

City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this special use permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2012-0055
Approved by Planning and Zoning: October 9, 2012
Permission is hereby granted to: LWK LLC
to use the premises located at: 815 ½ King Street
for the following purpose: see attached report

It is the responsibility of the special use permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

10-9-2012
Date

Faroll Hamer / BH
Faroll Hamer, Director
Department of Planning and Zoning

DATE: October 3, 2012

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2012-0055
Administrative Review for New Use
Site Use: Valet Parking
Applicant: LWK LLC
Location: 815 ½ King Street – Old Town Theater
Zone: KR/King Street Urban Retail

Request

Special Use Permit #2012-0055 is a request to operate valet parking at 815 ½ King Street primarily for Old Town Theater customers. Details of the applicant's proposal are as follows:

- Hours of Operation: 5 p.m. - 10 p.m. Sunday-Thursday
5 p.m. - 12 midnight Friday and Saturday
- Valet Parking Zone: Two on-street parking spaces located mid-block in front of Old Town Theater
- Vehicle Storage: Attendants will retrieve vehicles from customers and drive them to parking at the Alfred Street garage on North Alfred Street. The applicant has secured an arrangement to park up to 100 vehicles in the garage, although it expects to offer valet parking to fewer than 50 cars each night.
- Vehicle Route: Attendants will reach the garage by traveling on King and North Alfred Streets and will return to the valet parking zone using Queen, North Columbus, and King Streets.
- Number of Attendants: The applicant will contract with a valet operator and expects the service to begin operating employing approximately four staff people.
- Reservation System: The applicant plans to offer both valet and self-parking through an advance reservation system on its website. Valet and self-parking will be available to customers without reservations as available.

Background

The Old Town Theater first opened in 1914 and has housed various theater and other entertainment uses for nearly 100 years. The property was sold last year and the theater has not been in operation since that time. Staff administratively approved SUP#2012-0056 to change ownership of the theater from “Old Town Theater” to Rob Kaufman, who also owns the building under PMA Properties. Since PMA Properties purchased the building, it has renovated the theater interior and received BAR approval in recent months for major renovations to the building façade as well.

Community Outreach

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. In addition, the Old Town Civic Association, West Old Town Citizens Association, King Henry Court Civic Association and Old Town Business & Professional Association were sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the Special Use Permit for public hearing.

Staff Action

Staff does not object to the applicant’s request to offer valet parking at Old Town Theater, which is eligible for administrative approval pursuant to Section 6-702(C)(2) of the Zoning Ordinance. The presence of valet parking has the potential to make the theater use more successful given that the historic building was built without any off-street parking for patrons. The request is also consistent with the Old Town Parking Study, which recommends greater utilization of existing parking garages with excess capacity, which is the case with the Alfred Street garage.

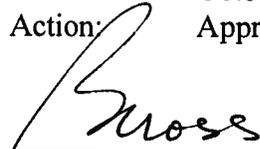
The proposed mid-block location of the valet parking zone has some potential to create negative impacts, such as causing back-ups along King Street while vehicles wait to enter the zone. Vehicles exiting the zone could also conflict with bus passengers at the DASH bus stop immediately to the west at the corner of King and North Alfred. Staff discussed with the applicant alternative locations for the valet parking zone, but the applicant expressed a strong preference for the location immediately in front of the theater. Ultimately, staff is willing to approve this location with the inclusion of several flexible conditions that allow for future changes to the valet parking zone if problems arise. Two conditions are particularly germane to the valet parking zone location. Condition #3 stipulates that the Directors of Planning & Zoning and Transportation & Environmental Services may adjust the valet parking zone size or location at any time the Directors determine that valet parking operations in this location have a negative impact on the flow of traffic on King Street or that such a change would improve the operation generally. Condition #8 requires the applicant to maintain adequate staffing levels to prevent the backing up of vehicles outside of the valet parking zone that are waiting to be parked.

Several other standard conditions of approval, used in other valet parking SUP cases in recent years, have been included in this report. For example, to prevent double-parking, vehicles will be prohibited from remaining in the valet parking zone for more than 10 minutes at a time (Condition #6) and no valet vehicles may be parked outside of the designated valet parking zone or an approved garage (Conditions #7 and #10). The applicant will be required to make the valet parking zone available to additional businesses subject to the review and approval of the Director

(Condition #13) and will also be required to meet any future valet parking standards that may be adopted as a result of the King Street Retail Strategy or the Old Town Parking Study (Condition #12). Finally, staff is requiring in Condition #16 a review of the valet parking operation six months after it becomes operational and every year thereafter. This strong review language, which is included in the administrative standards for valet parking, allows staff additional flexibility to require changes to the valet parking program that may become necessary in the future, particularly if the service becomes popular enough to exceed the scope of the current proposal.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: October 9, 2012
Action: Approved



Barbara Ross, Deputy Director

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2012-0055

The applicant is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. Supply deliveries, loading, and unloading activities (excluding valet operations) shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
3. The proposed valet parking zone shall be limited to a maximum of two on-street parking spaces and approximately 44 linear feet at the curb on King Street, mid-block in front of the theater as generally represented in this application. The size and location of the valet zone may be adjusted by the Directors of P&Z and T&ES upon the applicant's request, as part of the review under Condition #17 of this Special Use Permit, or upon the determination, at any time, by the Directors that valet parking operations in this location negatively impact the flow of traffic on King Street or that adjustments will improve the operation. No valet loading or unloading of passengers shall occur outside of the approved valet parking zone. (P&Z) (T&ES)
4. The valet parking services may only be provided Sunday through Thursday from 5:00 pm to 10:00 pm and Friday and Saturday evenings from 5:00 p.m. to midnight. At all other times, the valet parking zone shall revert to normally allowed parking uses. (P&Z) (T&ES)
5. The valet parking service shall be heavily promoted to patrons, including advertising such parking by posting notice inside its business, including such notice in any advertising and urging patrons who drive to use this service. (P&Z) (T&ES)
6. The valet parking zone is solely for the use of loading and unloading vehicular passengers and the temporary staging of passenger vehicles prior to locating them within the parking garage or other approved off-street location for storage. No vehicle is permitted to be within the valet zone for more than 10 minutes. Besides this temporary staging of passenger vehicles there is no other parking and/or loading/unloading permitted within the valet zone during approved valet hours. (P&Z) (T&ES)
7. All valet-parked vehicles shall be stored in the parking garage indicated in the application or in another approved off-street location. The applicant shall maintain a written contract with a parking garage or other approved off-street location allowing the use of the garage. (P&Z) (T&ES)
8. Sufficient staff and resources shall be provided to operate the valet service safely and effectively within the boundaries of the designated valet parking area. Double parking, staging outside the valet parking area as defined herein or later amended, vehicles stored in the valet loading zone over 10 minutes and vehicles stored in locations other than

designated off-street facilities shall be considered indicators of inadequate staffing to meet vehicle volumes. If the Directors of P&Z and T&ES determine that there is inadequate valet staffing, they will require additional staffing and/or resources necessary to comply with this condition. (P&Z) (T&ES)

9. No signs for the valet parking service are permitted other than permanent, City standard signage indicating the location and times when on-street parking spaces are designated as the valet zone. The applicant shall pay all costs associated with fabrication and installation of such signage. This includes any additional costs for replacement or installation of new signage if the valet program is modified in the future. No physical barriers may be used to define the valet loading zone. No structures are permitted in conjunction with the valet parking program. (P&Z) (T&ES)
10. No vehicle in the valet parking program shall be parked or temporarily stored by an attendant on streets or sidewalks. In addition, the valet parking zone may not negatively impact the flow of traffic on King Street at any time. (P&Z) (T&ES)
11. The applicant shall provide a current, complete and satisfactory Certificate of Insurance, which must name the City of Alexandria as an additional insured, provide commercial general liability not less than \$1,000,000 and provide garage keeper's liability not less than \$50,000. The applicant shall indemnify the City and its agents against suit that may arise from operations and shall provide a copy of the agreement for insurance and indemnification to the City. (P&Z) (T&ES)
12. If the city, as part of an overall King Street or Old Town parking program designed to implement the King Street Retail Strategy recommendations, shall adopt area-wide standards for valet parking for King Street, the applicant shall comply with those standards. (P&Z) (T&ES)
13. The valet parking zone shall be made available for businesses in the vicinity to participate in the valet parking operation. If and when businesses in the vicinity implement valet parking for their uses, the size of the valet zone may be increased to meet the additional demand, as determined by the Directors of P&Z and T&ES. Additionally, the applicant may be asked to demonstrate that additional garage/off-street spaces are available to accommodate the increased number of cars to be parked. (P&Z) (T&ES)
14. The valet parking operator shall record the number of vehicles using valet service, keep an ongoing written log, and make the log available to the City, in order to track the effectiveness and popularity of the program. (P&Z) (T&ES)
15. In addition to any other authority in these conditions, in the event the City shall in the future have need for the area of the proposed valet parking, the applicant shall not be permitted to use it thereafter. In such case, the applicant shall cease valet operations within 60 days of notification by the City. (P&Z) (T&ES)

16. Six months after commencing operation, the valet parking shall be reviewed for compliance with the standards and conditions listed above and for its effectiveness in handling the drop off, ferrying, parking and retrieving of vehicles efficiently and effectively, without undue interference with non-valet parking and traffic. If on review the directors of P&Z and T&ES determine that the valet parking program has operated successfully and in compliance with its permit, then the permit shall be extended indefinitely, with a similar review to occur at the end of each one year period from that point forward. As part of the initial or annual review under this paragraph, the directors of T&ES and P&Z may require the operator to adjust the features of the program or, alternatively, may docket the SUP for Planning Commission and City Council review, if:
a) there are concerns about the effectiveness, success or impacts of the valet parking program; b) 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; or (c) 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. (P&Z) (T&ES)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 The request for a loading zone cannot be approved administratively as part of this SUP. Requests for on-street loading zones must be made to the Parking and Traffic Board. Contact Bob Garbacz at 703-746-4143 for more information. (T&ES)
- R-1 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-2 The proposed valet parking zone shall be limited to a maximum of two on-street parking spaces and approximately 44 linear feet at the curb on King Street, mid-block in front of the theater as generally represented in this application. The size and location of the valet zone may be adjusted by the Directors of P&Z and T&ES upon the applicant's request, as part of the review under Condition #17 of this Special Use Permit, or upon the determination, at any time, by the Directors that valet parking operations in this location negatively impact the flow of traffic on King Street or that adjustments will improve the operation. No valet loading or unloading of passengers shall occur outside of the approved valet parking zone. (P&Z) (T&ES)
- R-3 The valet parking services may only be provided Sunday through Thursday from 5:00 pm to 10:00 pm and Friday and Saturday evenings from 5:00 p.m. to midnight. At all other times, the valet parking zone shall revert to normally allowed parking uses. (P&Z) (T&ES)
- R-5 The valet parking service shall be heavily promoted to patrons, including advertising such parking by posting notice inside its business, including such notice in any advertising and urging patrons who drive to use this service. (P&Z) (T&ES)
- R-6 The valet parking zone is solely for the use of loading and unloading vehicular passengers and the temporary staging of passenger vehicles prior to locating them within the parking garage or other approved off-street location for storage. No vehicle is permitted to be within the valet zone for more than 10 minutes. Besides this temporary staging of passenger vehicles there is no other parking and/or loading/unloading permitted within the valet zone during approved valet hours. (P&Z) (T&ES)
- R-7 All valet-parked vehicles shall be stored in the parking garage indicated in the application or in another approved off-street location. The applicant shall maintain a written contract with a parking garage or other approved off-street location allowing the use of the garage. (P&Z) (T&ES)

- R-8 Sufficient staff and resources shall be provided to operate the valet service safely and effectively within the boundaries of the designated valet parking area. Double parking, staging outside the valet parking area as defined herein or later amended, vehicles stored in the valet loading zone over 10 minutes and vehicles stored in locations other than designated off-street facilities shall be considered indicators of inadequate staffing to meet vehicle volumes. If the Directors of P&Z and T&ES determine that there is inadequate valet staffing, they will require additional staffing and/or resources necessary to comply with this condition. (P&Z) (T&ES)
- R-9 No signs for the valet parking service are permitted other than permanent, City standard signage indicating the location and times when on-street parking spaces are designated as the valet zone. The applicant shall pay all costs associated with fabrication and installation of such signage. This includes any additional costs for replacement or installation of new signage if the valet program is modified in the future. No physical barriers may be used to define the valet loading zone. No structures are permitted in conjunction with the valet parking program. (P&Z) (T&ES)
- R-10 No vehicle in the valet parking program shall be parked or temporarily stored by an attendant on streets or sidewalks. In addition, the valet parking zone may not negatively impact the flow of traffic on King Street at any time. (P&Z) (T&ES)
- R-11 The applicant shall provide a current, complete and satisfactory Certificate of Insurance, which must name the City of Alexandria as an additional insured, provide commercial general liability not less than \$1,000,000 and provide garage keeper's liability not less than \$50,000. The applicant shall indemnify the City and its agents against suit that may arise from operations and shall provide a copy of the agreement for insurance and indemnification to the City. (P&Z) (T&ES)
- R-12 If the city, as part of an overall King Street or Old Town parking program designed to implement the King Street Retail Strategy recommendations, shall adopt area-wide standards for valet parking for King Street, the applicant shall comply with those standards. (P&Z) (T&ES)
- R-13 The valet parking zone shall be made available for businesses in the vicinity to participate in the valet parking operation. If and when businesses in the vicinity implement valet parking for their uses, the size of the valet zone may be increased to meet the additional demand, as determined by the Directors of P&Z and T&ES. Additionally, the applicant may be asked to demonstrate that additional garage/off-street spaces are available to accommodate the increased number of cars to be parked. (P&Z) (T&ES)
- R-14 The valet parking operator shall record the number of vehicles using valet service, keep an ongoing written log, and make the log available to the City, in order to track the effectiveness and popularity of the program. (P&Z) (T&ES)
- R-15 In addition to any other authority in these conditions, in the event the City shall in the future have need for the area of the proposed valet parking, the applicant shall not be

permitted to use it thereafter. In such case, the applicant shall cease valet operations within 60 days of notification by the City. (P&Z) (T&ES)

- R-16 Six months after commencing operation, the valet parking shall be reviewed for compliance with the standards and conditions listed above and for its effectiveness in handling the drop off, ferrying, parking and retrieving of vehicles efficiently and effectively, without undue interference with non-valet parking and traffic. If on review the directors of P&Z and T&ES determine that the valet parking program has operated successfully and in compliance with its permit, then the permit shall be extended indefinitely, with a similar review to occur at the end of each one year period from that point forward. As part of the initial or annual review under this paragraph, the directors of T&ES and P&Z may require the operator to adjust the features of the program or, alternatively, may docket the SUP for Planning Commission and City Council review, if: a) there are concerns about the effectiveness, success or impacts of the valet parking program; b) 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; or (c) 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. (P&Z) (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. (T&ES)
- 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).

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)

Code Enforcement:

F-1 No comments

Health Department:

F-1 No comments

Police Department:

F-1 No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2012-0055. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the valet parking operation at 815 ½ King Street.

Thomas Kennedy
Applicant - Signature

10/10/12
Date

Thomas Kennedy
Applicant - Printed

10/10/12
Date