

DATE: May 23, 2014

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

FROM: Nathan Randall, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0047  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: 710 King Street LLC  
Location: 710 King Street  
Zone: KR / King Street Retail

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**Request**

Special Use Permit #2014-0047 is a request to change ownership of an existing restaurant, formerly known as Las Tapas, from 710 King Street LLC by Robert J. Test, attorney to 710 King Street LLC by Karla Booth. Although both entities are 710 King Street LLC, staff has determined that a change of ownership is necessary because the owners of the 710 King Street LLC entity have changed. No changes to the existing SUP conditions are proposed. The applicant expects to operate the restaurant in a medieval tavern concept trading under the name of John Strongbow's Tavern.

**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#2001-0088, which City Council approved in October 2001. City Council denied a request to expand the hours of operation for the restaurant in January 2005 (SUP#2004-0106).

Planning & Zoning staff received complaints about the prior restaurant owner's outdoor dining program in 2006 which were later resolved. Staff has not received any other complaints about the business.

The prior business has been closed since early March 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. Condition #14 of the existing SUP, which has been carried forward into the current request, requires the applicant to validate parking for customers at a nearby garage on North Alfred Street.

**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 changes have been made to existing condition language in this report for consistency with modern standards. New conditions prohibiting delivery service (Condition #21), since it has not been a feature at this restaurant, and requiring employee training (Condition #22), have been added.

Staff has also confirmed that the applicant will offer the parking validation required in Condition #14 by offering a \$1 discount off the restaurant bill for customers parking in the garage on North Alfred Street.

Staff hereby approves the Special Use Permit request.

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

Date: 5/23/2014  
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 #2014-0047**

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 issued to the applicant only or to any corporation or entity in which the applicant has a controlling interest. (P&Z)(SUP 1498)
2. **CONDITION AMENDED BY STAFF:** 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 #97-0005~~)
3. 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 those containers. (P&Z) (SUP #97-0005)
4. 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) ~~Flamenco~~ Medieval dancing and demonstration with acoustic guitar players and a maximum of two professional dancers may occur on an occasional basis;
    - (2) (Condition deleted)
    - (3) 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 #2001-0028~~)

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. No food, beverages, or other material shall be stored outside. (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. Kitchen equipment 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 AMENDED BY STAFF:** 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 #97-0005~~)
14. 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. 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. 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 AMENDED BY STAFF:** The new applicant shall contact the ~~Crime Prevention Unit~~ 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 #2001-0028)
18. **CONDITION DELETED (See Condition #21):** ~~The Director of Planning and Zoning shall review the special use permit one year after Council 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, (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) (City Council) (SUP#2001-0088)~~
19. **CONDITION AMENDED BY STAFF:** 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 #98-0055)
20. **CONDITION DELETED (See Condition #2):** ~~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#2001-0088)~~
21. **CONDITION ADDED BY STAFF:** No delivery service of food to customers shall operate from the restaurant. (P&Z)
22. **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. (P&Z)
23. **CONDITION ADDED 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  
710 King Street

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0047. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the parking reduction at 710 King Street.

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Applicant - Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant – Printed

\_\_\_\_\_  
Date