DATE: December 11, 2015

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Sara Brandt-Vorel, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit # 2015-0117
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: W-LCP Alexandria VII, LLC
Location: 1767 King St.
Zone: KR: King Street Urban Retail

Request

Special Use Permit #2015-0117 is a request to change ownership of an existing restaurant (King Street Tavern, formerly Seagar's Restaurant) at 1767 King Street, located inside the Hilton Hotel, from LNR Alexandria Limited Partnership to W-LCP Alexandria VII, LLC. No other changes to the business are proposed and the applicant plans to continue operating as a full-service restaurant for Hotel guests and community patrons.

Background

In September 1997, City Council granted Special Use Permit #97-0092, with site plan for the development of a hotel and a reduction of off-street parking. The approval anticipated the hotel would include a restaurant with outdoor dining and a separate SUP would be filed for the restaurant at a later date. The restaurant use was approved by City Council on January 22, 2000 through SUP #99-0155 which granted the operation of a restaurant with indoor and outdoor seating and limited indoor entertainment. On March 17, 2000, City Council completed a review of the restaurant's compliance with special use permit conditions and granted permission for continued operations (SUP #2001-0003). On November 21, 2001 City Council approved a special use permit to expand the existing restaurant to allow outdoor live entertainment (SUP #2001-0098). A recent SUP inspection revealed compliance with all SUP conditions.

Parking

The restaurant is located within the King Street Transit Parking District which encourages a mix of uses and Metro ridership. In this District, a restaurant within a hotel building which is smaller than 10,000 square feet is not required to provide any parking other than what is required for the hotel (Section 8-400 (B) (8)), at roughly 2,330 square feet the hotel restaurant does not require parking. Currently the hotel provides approximately 300 parking spaces in the public parking garage beneath the hotel which provides parking for employees, hotel guests, and visitors.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Royalton at the King Street Metro Condominiums, Old town Village Condominiums, Old Town Village Homeowners Association, the Upper King Street Neighborhood Association, and the Old Town Station Owners Association were sent an e-mail with information about the current application.

Staff Action

Staff supports the applicant's request for a change of ownership for the restaurant use. The proposal is consistent with the site's use as restaurant providing dining options for hotel guests and residents. The continued operation of a street level restaurant supports the objectives of the King Street Retail Strategy by providing activity on the ground floor that enlivens the surrounding area and by providing a use that caters to visitors and residents, alike.

Staff has carried forward all conditions of previous SUP approvals regarding operations, limitations on outdoor dining and music, parking, and public transportation for employees. Staff added Condition 19 to ensure hotel staff is aware of the conditions of the SUP and to prevent the sale of alcohol to minors. Condition 20 was included to regulate the proper disposal of waste products. Condition 21 sets hours for deliveries, loading and unloading activities while Condition 22 prohibits outdoor speakers and amplified noises.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: December 11, 2015
Action: Approved

Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Conditions
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2015-0117

The new owner 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) (SUP #99-0155)

2. Seating indoors, within the restaurant and the hotel lounge, shall be provided for no more than 165 patrons. (P&Z) (SUP #99-0155)

3. Outside dining facilities shall be provided for no more than 25 patrons as depicted on the attached plan. (P&Z) (SUP #99-0155)

4. The hours of operation shall be limited from 6:30 a.m. to midnight Sunday through Thursday, and from 6:30 a.m. to 1:00 a.m. on Fridays and Saturdays. The outdoor dining area shall be cleaned and washed at the close of each day of operation. (P&Z) (SUP #99-0155)

5. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #99-0155)

6. Live entertainment may be provided at the indoor restaurant as requested by the applicant. (P&Z) (SUP #99-0155)

7. Music may be provided for the outdoor dining area subject to the following restrictions:

    a. Music shall be limited to background, ambient music for diners.

    b. Music shall be limited to acoustical instruments. No amplification of any type shall be permitted.

    c. No sound generation shall result in sound having a volume of 75 db(A) or more, at a distance greater than 10 feet from the place at which the sound is being generated or produced, for an aggregate duration of time greater than 60 seconds in any one hour period. Any sound that is plainly audible above the background noise level to a person of normal hearing acuity at a distance greater than 50 feet from the place at which the sound is being generated or produced shall be presumed to exceed 75 db(A) at 10 feet of distance and thus

violate this condition, and the burden shall be on the person responsible for such sound generation to prove otherwise. (T&ES, P&Z) (SUP#2001-0098)

8. On-site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z) (SUP #99-0155)

9. The applicant shall require that its employees who drive to work use off-street parking. (P&Z) (SUP #99-0155)

10. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #99-0155)

11. 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 or debris shall be allowed to accumulate on-site outside of these containers. (P&Z) (SUP #99-0155)

12. 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) (SUP #99-0155)

13. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES) (SUP #99-0155)

14. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Health Department. (Health) (SUP #99-0155)

15. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for the employees. (Police) (SUP#99-0155)

16. **CONDITION AMMENDED BY STAFF** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, ~~one year after 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) ~~(SUP#2001-0003)~~

17. Signage shall be posted to assist traffic flow in the garage to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (PC) (SUP#2001-0003)

18. 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#2001-0098)

19. **CONDITION ADDED BY STAFF:** 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 to prevent the underage sale of alcohol. (P&Z)

20. **CONDITION ADDED BY STAFF:** 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. (P&Z)

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

22. **CONDITION ADDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0117. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1767 King Street.

F. Kunkel
Applicant - Signature

12-15-15
Date

FLORIAN L KUNKEL
Applicant – Printed

12-15-15
Date

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	#2015-0117
Approved by Planning and Zoning:	December 11, 2015
Permission is hereby granted to:	W-LCP Alexandria VII, LLC
to use the premises located at:	1767 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.

12/11/15
Date

Karl Moritz, Director
Department of Planning and Zoning