

DATE: February 21, 2019

TO: Tony LaColla, Division Chief
Department of Planning and Zoning

FROM: Cara DelVecchio, Non-development Case Unit Intern, Land Use Services
Department of Planning and Zoning

SUBJECT: Special Use Permit #2019-0001
Administrative Review for Special Use Permit for a Change of Ownership
Site Use: Restaurant
Applicant: William L. Gross
Location: 710 King Street
Zone: KR/King Street Retail

Request

Special Use Permit #2019-0001 is a request to change ownership of an existing restaurant, formerly known as John Strongbow's, from 710 King Street LLC by Karla Booth to William L. Gross. No changes to the existing SUP conditions are proposed. The applicant expects to operate the German-style restaurant Village Brauhaus.

Background

A restaurant has operated at this location since 1982 when City Council approved SUP#1498. Ownership of the restaurant has changed many times since then, including in May 2001, when the restaurant first became known as Las Tapas. The most recently approved SUP for the use is SUP#2014-0047, which City Council approved in May 2014.

Parking

The subject property is located within the Central Business District (CBD). Restaurants located within the CBD are exempt from parking requirements pursuant to Section 8-300(B) of the Zoning Ordinance.

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 Old Town Business and Professional Associations were sent an e-mail with information about the current application. Staff has not received any comments from the public regarding this request.

Staff Action

Staff does not object to the change of ownership and views it as a reasonable request. Minor amendments have been made to existing condition language to reflect current requirements and new conditions have been added in this report for consistency with modern standards. Condition #5 has been amended to state in simpler terms the requirement that live entertainment must be subordinate to the business.

Conditions #14 and #15 relate to provisions to subsidize and provide parking for patrons. Staff has deleted these conditions as restaurants in the CBD are not required to provide parking.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: February 21, 2019

Action: Approved



Tony LaColla, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2019-0001

The 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 issued to the applicant only or to any corporation or entity in which the applicant has a controlling interest. (P&Z) (SUP 1498)
 2. The hours of operation shall be limited to 11 a.m. to 11 p.m. Sunday through Thursday, and 11 a.m. to 1 a.m. on Friday and Saturday. Meals ordered before 11 p.m. Sunday-Thursday or 1 a.m. Friday and Saturday may be served, but no new patrons may be admitted and no alcoholic beverages may be served after 11 p.m. Sunday-Thursday or 1 a.m. Friday and Saturday, and all patrons must leave by 12 midnight Sunday-Thursday or 2 a.m. Friday and Saturday. (P&Z) (PC) (SUP #2014-0047)
 3. ~~**CONDITION DELETED AND REPLACED WITH CONDITION #22:** 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 and debris shall be allowed to accumulate on-site outside of these containers. (P&Z) (SUP #97-0005)~~
 4. ~~**CONDITION AMENDED BY STAFF:** Seating shall be provided for no more than 205 patrons. Seating in the bar area on the ground floor of the restaurant space at 714 King Street shall be limited to a total of 44 seats, of which at least 30 seats shall be located at tables and not more than 10 stools shall be located at the bar. (P&Z) (SUP#2001-0088)~~
 5. ~~**CONDITION AMENDED BY STAFF:** Live entertainment may be provided at the restaurant to the satisfaction of the Director of Planning & Zoning as follows:
 - A. ~~(1) Medieval dancing and demonstration with acoustic guitar players and a maximum of two professional dancers may occur on an occasional basis;~~
~~(2) a single acoustic guitar player may be present in each restaurant daily.~~
 - B. ~~All dancing and amplified music must cease at closing.~~
 - C. All entertainment must be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring the food service as well as the entertainment. (P&Z) (City Council) (SUP #2014-0047)~~
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #97-0005)

7. The applicant may serve mixed drinks, beer and wine for on-premises consumption only. (P&Z) (SUP #97-0005)
8. Service in the bar area shall be limited to 10 people seated on bar stools. (P&Z) (SUP #97-0005)
9. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP #97-0005)
10. 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 #97-0005)
11. **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 #97-0005)
12. The applicant shall require that its employees who drive to work use off-street parking. (CC) (SUP 99-0094)
13. **CONDITION DELETED AND REPLACED WITH CONDITION #32 and 33:** ~~The applicant shall to the satisfaction of the Director of Planning & Zoning: (a) provide subsidized parking for all patrons under the Park Alexandria program during evenings and weekends in a public parking garage, (b) advertise such parking by posting notice at its restaurant and including such notice in any advertising, and (c) urge patrons who drive to use the space.~~ (P&Z) (SUP #2014-0047)
14. **CONDITION DELETED BY STAFF:** ~~The applicant shall post signs directing patrons to the availability of discounted validated parking at the Church Square garage located at the 100 block of North Alfred Street. City Council hereby authorizes an agreement with the garage to allow restaurant parking in the garage consistent with this approval.~~ (P&Z) (SUP #98-0055)
15. **CONDITION DELETED BY STAFF:** ~~On each anniversary of the approval of the special use permit, the applicant shall provide to the Director of Planning and Zoning a copy of the lease or other arrangement by which the applicant makes off-street parking available for customers and employees.~~ (P&Z) (SUP #98-0055)
16. **CONDITION DELETED AND REPLACED WITH CONDITION #23:** ~~The applicant shall employ the best cost-effective technology available to control odors at the time this permit takes effect, to the satisfaction of the Director of Health.~~ (P&Z) (SUP #97-0005)

17. **CONDITION DELETED BY STAFF:** ~~The new applicant shall contact the Community Relations Unit of the Alexandria Police Department for a security survey of the business and a robbery awareness program for employees. (P&Z) (SUP #2014-0047)~~
18. **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 amplified sounds shall be audible at the property line No music or noise shall be audible at the property line, with the two restaurants together construed as occupying one lot for the purpose of enforcing this condition. (P&Z) (SUP #2014-0047)
19. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION #24:** ~~No delivery service of food to customers shall operate from the restaurant. (P&Z) (SUP2014-0047)~~
20. 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. (P&Z) (SUP2014-0047)
21. **CONDITION AMENDED BY STAFF:** The Director of Planning & Zoning shall review the Special Use Permit 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 the 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) (SUP2014-0047)
22. **CONDITION ADDED BY STAFF:** 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 Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z)
23. **CONDITION ADDED BY STAFF:** 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. (P&Z)
24. **CONDITION ADDED BY STAFF:** Food delivery operated and managed by the applicant shall not be permitted. (P&Z)

25. **CONDITION ADDED BY STAFF:** 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)
26. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
27. **CONDITION ADDED BY STAFF:** Chemicals, detergents, or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
28. **CONDITION ADDED BY STAFF:** 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. (P&Z)
29. **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)
30. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z)
31. **CONDITION ADDED BY STAFF:** 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)
32. **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 Go Alex at goalex@alexandriava.gov for more information about available resources. (P&Z)
33. **CONDITION ADDED BY STAFF:** The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (P&Z)

34. **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. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0001. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant at 710 King Street.


Applicant - Signature

2/27/2019
Date

William Gross
Applicant - Printed

2/27/2019
Date