

DATE: August 23, 2018

TO: Anthony LaColla Division Chief  
Department of Planning and Zoning

FROM: Madeleine Sims, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit # 2018-0076  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: Ashford TRS Alexandria LLC  
Location: 1767 King St.  
Zone: KR: King Street Urban Retail

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**Request**

Special Use Permit #2018-0076 is a request to change ownership of an existing restaurant, known as King Street Tavern, at 1767 King Street, located inside the Hilton Hotel, from W-LCP Alexandria VII, LLC to Ashford TRS Alexandria LLC. No other changes to the business are proposed and the applicant plans to continue operating as a full-service restaurant for hotel guests, workers, and residents.

**Background**

In September 1997, City Council granted Special Use Permit #97-0092, with site plan for the development of a hotel and a parking reduction. The subject restaurant, which was anticipated along with the hotel development, was approved by City Council in January 2000 under SUP #99-0155, which granted the operation of a restaurant with indoor and outdoor seating and limited indoor entertainment. On March 17, 2001, City Council approved SUP#2001-0003 for a review of the restaurant's compliance with special use permit conditions and granted permission for continued operations. On November 21, 2001 City Council, approved SUP#2001-0098, an amendment to the special use permit to permit outdoor live entertainment (SUP #2001-0098). In 2015, staff administratively approved a change of ownership from LNR Alexandria Limited Partnership to W-LCP Alexandria VII, LLC. A recent SUP inspection revealed compliance with all SUP conditions.

**Parking**

The restaurant is located within the King Street Transit Parking District. Pursuant to Section 8-400(B)(8) this approximately 2,500 square foot restaurant within a hotel is not required to provide any parking other than what is required for the hotel as the King Street Transit District determines this use to be accessory to the primary function of the building. 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 Upper King Street Neighborhood Association, Old Town Civic Association, Rosemont Citizen's Association, and Taylor Run Civic Association were sent an e-mail with information about the current application. Staff did not receive any comments about the application. Staff received no public comments.

**Staff Action**

Staff supports the applicant's request for a change of ownership for the restaurant use. The continuation of a restaurant at this location would continue to provide an amenity to the upper King Street neighborhood residents, visitors, and hotel guests. The restaurant would continue to support the mission of the King Street Retail Strategy that encourages ground floor pedestrian activity. The change of ownership request would not generate new impacts.

Staff has carried forward several conditions, amended some, and added a few more. Staff deleted Condition #15 after a July 31, 2018 inspection showed that the condition had been satisfied by the applicant. Staff has amended Conditions #10, #13, and #14 to reflect new standard language, and Condition #16 to reflect the new date of review. Staff added Condition #23 which stipulates that outdoor dining may not encroach onto the public right of way without an encroachment ordinance.

Staff hereby approves the Special Use Permit request.

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

Date: August 23, 2018  
Action: Approved

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Anthony LaColla, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2018-0076**

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. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside unless specified in another condition. (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. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, 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. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors, and smoke, and any other air pollution from operations at the site and from the property to prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services, the Health Department. (~~Health~~) (~~SUP #99-0155~~) (P&Z)
15. **CONDITION SATISFIED AND DELETED:** ~~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~~) (P&Z)
16. **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 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#2015-0117)
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. 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)(SUP#2015-0117)
20. 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) (SUP#2015-0117)
21. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z) (SUP#2015-0117)
22. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z) (SUP#2015-0117)
23. **CONDITION ADDED BY STAFF: Outdoor dining, including all its components such as planters and barriers, shall not encroach onto the public right-of-way unless authorized by an encroachment ordinance. (P&Z)**

SUP #2018-0076  
1767 King Street

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0076. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1767 King Street.

Ashford TRS Alexandria LLC,  
a Delaware limited liability company

By:   
Name: Deric S. Eubanks  
Its: President

Aug 23, 2018  
Date