

DATE: October 23, 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 # 2015-0103  
Administrative Review for Change of Ownership  
Site Use: Amusement Enterprise  
Applicant: Jeffrey L. Yates  
Location: 815 ½ King Street  
Zone: KR/King Street Urban Retail Zone

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**Request**

Special Use Permit #2015-00103 is a request to change ownership of an existing theater (amusement enterprise) from Rob Kauffman to Jeffrey Yates. No changes to the operation are requested, and the applicant proposes to continue operating the theater as a venue offering live music performances, lectures, comedy shows, theatrical shows, orchestra events, musicals, sporting event showings, public and private parties, public educational symposiums/lectures, political and public interest speakers, and community educational/outreach activities. The applicant may incorporate an automotive theme to decorate the interior of the theater.

**Background**

A theater and entertainment venue has stood at 815 ½ King Street since 1914, when the "Richmond Theater" was constructed. Since then, the building has served as a vaudeville venue, a dance hall, theater, and movie theater. In 2000, City Council approved SUP#2000-0033 for a live theater with a parking reduction. In 2004, City Council approved SUP#2003-0111 for the operation of a movie theater with music and live theater performances, as well as an assortment of other activities including lectures, sporting events, private parties, and community educational/outreach activities. An expanded concession area was also approved as part of the 2004 SUP, to include hot dogs and sandwiches and similar fare, as well as on-premises alcohol service.

In 2012, SUP #2012-0055 for a valet parking service for the theater was approved by City Staff, enabling the applicant to utilize two on-street parking spaces in front of the theater as a drop-off and pick-up location for theater patrons and those visiting nearby restaurants. Simultaneously, staff administratively approved SUP #2012-0056 for a change in ownership for the continued operation of an amusement enterprise, offering movies, music concerts, performing arts and other live entertainment. The business closed in 2014 and the property owner submitted an SUP request for increased F.A.R. (Floor Area Ratio) to extend the existing interior mezzanine into a second interior floor and to level the sloped ground floor for future retail uses. City Council approved the FAR increase through SUP #2014-0110 on February 21, 2015. Nevertheless, the interior renovations were not pursued when the applicant recently purchased the subject building.

Staff has not received complaints that would require staff to docket the Special Use Permit for public hearing.

**Parking**

Section 80-200(A) (8) of the Zoning Ordinance typically requires a theater with 445 seats to provide 112 off-street parking spaces (one parking space for every four seats). However, the theater was originally constructed without providing any off-street parking, and an earlier applicant received approval of a parking reduction for the entire 112-space requirement as part of the 2000 SUP. Additional parking remediation includes a 2012 Special Use Permit for valet parking that is currently under separate review (SUP #2015-0104) for a change of ownership to Jeffrey Yates.

**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 and King Henry Court Civic Association were sent an e-mail with information about the current application. Staff received several public comments supporting the continued use as a theater.

**Staff Action**

Staff supports the applicant's request for a change of ownership for the Old Town Theater. The proposal is consistent with the building's historic use as a live entertainment venue. The reopening of the Old Town Theater would bring additional activity to King Street, increase the commercial diversity of the corridor, and provide an additional venue for creative and entertainment uses in the community.

The successful reopening of the Old Town Theater would support the implementation of the City's 2009 King Street Retail Strategy which advocated for increased entertainment venues along King Street, such as live music, comedy, and performing arts. According to the Retail Strategy, the King Street Retail Corridor is underserved by entertainment venues and could support 10-15 additional venues. As a historic, independent entertainment venue, the Old Town Theater would preserve the unique mix of commercial uses along King Street, and provide entertainment opportunities which are appealing to local residents, regional visitors, and tourists.

Staff has carried forward all conditions of previous SUP approvals regarding noise regulations to limit audible sound outside of the building, limitations on the hours of operation, off-street parking and public transportation for employees. Conditions 19 – 23 have been added to reflect modern-day condition language.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: October 23, 2015

Action: Approved



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Alex Dambach, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2015-00103**

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#2000-0033)
2. The applicant shall post signs directing patrons to the availability of parking at the public garage located on the 100 block of North Alfred Street. The applicant and the operator of the garage shall have an arrangement that allows theater patrons to park in the public garage for \$1.00 off the regular price of parking. In addition, the applicant shall have an arrangement with the public garage operator that on nights that there are performances the garage operator will extend the hours of operation of the public garage to a time that is one-half an hour after the last performance and theater closing. The applicant shall submit a copy of the agreement with the garage operator to the Director of Planning and Zoning on an annual basis. Alternatively, the applicant shall otherwise subsidize parking to at least the extent of \$1.00 to each patron who presents a parking garage ticket. (P&Z) (SUP#2003-0111)
3. **CONDITION AMENDED BY STAFF:** The applicant shall require that its employees who drive to work use off-street parking, ~~and encourage employees to use mass transit.~~ (P&Z), City Council) (SUP#2000-0033)
4. On site beer and wine service is permitted until one hour before the theater's closing hour. No off-premises alcohol sales shall be permitted. (PC) (P&Z) (SUP #2012-0056)
5. **DUPLICATE CONDITION DELETED BY STAFF (see Condition #12):** ~~Loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line.~~ (P&Z) (SUP #2012-0056)
6. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police) (SUP#2000-0033)
7. **CONDITION AMENDED BY STAFF:** 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 a result of a complaint that rises to the level of a violation, 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 #2012-0056)

8. The hours of operation for the public shall be limited to 7:30 a.m. to 2:00 a.m. daily. No shows shall start after 11:30 p.m. on Sunday through Thursday, or after 12:00 midnight on Fridays, Saturdays, and the evenings before holidays and holiday evenings. (P&Z) (SUP#2003-0111)
9. 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, as well as ongoing training for sales of alcohol to minors. (P&Z, City Council) (SUP#2003-0111)
10. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)(SUP#2003-0111)
11. 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)(SUP#2003-0111)
12. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)(SUP#2003-0111)
13. No theater event that includes film or other media projection presentation, to include closed circuit television events, shall include more than 299 patrons until and unless the applicant meets Building Code requirements triggered by the change of use of the theater. (Code, P&Z) (SUP#2003-0111)
14. The applicant shall participate on an ongoing basis in a structured process with meetings called by the Director of Planning pursuant to which the owners and operators of the Old Town Theater engage in a dialogue with area businesses and residents to address concerns, if any, that result from the operation of the theater. In the event that after the one year review, the committee is unsuccessful in resolving one or more issues of concern that result from the operations of the theater, the Director of Planning and Zoning may docket the case for review by the Planning Commission and City Council to address the concerns with the operation and recommend new or revised conditions. (P&Z) (SUP#2003-0111)
15. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP #2012-0056)
16. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #2012-0056)
17. 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 #2012-0056)

18. 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 Strategy. (P&Z) (SUP #2012-0056)
19. CONDITION ADDED BY STAFF: No food, beverages, or other material shall be stored outside. (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: The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact the Transportation Planning Division at 703-746-4686 for information on establishing an employee transportation benefits program. (P&Z)
23. CONDITION ADDED BY STAFF: 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 Local Motion at 703-746-4686 or [www.alexandriava.gov/LocalMotion](http://www.alexandriava.gov/LocalMotion) for more information about available resources. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0103. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the theater (amusement enterprise) at 815 ½ King Street.

Connie Sofia  
Applicant - Signature

10-28-15  
Date

Connie Sofia  
Applicant - Printed

10-28-15  
Date

