to increase indoor seating from 108 to 140 and to add an additional bar area on the restaurant's first floor. The applicant also proposes to increase outdoor seats from 45 to 86. The outdoor dining area would feature access to an indoor/outdoor bar, live entertainment, loudspeakers, televisions, and outdoor games like bocce and corn hole. Live entertainment would continue to be offered indoors consistent with the existing SUP. The restaurant's existing and proposed operational details are as follows:

	Existing	Proposed
<u>Hours of operation:</u>	<i>Indoor</i> 7 a.m. to 1 a.m., daily <i>Outdoor</i> 11:30 a.m. to 10 p.m., Sun. to Thurs. 11:30 a.m. to 11 p.m., Fri. & Sat.	<i>Indoor & Outdoor</i> 7 a.m. to 2 a.m., daily
<u>Seats:</u>	108 (indoor) 45 (outdoor) Total: 153	140 (indoor) 86 (outdoor) Total: 226
<u>Employees:</u>	10	15
<u>Type of Service:</u>	Dine-in, carryout, and bar. No delivery (no change)	
<u>Delivery:</u>	None (no change)	
<u>Alcohol:</u>	On-premises only (no change)	
<u>Live Entertainment:</u>	Indoor only	Indoor & outdoor amplified entertainment. Outdoor loudspeakers, televisions and games
<u>Noise:</u>	Noise levels of a typical restaurant operation. Noise levels would comply with the City's Noise Control Ordinance	
<u>Trash/litter:</u>	Food waste, bottles and other typical restaurant trash would be held in the insulated walk-in box. Commercial service picks up trash twice each week (no change)	

PARKING

The restaurant is located within the Central Business District (CBD). Since at least 1983, Zoning Ordinance Section 8-300(B) has not mandated off-street parking requirements for restaurants within the CBD. Past SUP approvals have carried forward a requirement for the applicants to provide varying numbers of off-street parking spaces since the original SUP was approved in 1985 (Condition #7).

ZONING/MASTER PLAN DESIGNATION

The subject site is zoned KR/King Street urban retail. Zoning Ordinance section 6-702(A)(2)(k) allows a restaurant in the KR zone only with SUP approval unless it complies with standards for administrative SUP approval found in zoning ordinance section 11-513(L). Because the applicant's request exceeds the standards for administrative SUP approval, the case must be reviewed through the full-hearing SUP process.

A restaurant with outdoor dining is a use that is consistent with the Old Town Small Area Plan and King Street Retail Strategy chapters of the City's Master Plan.

The project is located within the locally regulated Old and Historic Alexandria District. While no exterior alterations are proposed as part of this SUP application, any exterior alterations, including lighting, window and door replacement, and all signs require BAR approval.

II. STAFF ANALYSIS

Staff recommends partial approval of the applicant's proposal to amend its SUP. Staff supports expanded indoor hours of operation, the requested increase of indoor seats, a limited increase of outdoor seats, outdoor limited live entertainment, and deletion of the off-street parking requirement City guidelines. The King Street Retail Strategy encourages active, pedestrian-oriented uses throughout the daytime and evening hours as well as the full utilization of upper floors of buildings along King Street. The applicant's proposal would increase street-level activity and vibrancy along the 1100 block of King Street. Nonetheless, staff acknowledges the noise impacts related to late night hours for outdoor dining, outdoor amplified live entertainment, televisions or loudspeakers due primarily to the proximity of residences and, therefore, does not support these aspects of the applicant's proposal.

Staff has analyzed the proposal through the Old Town Restaurant Policy guidelines as follows:

Parking

Staff does not anticipate that additional parking impacts would result from the increased number of both seats and employees nor the removal of condition #7, which currently requires 15 off-street parking spaces. The King Street Metro Station, King Street Trolley, Metro and DASH buses and Capital Bikeshare provide customers and employees a variety of transportation alternatives to driving. The Alfred Street and 1101 King Street parking garages as well as the 920 King Street and 116 South Alfred surface parking lots, all within two-and-a-half blocks from the restaurant, provide off-street parking options for customers and employees who drive. Staff reviewed the parking requirements for similarly-sized restaurants within Old Town and the immediate vicinity and found that the few SUP approvals in the CBD that require off-street parking spaces are located farther from the Metro.

To ensure that the proposal does not cause parking impacts, staff has carried forward parking and public transportation-related conditions from previous SUP approvals. Staff proposes edits to several of these conditions for consistency with current initiatives and standards.

Alcohol & Late-Night Hours

The applicant has not proposed any changes to the existing on-premises alcohol sales. Staff analyzed the hours of previously approved restaurants within the 1100 block of King Street and found the applicant's proposal to be consistent with the established hours of operation neighborhood standard. Other restaurants are open until 2 a.m., within three blocks of the restaurant. A review of City records found no noise related complaints in the last five years for any of these restaurants.

Staff does not support the applicant's proposal to operate the outdoor dining area until 2 a.m. Consistent with the King Street Outdoor Dining Standards, staff recommends limiting the outdoor hours of operation from 7 a.m. to 11 p.m., as found in Condition #11.

Outdoor Dining & Live Entertainment

The subject site's location makes it particularly challenging to operate a restaurant with outdoor dining without disturbing neighbors. The restaurant's outdoor dining area is approximately 28 feet from the nearest dwelling.

Staff is generally supportive of the applicant's request to increase the number of outdoor dining seats because of the location within the City's downtown core and the unlikelihood of noise of the outdoor dining area to be audible above the existing background noises common in this dense, urban area. However, staff has concerns about the total number of patrons and, again, the nearby residences. Staff recommends that the maximum number of outdoor dining seats shall only be increased by 20 seats for a total of 65 outdoor dining seats. Further, the maximum number of patrons in the outdoor dining area shall not exceed 65 at any given time (Condition #3).

Staff recommends changes to Conditions #10 and #17, related to indoor live entertainment, to minimize potential noise impacts on adjacent neighbors. Staff does not support the applicant's request for amplified, outdoor live entertainment or loudspeakers. The lack of outdoor, amplified music and the prohibition on outdoor loudspeakers, as stated in the aforementioned entertainment related conditions, would protect adjacent residential uses from noise impacts.

Subject to the conditions stated in Section III of this report, staff recommends partial approval and partial denial of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

Staff recommends **partial approval** of the requested SUP amendments 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 #1817)
2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats shall be 145 ~~108~~. (P&Z)
3. **CONDITION AMENDED BY STAFF:** The maximum number of outdoor dining seats on the patio to the west of the building shall be 65 ~~45~~. No more than 65 patrons shall be standing or seated in the patio area at any one time. (P&Z)
4. **CONDITION AMENDED BY STAFF:** Indoor hours of operation shall be limited to between 7 a.m. – 2~~4~~ a.m., daily. For indoor seating, meals ordered before 2~~4~~ a.m. may be served, but no new patrons shall ~~may~~ be admitted and no ~~new~~ alcoholic beverages shall ~~may~~ be served after 1 a.m., and all patrons must leave by 3~~2~~ a.m. (P&Z)
5. Trash and garbage shall be stored inside or in dumpsters which are fully enclosed within a refrigerated storage container at the rear of the property. Trash and garbage shall only be removed from the storage container for the purposes of collection and cleaning. (King Henry Court Owners Association) (SUP #96-0020)
6. Condition deleted. (SUP #96-0020)
7. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide a minimum of 15 off-street parking spaces primarily for restaurant employees, to the satisfaction of the Director of Planning and Zoning. The applicant shall also provide and maintain a written agreement for the 15 off-street parking spaces to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services. (P&Z) (PC) (SUP#2013-0074)~~
8. **CONDITION DELETED BY STAFF:** ~~There will be no through vehicular traffic via the alley from Fayette Street. P&Z)-(PC)-(SUP #1817)~~
9. Condition deleted by staff. (P&Z) (SUP #2006-0107)
10. **CONDITION AMENDED BY STAFF:** Indoor limited live entertainment shall be permitted in the form of only to provide background-ambient music for to restaurant patrons during the hours of 9:00 a.m. to 1:00 a.m., daily. ~~Live entertainment shall be limited to inside the restaurant building only, and shall not be permitted in any outdoor seating area. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any aAdvertising of the entertainment shall reflect its subordinate nature by featuring food service as well as the entertainment that features entertainment as a destination is prohibited. No admission or cover fee shall be assessed charged. The~~

restaurant's doors and windows shall remain closed during all indoor live performances. In addition, outdoor live entertainment shall be in the form of unamplified acoustic music and shall end no later than 9:00 p.m., daily. (PC)(P&Z) (SUP#2013-0074)

11. **CONDITION AMENDED BY STAFF:** The hours of operation for the outdoor dining area shall be limited to 7 a.m.-11 p.m., daily. 11:30 A.M. to 10:00 P.M. Sunday through Thursday, and limited to 11:30 A.M. to 11:00 P.M. Friday and Saturday. No meals may be served in the outdoor patio area after 9:30 P.M. Sunday through Thursday and after 10:30 P.M. Friday and Saturday and the patio. The outdoor dining area shall be closed and cleared of all patrons and cleaned by 11:00 P.M, daily, and shall be cleaned and washed at the close of each business day that it is in use. (P&Z) (PC) (SUP#2012-0068)
12. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #96-0020)
13. **CONDITION AMENDED BY STAFF:** On-premises alcohol sales shall be are permitted, consistent with a valid Virginia ABC license. (P&Z)
14. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #96-0020)
15. 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) (T&ES) (SUP #96-0020)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #96-0020)
17. **CONDITION AMENDED BY STAFF:** The use must comply with the City's Noise Ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no ~~music or~~ amplified sound shall be audible at the property line. (P&Z) (T&ES) (SUP #2018-0047)
18. Condition deleted by staff. (P&Z) (SUP #2006-0107)
19. Condition deleted. (City Council) (SUP#2002-0079)
20. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITIONS #45 AND #46:** The applicant shall (a) advertise the availability of off street parking by including such notice in any advertising; (b) urge patrons who drive to use the space; and (c) post signs at the restaurant directing patrons to the availability of such parking. (P&Z) (SUP #96-0020)
21. Condition deleted by staff. (P&Z) (SUP #2006-0107)

22. The Director of Planning and Zoning shall review the Special Use Permit one year from approval and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)
23. Condition deleted by staff. (P&Z) (SUP #2006-0107)
24. The wooden door shall be kept closed at all times while the outdoor dining area is open, except for purposes of taking deliveries during daylight hours. (King Henry Court Owners Association) (SUP #2006-0107)
25. The applicant shall control cooking odors, smoke, and any other air pollution from operations at the site and prevent them from leaving the property, or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP#2013-0074)
26. Condition deleted by staff. (P&Z) (SUP #2006-0107)
27. The applicant shall conduct employee training session on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and to provide instruction preventing underage sales of alcohol. (P&Z) (SUP#2004-0037)
28. The applicant shall submit a seating plan that accurately reflects the conditions at the site along with the proposed seating arrangement. (Code Enforcement) (SUP#2004-0037)
29. A clear, unobstructed path measuring no less than 44 inches is required to be maintained from the building exit, through the courtyard to the approved exits to the public way. The pathway shall remain clear of tables, chairs and planters at all times. The approved pathway shall be designated by the applicant and approved by the Director of Code Enforcement. (Code Enforcement) (SUP#2004-0037)
30. A secondary exit from the courtyard shall comply with the USBC, remain free of obstructions and be properly illuminated at all times. The aforementioned shall include the exit door, pathway to the alley, and the alley leading to the public way. (Code Enforcement) (SUP#2004-0037)
31. Front gates of the courtyard shall remain unlocked and held in the open position at all times the building is occupied. (Code Enforcement) (SUP#2004-0037)

32. Any encroachment from any other structure that impacts the courtyard, requires a new review of the courtyard seating shall be revisited for compliance with the USBC. (Code Enforcement) (SUP#2004-0037)
33. Condition deleted by staff. (SUP#2012-0068)
34. Condition deleted by staff. (SUP#2012-0068)
35. Condition deleted by staff. (See Condition #4) (SUP#2013-0074)
36. Condition deleted by staff. SUP#2012-0068)
37. The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Study. (P&Z) (SUP#2006-0107)
38. Condition deleted by staff. (SUP#2013-0074)
39. Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2008-0063)
40. No delivery of food or beverages to customers shall be offered from the restaurant. (P&Z) (SUP#2013-0074)
41. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP#2013-0074)
42. Condition deleted by staff. (SUP#2014-0119)
43. Condition deleted by staff. (SUP#2014-0119)
44. All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
45. **CONDITION AMENDED BY STAFF:** The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggest parking strategies in the King Street Retail Strategy. The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at

~~goalex@alexandriava.gov for more information about available resources. (Old Town Area Parking Study) (T&ES) (P&Z)~~

46. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (P&Z) (SUP #2018-0047)
47. The applicant shall require its employees who drive to use off-street parking. (P&Z) (SUP #2018-0047)
48. **CONDITION ADDED BY STAFF:** The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (T&ES)
49. The design of the outdoor dining areas and all its components must comply with the King Street Outdoor Dining guidelines. Any outdoor seating areas, including umbrellas, shall not include advertising signage. The applicant shall submit illustrations and specifications to the Director of Planning & Zoning for review and approval. (P&Z) (SUP #2018-0047)
50. **CONDITION ADDED BY STAFF:** A maximum of two sets of outdoor games shall be permitted at any given time and must remain subordinate to the primary restaurant use. (P&Z)

STAFF: Anthony LaColla, Division Chief, Land Use Regulatory Services, Department of Planning and Zoning;
Ann Horowitz, Principal Planner;
Sam Shelby, Urban Planner.

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

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-2 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov or information on establishing a transportation benefits program. (T&ES)
- R-3 The applicant shall direct patrons to the availability of parking at nearby public garages and 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 Strategy (Old Town Area Parking Study). (T&ES)
- R-4 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
- R-5 The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (T&ES)
- R-6 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-7 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-8 If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
- R-9 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-10 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any

cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)

- R-11 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-12 All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-13 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-14 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-15 **CONDITION ADDED BY STAFF:** The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code Enforcement:

- C-1 A building permit and plan review are required prior to the start of inspections.

Fire:

- C-1 Due to a change in ownership, a new fire prevention permit is required for this location.

Health:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria- fee must be paid separate from any other departmental fees.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C-4 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Recreation, Parks and Cultural Activities:

No comments.

Police Department:

No comments received.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # _____

PROPERTY LOCATION: 1106 King Street, Alexandria, VA 22314

TAX MAP REFERENCE: 074.01-04-09 **ZONE:** KR

APPLICANT:

Name: Eat Augies, LLC

Address: 1199 N Fairfax Street, Suite 210, Alexandria, VA 22314

PROPOSED USE: Restaurant with outdoor dining.

☒ **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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

☒ **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.

REVISED 06/25/18

M. Catharine Puskar, attorney

Print Name of Applicant or Agent

2200 Clarendon Blvd, Suite 1300

Mailing/Street Address

Arlington, VA

City and State

22201

Zip Code

mcPuskar

Signature

06/13/18

Date

703-528-4700

Telephone #

703-525-3197

Fax #

cpuskar@thelandlawyers

Email address

ACTION-PLANNING COMMISSION: _____ **DATE:** _____

ACTION-CITY COUNCIL: _____ **DATE:** _____

SUP # _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of Please see attached., I hereby
(Property Address)
grant the applicant authorization to apply for the _____ use as
(use)
described in this application.

Name: _____

Please Print

Phone: _____

Address: _____

Email: _____

Signature: _____

Date: _____

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

☒ **Required floor plan and plot/site plan attached.**

☐ **Requesting a waiver. See attached written request.**

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

☐ Owner

☐ Contract Purchaser

☒ Lessee or

☐ Other: _____ of the subject property.

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

Please see attached.



May 23, 2018

AP Old Town #2
802 Gervais Street, Suite 200
Columbia, SC 29201

Karl Moritz
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

Re: Consent to File Special Use Permit Applications
1106 King Street, Tax Map ID 074.01-04-09 (the "Property")

Dear Mr. Moritz:

As owner of the above-referenced Property, AP Old Town #2 hereby consents to the filing of Special Use Permit applications by Eat Augies, LLC on the Property and any related requests.

Very Truly Yours,

AP Old Town #2

By: [Signature]

Its: MANAGING DIRECTOR

Date: 5/23/18



May 23, 2018

Eat Augies, LLC
1199 N Fairfax Street, Suite 210
Alexandria, VA 22314

Karl Moritz
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

Re: Authorization to File Special Use Permit Applications
1106 King Street, Tax Map ID 074.01-04-09 (the "Property")

Dear Mr. Moritz:

Eat Augies, LLC hereby authorizes Walsh, Colucci, Lubeley & Walsh, P.C. to act as agent on its behalf for the filing and representation of applications for Special Use Permits on the Property and any related requests.

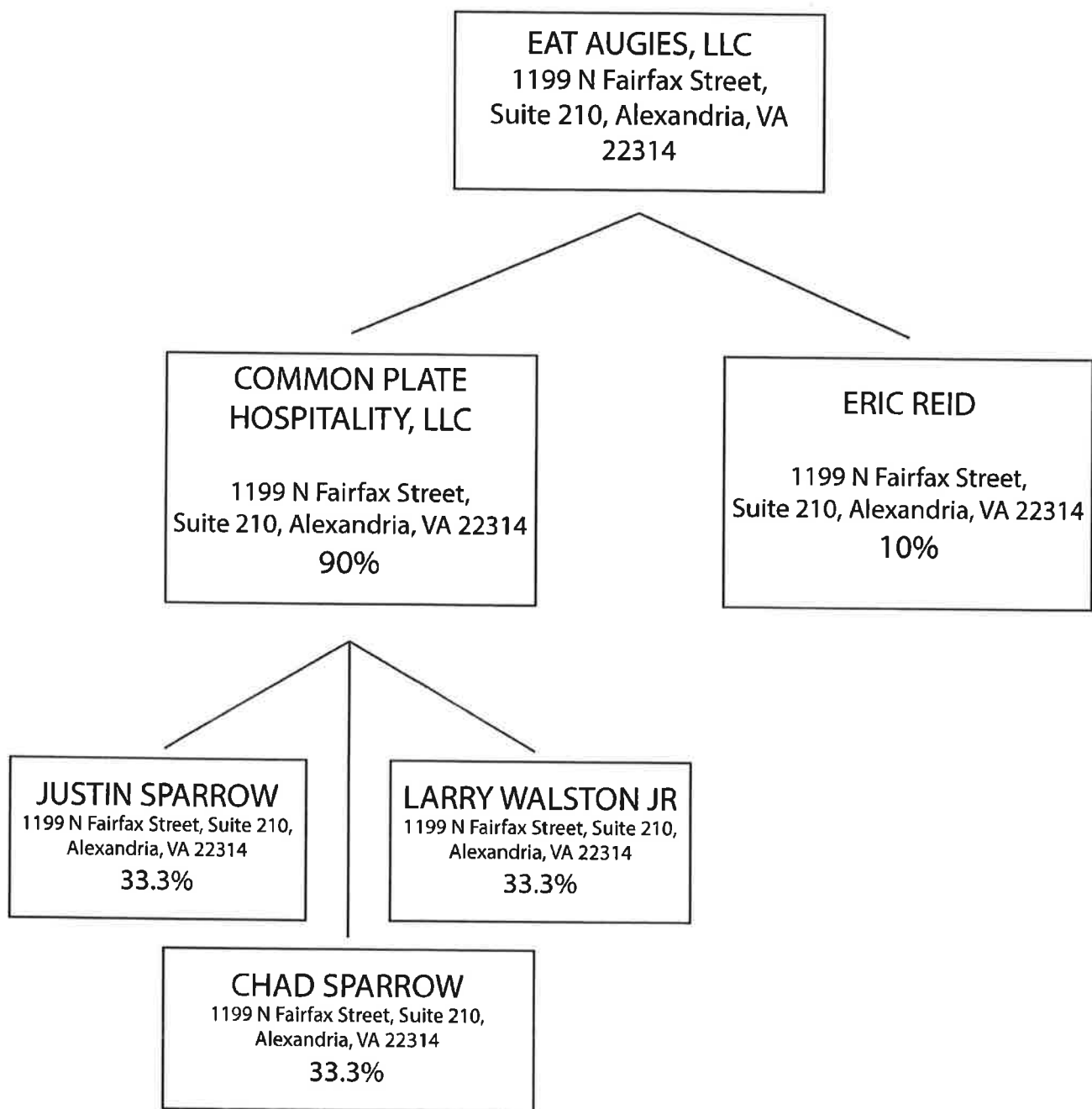
Very truly yours,

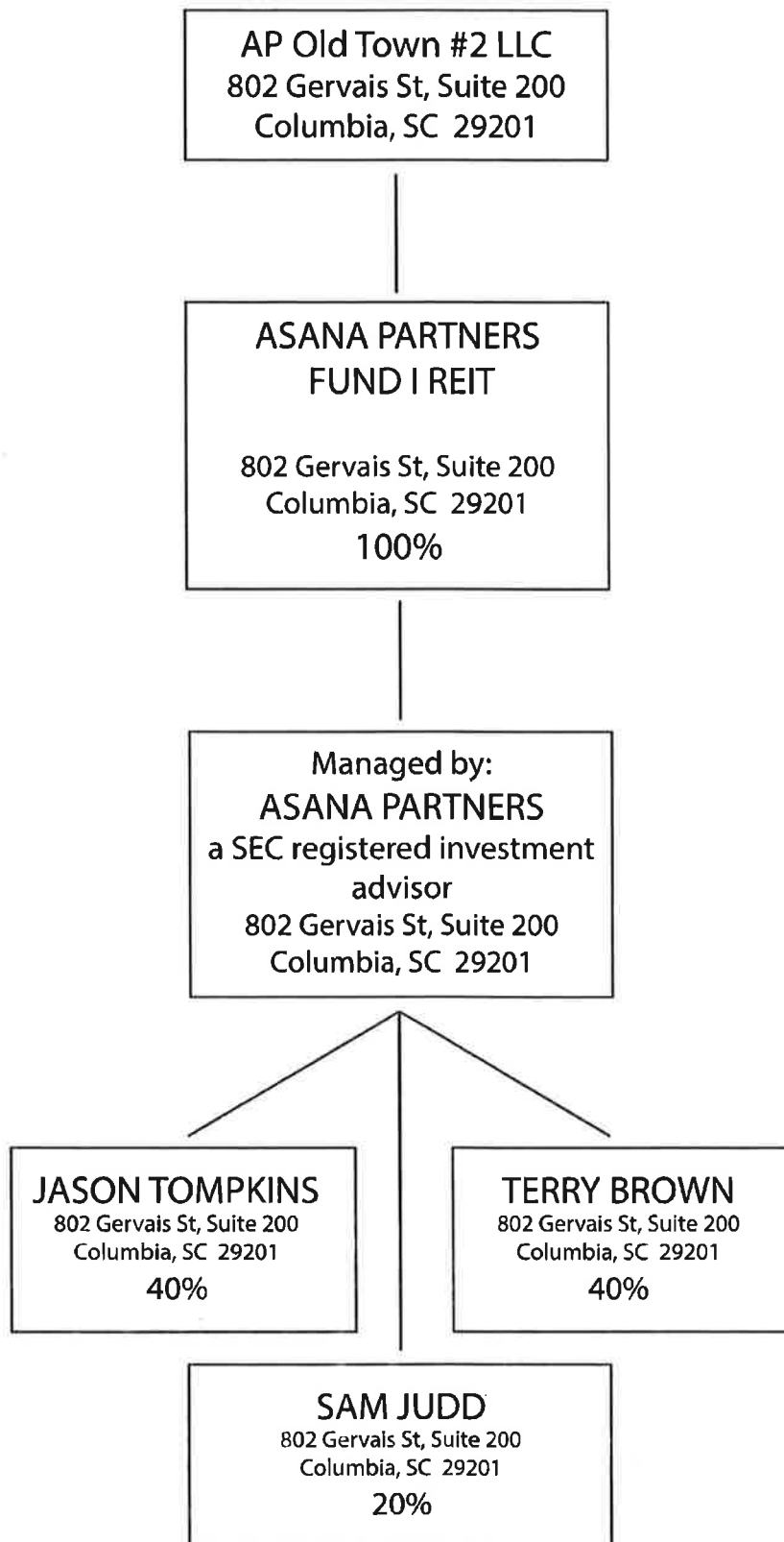
Eat Augies, LLC

By:  Justin A. SPARROW

Its: PARTNER

Date: 5/23/18





OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Eat Augies, LLC	See attached	
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1106 King Street, Alexandria, VA 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. AP Old Town #1 LLC	See attached	
2.		
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Justin Sparrow Chad Sparrow	None None	None None
2. Larry Waltson, Jr Eric Reid	None None	None None
3. Jason Tompkins Terry Brown Sam Judd	None None None	None None None

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

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

6/13/18
Date

Mcatharine Puskas
Printed Name


Signature

SUP # _____

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.

N/A

NARRATIVE DESCRIPTION

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

Please see attached.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Narrative Description
1106 King Street; TM #074.01-04-09 (the "Property")
Eat Augies, LLC (the "Applicant")

The Applicant, Eat Augies, LLC, proposes to open Augie's Mussel House and Patio ("Augie's") at 1106 King Street. The Property was most recently occupied by Hunting Creek Steak but has a history of being occupied by various restaurant uses since the 1980's. The Applicant recently applied for a Change of Ownership Special Use Permit to transfer ownership of the existing Special Use Permit for a restaurant to the Applicant to operate on a temporary basis in order to activate what is now a vacant building on King Street. The Applicant is now requesting a new Special Use Permit for Augie's as the proposed concept, layout, and operational details differ from the former restaurant and current SUP. Upon approval of the new SUP, the Applicant plans to close the temporary restaurant, renovate the building, and re-open as Augie's.

Augie's will feature traditional Belgian cuisine, mussels, and a selection of craft beers in a modern, updated venue that maximizes the use of indoor and outdoor space. This concept will further activate the 1100 block of King Street in alignment with the objectives of the Central Business District and recent programs such as the King Street Corridor Initiative, which are supported by the City. According to the Zoning Ordinance, the purpose of the King Street Urban Retail Zone is "to create strategic and flexible zoning for properties abutting King Street in Old Town in order to enhance the long term vitality of the street" as well as promote active ground floor uses, such as restaurants.

The Applicant proposes 140 indoor seats and 86 outdoor seats in the approximately 9,203 square foot indoor and outdoor space. The approximately 2,079 square foot outdoor dining space is located entirely on the Applicant's property in a courtyard that is surrounded by building walls on two sides, a brick wall in the rear and an iron fence enclosure on King Street. Please see attached floor plans for the seating layout.

Augie's proposes to operate between 7:00 AM to 2:00 AM daily, as well as provide live entertainment in both the interior space and outdoor dining space. The proposed hours of operation are consistent with similar restaurants in Old Town and are necessary to meet demand and ensure the success and sustainability of the restaurant. There will be no cover charge for the live entertainment, and the Applicant requests approval for both amplified and acoustic entertainment as well as background music provided through indoor and outdoor speakers. Additionally, the Applicant intends to have large screen TVs and occasional yard games such as corn hole, bocce, etc. All sound from the proposed restaurant will comply with Section 11-5-4.1 of the City of Alexandria's Noise Ordinance applicable to the Central Business District, which specifies permitted decibel levels and associated hours.

Given that the restaurant is in the Central Business District, no off street parking is required or proposed. However, there is a public parking garage within one block of the restaurant, which can accommodate patrons and employees. In addition, Augie's is located within a half mile of the King Street Metro Station and is easily accessible by foot, bicycle, or the Old Town Trolley.

This vibrant and exciting new restaurant will attract residents and visitors to Old Town and enhance the local restaurant scene in Alexandria.

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

- ☐ a new use requiring a special use permit,
☐ an expansion or change to an existing use without a special use permit,
☒ an expansion or change to an existing use with a special use permit,
☐ other. Please describe: _____

5. Please describe the capacity of the proposed use:**A.** How many patrons, clients, pupils and other such users do you expect?

Specify time period (i.e., day, hour, or shift).

Approximately 200 patrons per day.**B.** How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

Approximately 15 employees on site at any given time.**6.** Please describe the proposed hours and days of operation of the proposed use:

Day:

7:00 AM to 2:00 AM daily.

Hours:

7. Please describe any potential noise emanating from the proposed use.**A.** Describe the noise levels anticipated from all mechanical equipment and patrons.

Noise levels will be typical of a restaurant of this size and will be in compliance with
Section 11-5-4.1 of the City of Alexandria's Noise Ordinance for the Central
Business District.

B. How will the noise be controlled?

Noise will be in compliance with Section 11-5-4.1 of the City of Alexandria's Noise
Ordinance for the Central Business District. Staff will monitor the Property for
compliance and will take necessary steps to control the volume as necessary.

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

Odors will be consistent with a typical restaurant. Odors emanating from the trash will be kept to a minimum due to regular trash pickup.

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

- A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)
Trash will be food waste, paper and other garbage typical of a restaurant of this size.
-

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)
The volume of trash will be approximately 40 to 50 bags per week. Trash will be kept in sealable plastic cans in the rear of the property.
-

- C. How often will trash be collected?
Trash will be collected as necessary, but at least two times per week.
-

- D. How will you prevent littering on the property, streets and nearby properties?
Staff will monitor the premises and vicinity for trash.
-

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

[] Yes. [✓] No.

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

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

☒ Yes. ☐ No.

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

Cleaning and degreasing materials typical for a restaurant will be kept on the property. The materials will be stored and disposed of in accordance with state and federal laws.

- 12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons?
The Applicant will install security cameras on the Property and an on-site manager will monitor the Property.

ALCOHOL SALES

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

☒ Yes ☐ No

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

The Applicant proposes on-premises sale of beer, wine, and mixed drinks. The Applicant will be in compliance with all applicable ABC regulations.

PARKING AND ACCESS REQUIREMENTS

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

_____ Standard spaces
 _____ Compact spaces
 _____ Handicapped accessible spaces.
 _____ Other. **N/A** - The property is located in the Central Business District.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A _____

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where is required parking located? (*check one*)

☐ on-site **N/A** - The property is located in the
☐ off-site Central Business District.

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

N/A

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

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

☐ **Parking reduction requested; see attached supplemental form**

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

- A. How many loading spaces are available for the use? None

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where are off-street loading facilities located? There is a loading zone on S. Fayette Street and
deliveries will be brought in through the back alley.
- C. During what hours of the day do you expect loading/unloading operations to occur?
Loading will occur between the hours of 7AM and 11PM.
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
As often as necessary.
16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?
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?
 _____ sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ sq. ft. (total)
19. The proposed use is located in: (check one)
☒ a stand alone building
☐ a house located in a residential zone
☐ a warehouse
☐ a shopping center. Please provide name of the center: _____
☐ an office building. Please provide name of the building: _____
☐ other. Please describe: _____

End of Application

SUP # _____

Admin Use Permit # _____



SUPPLEMENTAL APPLICATION

RESTAURANT

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

1. How many seats are proposed?

Indoors: 140Outdoors: 86Total number proposed: 226

2. Will the restaurant offer any of the following?

Alcoholic beverages (**SUP only**) ☒ Yes ☐ NoBeer and wine — on-premises ☒ Yes ☐ NoBeer and wine — off-premises ☐ Yes ☒ No

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

The Applicant is proposing a mussel bar with outdoor dining. Please see attached for more information.

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

☒ table service ☒ bar ☒ carry-out ☐ delivery

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

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

Where will delivery vehicles be parked when not in use?

N/A

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

☒ Yes ☐ No

If yes, please describe:

The Applicant is proposing live entertainment (both acoustic and amplified) for both the indoor and outdoor seating areas. There will be no cover charge for the live entertainment, and the Applicant requests approval for both amplified and acoustic entertainment as well as background music provided through indoor and outdoor speakers. Additionally, the Applicant intends to have large screen TVs and occasional yard games such as corn hole, bocce, etc. All sound from the proposed restaurant will comply with Section 11-5-4.1 of the City of Alexandria's Noise Ordinance applicable to the Central Business District, which specifies permitted decibel levels and associated hours.

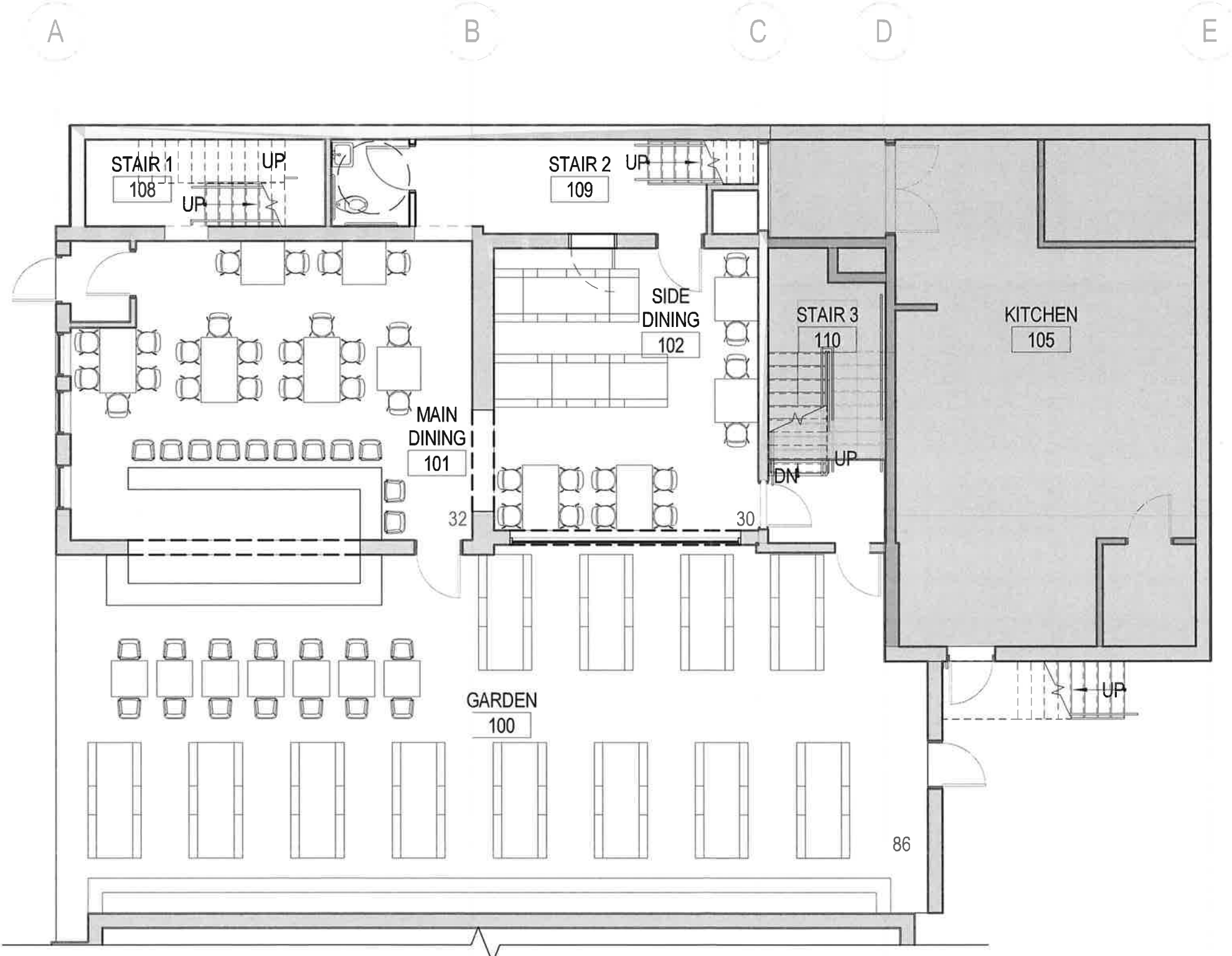
Parking impacts. Please answer the following:

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
- N/A** - The property is located in the Central Business District.
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
- N/A** - The property is located in the Central Business District.
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
- N/A** - The property is located in the Central Business District.

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:
- | | | |
|---|-----|---------------------------------------|
| | 208 | Maximum number of patron dining seats |
| + | 18 | Maximum number of patron bar seats |
| + | 50 | Maximum number of standing patrons |
| = | 276 | Maximum number of patrons |
2. 15 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



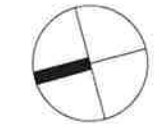
FIRST FLOOR

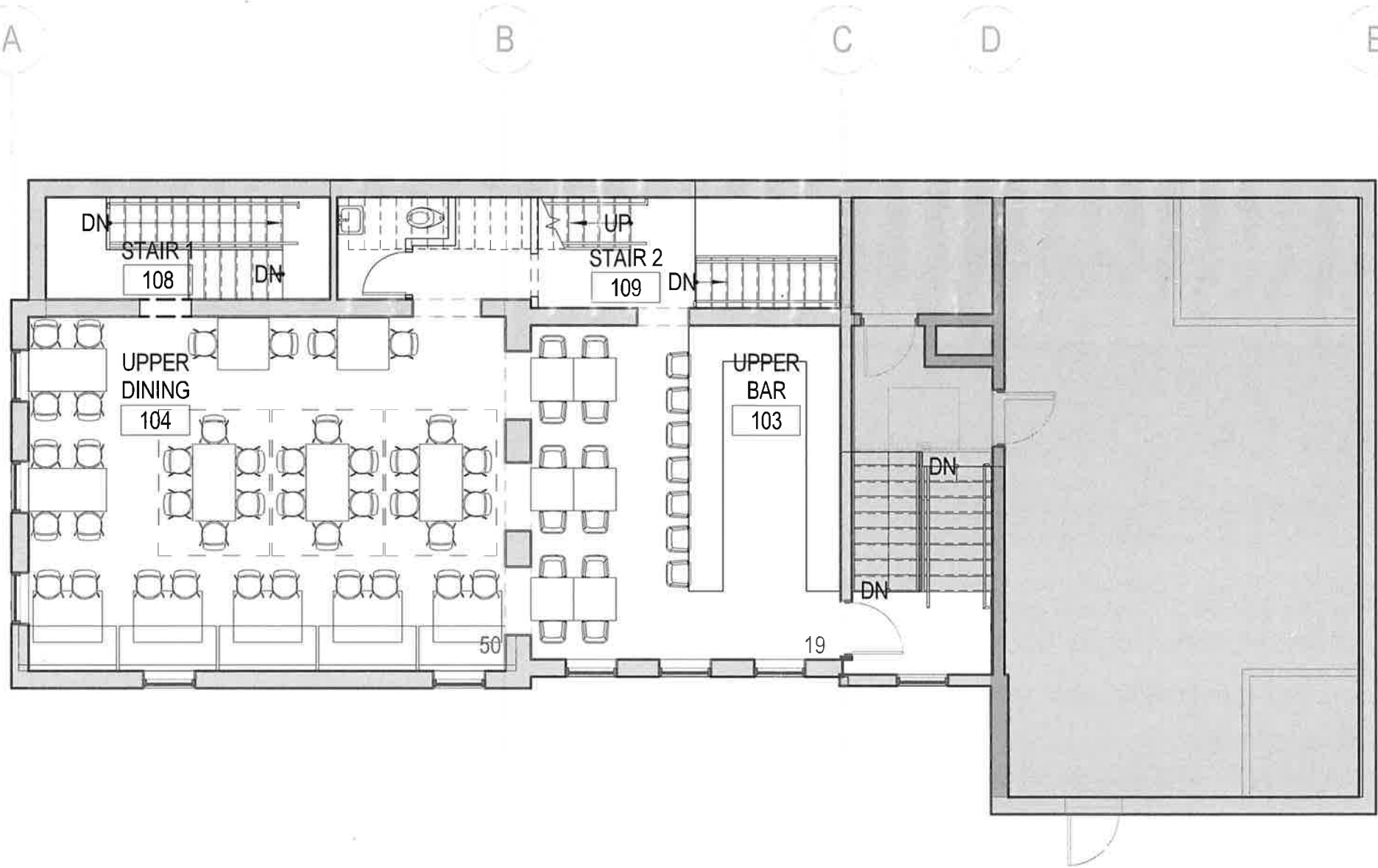
MAIN DINING	32
SIDE DINING	30
OUTDOOR DINING	86

SECOND FLOOR

UPPER DINING	73
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135 INTR
226TOTAL





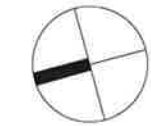
FIRST FLOOR

MAIN DINING	41
SIDE DINING	30
OUTDOOR DINING	86

OND OOR

UPPER DINING	50
UPPER BAR	19

140 INTR
226 TOTAL



To: Sam Shelby
Subject: RE: 1106 King St

From: jason modzeleski <jmodzeleski@yahoo.com>
Sent: Thursday, August 02, 2018 11:54 PM
To: Sam Shelby <sam.shelby@alexandriava.gov>
Subject: Re: 1106 King St

Sam,

I did receive the notice and thank you for passing it along. I have also shared it with the rest of the HOA. I do have some concerns about this amendment specifically their request for live outdoor music with amplification. Previous restaurants have done that and it was a nuisance and disruption for our tenants and home owners.

I will not be able to make the hearing as I am an out of state landlord, however I would like to submit a protest to that aspect of this amendment. Is there a way to do that via documentation rather than an in person hearing?

Thank you

Jason Modzeleski

Sent from my iPhone
Please excuse typos.

On Aug 2, 2018, at 10:38 PM, Sam Shelby <sam.shelby@alexandriava.gov> wrote:

Mr. Modzeleski,

Please confirm that you've received this message.

Regards,
Sam Shelby

Sam Shelby | Urban Planner
Planning & Zoning | Land Use Division
301 King Street, Room 2100
Alexandria, VA 22314
703-746-4333
703-746-3865 (direct)
703-838-6393 (fax)

On Aug 1, 2018, at 10:56 AM, Sam Shelby <sam.shelby@alexandriava.gov> wrote:

Good morning Mr. Modzeleski,

I'm writing to inform you that the Department of Planning and Zoning has received a request for an amendment to an existing special use permit that was granted to the restaurant at 1106 King Street. I've attached the application to this email.

This request is scheduled to be heard by Planning Commission on September 4th and City Council on September 15th.

I've contacted you because you were listed as the King Henry Court Homeowners Association president. If this information is incorrect, please let me know. I want to be sure that the homeowners association is aware of this request.

Look forward to hearing from you.

All best,
Sam

<SUP2018-0060 Application Materials.pdf>