

EXHIBIT NO. 1

11  
10-13-01

Docket Item #17  
SPECIAL USE PERMIT #2001-0088

Planning Commission Meeting  
October 2, 2001

**ISSUE:** Consideration of a request for a special use permit to amend the hours of operation and the duration of live entertainment for a restaurant.

**APPLICANT:** 710 King Street., LLC  
by Robert J. Test, attorney

**LOCATION:** 710-714 King Street  
Las Tapas Restaurant

**ZONE:** CD/Commercial Downtown

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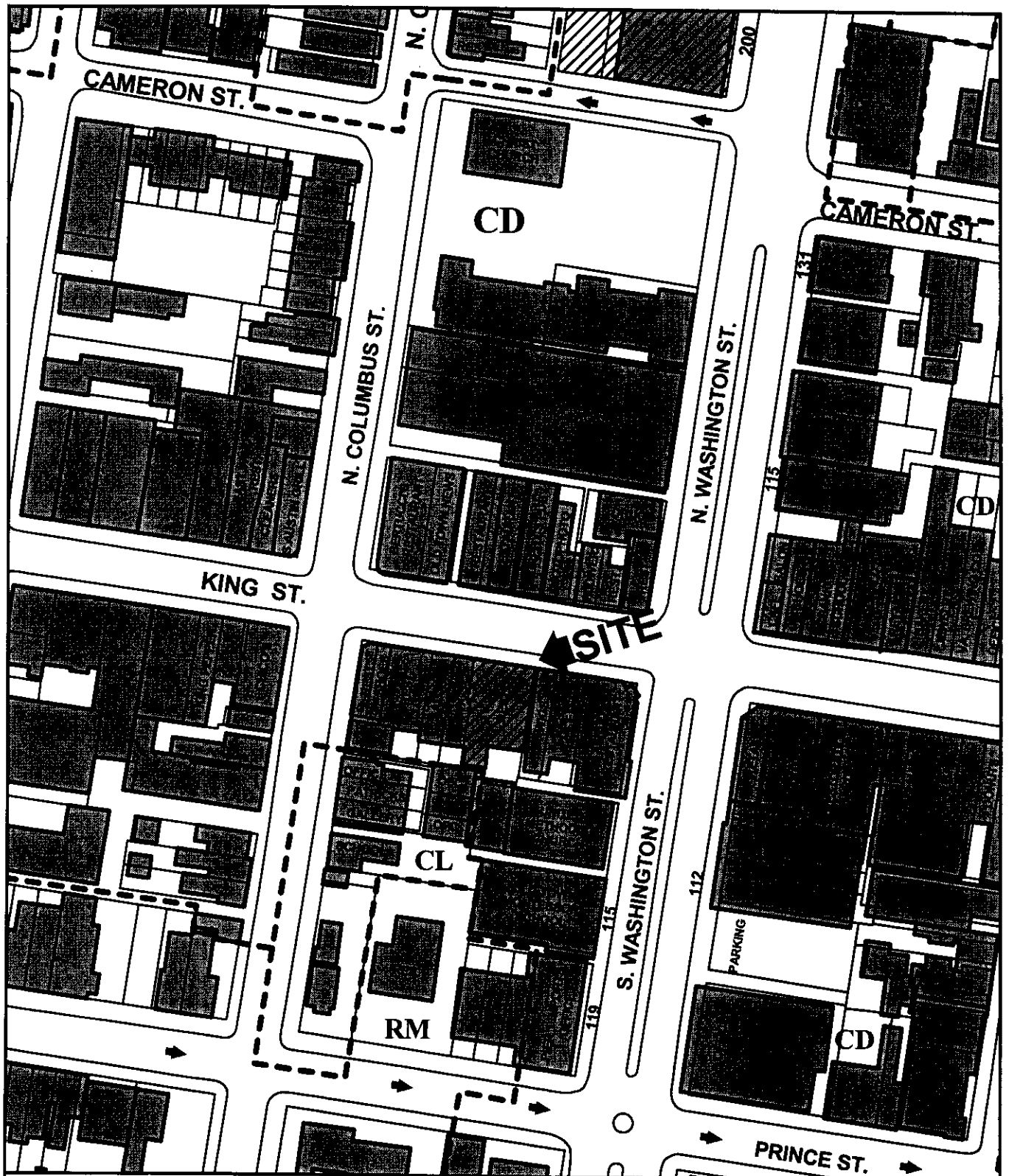
**PLANNING COMMISSION ACTION, OCTOBER 2, 2001:** On a motion by Mr. Dunn, seconded by Mr. Leibach, the Planning Commission voted to recommend denial of the request. The motion carried on a vote of 6 to 0. Mr. Gaines was absent.

**Reason:** The Planning Commission agreed with the staff analysis and noted that the restaurant needed a track record before it would consider intensifying the use. The Commission asked for detailed information regarding the closing times of other restaurants in the immediate area in these cases.

**Speakers:**

Robert J. Test, attorney representing the applicant.

Mark Feldheim, on behalf of the Old Town Civic Association, expressed concern about the size of the restaurant and the applicant's request for later hours of operation and live entertainment. He stated that the Association does not support these requests because it is concerned that the restaurant be operated as a restaurant and not as a bar. He indicated that the applicant could reapply in a year or so and that the Association could reconsider its position at that time.



**SUP #2001-0088**

**10/02/01**



### SUMMARY

The applicant requests permission to extend the hours of operation until 1:00 a.m. Monday through Thursday and until 1:30 a.m. on Fridays and Saturdays. The applicant also requests permission to offer live entertainment until one half hour before closing the restaurant rather than 11:00 p.m. as it is currently restricted. Staff recommends against the applicant's requests and notes that the applicant only recently began operating the restaurant.

### STAFF RECOMMENDATION:

Staff recommends **denial** of the request but approval of the continued operation of the restaurant. If Council approves the request, staff recommends approval subject to compliance with all applicable codes and ordinances and the following conditions:

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 11:00 A.M. to 11:00 P.M. Sunday through Thursday, and 11:00 A.M. to 1:00 A.M. on 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. **CONDITION AMENDED BY STAFF:** Seating shall be provided for no more than 205 patrons. Seating in the bar area shall include at least eleven four person tables 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, within the space now used for dining. (P&Z) (SUP #2001-0028) (P&Z)

5. Live entertainment may be provided at the restaurant as follows:
  - (A)
    - (1) Flamenco dancing and demonstration with acoustic guitar players and a maximum of two professional dancers may occur on an occasional basis;
    - (2) dancing, with demonstration and instruction, may occur twice each week, to include a disc jockey playing recorded music with one amplifier, one receiver, and two 200 watt speakers; and
    - (3) a single acoustic guitar player may be present in each restaurant daily.
  - (B) All dancing and amplified music must cease by 11:00 p.m. No standing customers are permitted.
  - (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) (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-premise 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. The applicant shall (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. The new applicant shall contact the Crime Prevention 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 RETAINED BY STAFF:** 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, 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 #2001-0028)~~ (P&Z)
19. No music or noise shall be audible at the property line, the two restaurants together construed as occupying one lot. (P&Z) (SUP #98-0055)
20. **CONDITION ADDED BY STAFF:** 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)

DISCUSSION:

1. The applicant, 710 King St. LLC, requests special use permit approval to amend the hours of operation and the duration of live entertainment for an existing restaurant located at 710-714 King Street.
2. The subject property is one lot of record with an area of 1,730 square feet, approximately 17.3 feet of frontage along King Street, and a depth of 100 feet.
3. A restaurant has been operated in this location since 1982 when Council granted Special Use Permit #1498 to Kai Dong. Since that approval, the ownership of the restaurant has changed hands. Most recently, Council granted a change of ownership approval in May 2001. At that time, the special use permits for this restaurant and the next door restaurant were combined into a single permit.
4. The applicant has filed a request to amend the hours of operation to allow the restaurant to operate until 1:00 a.m. Monday through Thursday and until 1:30 a.m. on Fridays and Saturdays, and to allow live entertainment to be provided at the restaurant until one half hour before closing, rather than until 11:00 p.m., as restricted by Condition #5.
5. On September 10, 2001, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff observed a total of 238 seats, or 33 more seats than the restaurant is permitted to offer. Staff did not include in its count the 15 seats located in the Regency Room, a private dining room on the second floor of the restaurant, as that room is currently used for storage. Condition #4 restricts the total number of seats to 205. Staff issued a citation for the violation (see attached). Staff has since reinspected the restaurant and observed that the additional chairs have been removed.  
  
Staff also observed that while the applicant provided a total of 44 seats at in the bar area, of which only ten are bar stools, the configuration of the table seating was different from the eleven four person tables required by Condition #4. Specifically, there are 30 seats at tables, 10 seats at the bar and a sofa and two chairs in the bar area where people may sit and have a drink. The applicant's attorney has advised staff that it would like relief from the language of that condition in order to allow the applicant the flexibility to determine the seating arrangements.
6. No change is requested to the Sunday hours of operation. Condition #2 of the existing special use permit limits the hours of operation until 11:00 p.m. Sunday through Thursday and until 1:00 a.m. on Fridays and Saturdays.

7. No other changes are requested to the operation of the restaurant.
8. Staff is aware of a recent complaint from the Old Town Civic Association regarding two idling tour buses parked in front of the restaurant on May 22, 2001, shortly after the initial special use permit approval for the current owners. Staff investigated the complaint and was advised by the applicant's attorney that a tour group of 100 persons had reserved rooms at the restaurant for dinner that night and that the buses pulled up in front of the restaurant to load the group for its return trip. The applicant's attorney further advised staff that the group was the first of its size to visit the restaurant and that it had no other group reservations at that time (see attached letters).

STAFF ANALYSIS:

Staff is concerned about the applicant's request for later hours of operation and later hours for live entertainment for an existing restaurant located at 710-714 King Street. Staff notes that the closing hours of the other restaurants on the 700 and 800 blocks of King Street vary. There are some grandfathered restaurants, such as Cates and Murphy's, that close at 1:00 AM daily. For other restaurants that operate pursuant to special use permits, such as China King, Taj Prince, Geranio's, Bertucci's, Cajun Bangkok, and Los Amigos, their closing hours range from 10:30 p.m. to 1:00 a.m. depending on the day of the week. Of those restaurants, however, none is permitted to operate until 1:30 a.m. on Fridays and Saturdays, as requested by the applicant. In this case, given that the ownership of the restaurant recently changed hands in May, staff recommends against later hours of operation for the restaurant and for the live entertainment. Staff notes that the applicant has the right to request later hours in the future once he has an established track record.

As to the applicant's request for flexibility with seats in the bar area, the language of Condition #4 is specific as to the number of seats at tables in order to ensure that the area will function as a restaurant rather than as a bar with the potential for many standing customers. Staff does not object to the applicant's request for flexibility, but believes that the condition language should continue to require seats at tables, with a limitation on bar stools, and has amended the condition to that effect.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;  
Barbara Ross, Deputy Director;  
Kathleen Beeton, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

F-1 No objections or additional recommendations.

Code Enforcement:

- C-1 Any alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-3 Any alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-4 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
  - (a) Measures to be taken to control the placement of litter on-site and the trash storage and pickup schedule.
  - (b) How food stuffs will be stored on-site.
  - (c) Rodent baiting plan.

Health Department:

F-1 No comments.



Police Department:

- R-1 Security survey for the business.
- R-2 Robbery awareness program for all employees.
- R-3 Recommend "ABC On" license only. If "ABC Off" is approved we recommend the following conditions:
  - 1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
  - 2. That the SUP is reviewed after one year.

APPLICATION for SPECIAL USE PERMIT # 2001-0088

[must use black ink or type]

PROPERTY LOCATION: 710 - 714 King STREET

TAX MAP REFERENCE: 074.02-10-07 ZONE: CD

APPLICANT Name: 710 King St. LLC

Address: 710 King St. ALEXANDRIA, VA 22314

PROPERTY OWNER Name: 710 King St. LLC

Address: 710 King St. ALEXANDRIA, VA 22314

PROPOSED USE: RESTAURANT

amend hours of operation and  
duration of live entertainment

**THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

**THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

**THE UNDERSIGNED** hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

ROBERT J. TEST  
Print Name of Applicant or Agent

[Signature]  
Signature

P.O. Box 20110  
Mailing/Street Address

703.837.9070 703.836.4285  
Telephone # Fax #

ALEXANDRIA, VA 22320  
City and State Zip Code

July 24, 2001  
Date

**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**

Application Received: \_\_\_\_\_ Date & Fee Paid: \_\_\_\_\_ \$ \_\_\_\_\_

ACTION - PLANNING COMMISSION: \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_

Special Use Permit # 2001-0088

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) ☒ the Owner ☐ Contract Purchaser  
☐ Lessee or ☐ Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

MUSTAPHA MELANI 710 King ST.  
SAID OUDKIRI ALEXANDRIA,  
ABID KARNACHOV VA 22314

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- ☐ Yes. Provide proof of current City business license  
☐ No. The agent shall obtain a business license prior to filing application, if required by the City Code.
2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

### NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

Las Tapas (formerly known as Costa del Sol), located at 710-714 King Street is a traditional Spanish style restaurant with Mediterranean influences. The restaurant seats 205 patrons, 14 at the lower level bar, and 191 in the dining rooms on the first and second floors. The restaurant was formerly governed by two special use permits, which have been combined into one, (See permits 97-005 and 98-0055).

The restaurant seeks to modify the existing special use permit to allow for closing hours to be extended on Monday thru Thursday evenings to 1:00 am, and Friday and Saturday to 1:30 am. Presently the restaurant closes at 11:00 am on Monday thru Thursday, and 1:00 am on Friday and Saturday. In requesting these hours it is understood that all patrons would be out of the restaurant at the closing time.

Las Tapas currently features on Friday and Saturday, and during the week on an intermittent basis, live entertainment. All of the entertainment is traditionally Spanish, including flamenco dancers, accompanied by a guitarist and support musicians and singers, and an acoustic guitar player. The applicant would seek to have the existing special use permit amended to allow for the live entertainment to continue until one half hour before closing.

The Applicant will agree to all of the original conditions set forth by Staff in the original SUP (2001-0028) except as requested to be modified above.

# USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- ☐ a new use requiring a special use permit,
- ☐ a development special use permit,
- ☐ an expansion or change to an existing use without a special use permit,
- ☒ expansion or change to an existing use with a special use permit,
- ☐ other. Please describe: \_\_\_\_\_

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

THE RESTAURANT CAN ACCOMMODATE 205 PATRONS

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

AM SHIFT 12 TO 18

PM SHIFT 18 TO 20

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

SUNDAY -

11 AM - 11 PM

MONDAY - THURSDAY

11 AM - 1 PM

FRIDAY & SATURDAY

11 AM - 1:50 PM

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

NONE ANTICIPATED THAT WOULD BE

NOTICEABLE AT THE STREET

B. How will the noise from patrons be controlled?

NOISE WILL BE CONTROLLED BY ASKING  
UNRULY PATRONS TO LEAVE THE PREMISES.  
UNRULY PATRONS WILL BE DENIED SERVICE.

8. Describe any potential odors emanating from the proposed use and plans to control them:

ODORS WILL BE CONTROLLED BY EXISTING  
VENTILATION SYSTEM.

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

TYPICAL RESTAURANT WASTE; KITCHEN, BAR,  
PAPER, CARDBOARD.

B. How much trash and garbage will be generated by the use?

TYPICALLY TWO TO THREE CONTAINERS  
PER WEEK

C. How often will trash be collected?

TWO TO THREE TIMES PER WEEK.

D. How will you prevent littering on the property, streets and nearby properties?

STAFF WILL ROUTINELY MONITOR THE  
EXTERIOR OF THE RESTAURANT

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☒ Yes. ☐ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

GLASS, FLOOR & TILE CLEANERS USED IN THE  
ORDINARY COURSE OF BUSINESS

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12. What methods are proposed to ensure the safety of residents, employees and patrons?

STAFF WILL FOLLOW HEALTH DEPT. GUIDELINES  
IN USING CLEANING MATERIALS

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#### ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

☒ Yes. ☐ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

ABC, BEER, WINE & LIQUOR, ON PREMISES ONLY.  
NO CHANGE PROPOSED.

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**PARKING AND ACCESS REQUIREMENTS**

14. Please provide information regarding the availability of off-street parking:

- A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

51

- B. How many parking spaces of each type are provided for the proposed use:

\_\_\_\_\_ Standard spaces

\_\_\_\_\_ Compact spaces

\_\_\_\_\_ Handicapped accessible spaces.

\_\_\_\_\_ Other.

- C. Where is required parking located?    ☐ on-site    ☒ off-site (check one)

If the required parking will be located off-site, where will it be located:

CHURCH SQUARE GARAGE - OTHER

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? NOT APPLICABLE

- B. How many loading spaces are available for the use? \_\_\_\_\_

- C. Where are off-street loading facilities located? \_\_\_\_\_



Special Use Permit # 2001-0088

D. During what hours of the day do you expect loading/unloading operations to occur?

AM HOURS, GENERALLY 8AM TO 1030 AM

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

1 TO 2 DELIVERIES PER DAY, 3 TO 5  
DAYS PER WEEK.

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

NOT APPLICABLE

#### SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No

Do you propose to construct an addition to the building? ☐ Yes ☒ No

How large will the addition be? \_\_\_\_\_ square feet.

18. What will the total area occupied by the proposed use be?

± 3100 sq. ft. (existing) + — sq. ft. (addition if any) = 3,100 sq. ft. (total)

19. The proposed use is located in: (check one)

☒ a stand alone building ☐ a house located in a residential zone ☐ a warehouse

☐ a shopping center. Please provide name of the center: \_\_\_\_\_

☐ an office building. Please provide name of the building: \_\_\_\_\_

☐ other, please describe: \_\_\_\_\_

# RESTAURANT SUPPLEMENTAL APPLICATION

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?

At tables: 191 At a bar: 14 Total number proposed: 205

2. Will the restaurant offer any of the following?

☒ alcoholic beverages ☒ beer and wine (on-premises)  
☐ beer and wine (off-premises)

3. Please describe the type of food that will be served:

SPANISH (TAPAS) STYLE MENU,  
MEDITERRANEAN - COPY ATTACHED

4. The restaurant will offer the following service (check items that apply):

☒ table service ☒ bar ☐ carry-out ☐ delivery

5. If delivery service is proposed, how many vehicles do you anticipate? \_\_\_\_\_

Will delivery drivers use their own vehicles? ☐ Yes. ☐ No.

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? ☒ Yes. ☐ No.

If yes, please describe: \_\_\_\_\_

SEE ATTACHED NARRATIVE

**SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN**

***CRITERIA TO BE USED TO EVALUATE NEW OR EXPANDED RESTAURANTS  
ADOPTED BY CITY COUNCIL BY RESOLUTION, NOVEMBER 13, 1993***

**Parking**

1. The applicant must submit a parking management plan (PMP), which specifically addresses the following issues:
  - A. The parking demand generated by the proposed restaurant.
  - B.. The availability of off-street parking for patrons. For the purpose of this policy, availability shall be measured in terms of the number of vacant off-street parking spaces within 500 feet from the entrance to the restaurant.
  - C. How employees who drive will be accommodated off the street at least in the evenings and on weekends.
  - D. The predicted impact of the restaurant on the parking supply at the evening peak, weekend peak, and daytime peak.
  - E. A proposal to reduce the impact of parking created by the restaurant on nearby areas. Acceptable alternatives for reducing parking impacts include, but are not limited to, the following: validated parking or valet parking for patrons, and off-street parking or transit subsidies for employees.
2. Additionally, please answer the following:
  - A. What percent of patron parking can be accommodated off-street?  
(check one)  
☒ 100%  
☐ 75-99%  
☐ 50-74%  
☐ 1-49%  
☐ No parking can be accommodated off-street
  - B. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends?  
(check one)  
☒ All  
☐ 75-99%  
☐ 50-74%  
☐ 1-49%  
☐ None
  - C. What is the estimated peak evening impact upon neighborhoods?  
(check one)  
☐ No parking impact predicted  
☒ Less than 20 additional cars in neighborhood  
☐ 20-40 additional cars  
☐ More than 40 additional cars

Litter

The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

Alcohol Consumption and Late Night Hours

1. Maximum number of patrons shall be determined by adding the following:

$$\begin{array}{r}
 \underline{191} \text{ Maximum number of patron dining seats} \\
 + \underline{14} \text{ Maximum number of patron bar seats} \\
 \hline
 \underline{205} \text{ Maximum number of standing patrons} \\
 \hline
 \underline{205} \text{ Maximum number of patrons}
 \end{array}$$

2. 20 Maximum number of employees by hour at any one time

3. Hours of operation:  
(check one)

☐ Closes by 8:00 P.M.  
☐ Closes after 8:00 P.M. but by 10:00 P.M.  
☐ Closes after 10:00 P.M. but by Midnight  
☒ Closes after Midnight

[Closing time means when the restaurant is empty of patrons.]

4. Alcohol Consumption:  
(Check one)

☐ High ratio of alcohol to food  
☒ Balance between alcohol and food  
☐ Low ratio of alcohol to food

## SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN

### OLD TOWN RESTAURANT POLICY

(Changes to Old Town Small Area Plan Chapter of the Master Plan, Adopted by City Council on November 13, 1993.)

*On November 13, 1993 the City Council adopted Resolution No. 1672 outlining new policy and criteria used in applying the revised Old Town Restaurant Policy. Individuals who apply for a special use permit to operate a restaurant in Old Town must address in their entirety five criteria in order to be considered for a special use permit. An application will not be formally accepted for processing until this questionnaire is completed.*

#### Goals of the Old Town Restaurant Policy

1. To lessen the on-street parking impact of restaurants in Old Town and adjacent areas;
2. To prevent rowdiness and vandalism from patrons leaving restaurants, particularly in the late evening; and
3. To control the spread of litter in Old Town.

#### Policies to attain the goals of the Old Town Restaurant Policy

City Council shall not approve a request for special use permit for any new restaurant, carry-out or fast food establishment or an expansion of an existing restaurant, carry-out or fast food establishment, unless it finds that the request does not significantly impact nearby residential neighborhoods. City Council shall consider the cumulative impact of the proposal and the number of already established restaurants, carry-outs, fast food establishments and the number of food service seats, bar seats and standing service areas in the immediate area. In the case of an expansion or other intensification, the entire operation of the establishment may be taken into account in determining its impact upon the nearby residential neighborhoods. In making that determination, City Council shall consider the following factors:

- a) The availability of off-street parking.
- b) The predicted impact of the restaurant on parking supply in the adjacent neighborhood.
- c) The extent to which the restaurant is open in the late night hours.
- d) The extent to which alcohol (such as spirits, mixed drinks, wine, and beer) consumption will predominate over food consumption, including consideration of the number of bar seats, if any, and the standing areas in the vicinity of bars.
- e) The predicted extent of litter generated in nearby neighborhoods.

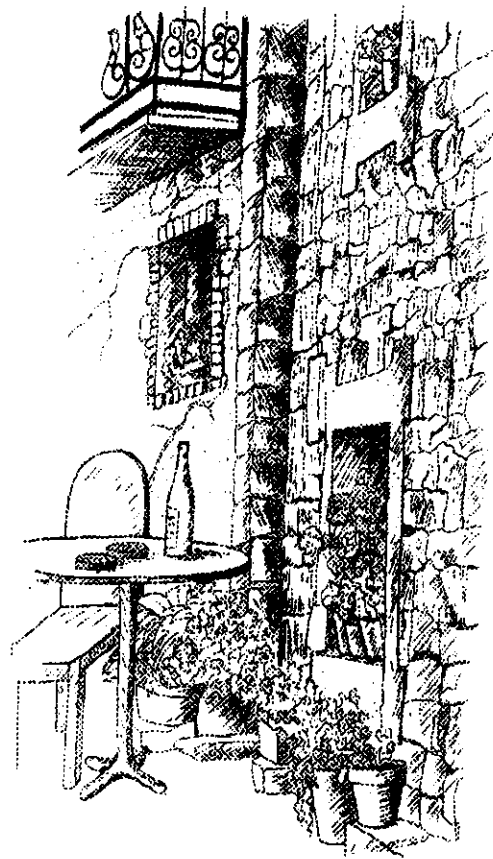
# Las Tapas

*The Distinctive Taste of Spain*

## The History of Tapas.

The exact moment of the birth of the tapa is lost in time. The closest estimate of its humble origins would possibly be sometime in the eighteen century. Weary travelers would disembark from coaches and saddle horses, to be met by eager innkeepers with glasses of wine or sherry covered with a slice of bread. In the Spanish language, this covering referred to as a tapas, from the verb tapas, 'to cover.' This 'tapas' kept insects, dust and unsavory debris from settling into the wine and also served to wet the appetite of the hungry travelers. From this simple beginning the tapa evolved. A slice of Serrano ham, a bit of Manchego cheese with marinated olives, were added as toppings, as enterprising innkeepers vied to attract the travelers interest ~ and money ~ by offering inventive and luscious dishes that induced yet another glass of wine...

Tapas today are small, delectable portions of food, served individually, or in groups as a custom designed meal. The use of lean, grilled meats and fresh seafood, vegetables,



Early Dinner  
Specials

### Tapas Frias ~ Cold Tapas

- ❖ 11 **Ceviche De Pescado Y Mariscos**  
Scallops, shrimp, calamari, flounder and salmon marinated in lemon and fresh cilantro.

- ❖ 14 **Patatas Alioli**  
Fried potatoes served with garlic and olive oil Dressing.

### Tapas Calientes ~ Hot Tapas

- ❖ 15 **Patatas Bravas**  
Fried potatoes served with roasted tomato, peppers and garlic sauce.
- ❖ 16 **Tortilla Espanola** (Serves Two)  
Three egg omelet mixed with sautéed potato and onion.
- ❖ 18 **Surtidos De Setas**  
Sautéed portabella, oyster and button mushrooms in olive oil and garlic.
- ❖ 19 **Alcachofas Con Jamon**  
Sautéed artichoke with Serrano ham, garlic, olive oil and lightly scented with sherry wine.

### Mariscos ~ Seafood

- ❖ 24 **Calamares A La Malaguena**  
Fried calamari served with alioli.
- ❖ 25 **Calamares Al Ajillo**  
Sautéed calamari in garlic and olive oil.
- ❖ 26 **Gambas Andaluza**  
Sautéed shrimp wrapped with Serrano ham.
- ❖ 27 **Mejillones Y Almejas Al Tio Pepe**  
Steamed mussels and clams with a mixture of onions fresh herbs, peppers and lightly scented with sherry wine.
- ❖ 28 **Almejas Marinera**  
Sautéed clams with olive oil, garlic and white wine.

- ❖ 29 **Pulpo A La Gallega**  
Steamed octopus drizzled with extra virgin olive oil and sweet Spanish pimentos.

- ❖ 31 **Gambas Al Pil-Pil**  
Shrimp sautéed with garlic and olive oil and a touch of Spanish pimenton.

- ❖ 32 **Mejillones Marinera**  
Sautéed mussels with garlic, white wine and tomato.

### Carnes ~ Meat

- ❖ 44 **Pinchitos Andaluza**  
beef and pork Marinated grilled on skewer.
- ❖ 45 **Lomo De Cerdo Adobado A La Cordobesa**  
Marinated pork loin Cordoba style.
- ❖ 46 **Puerco A La Mancha**  
Pork loin braised in Spanish tomato sauce.
- ❖ 47 **Pollo A La Ajillo**  
Sautéed chicken tenders in garlic and olive oil.
- ❖ 48 **Pollo Sevillana**  
Sautéed chicken tenderloins with escargot and mushrooms in marinara sauce.
- ❖ 50 **Quesadillas De Pollo**  
Two delicate flour tortillas stuffed with tender chicken, tomato, pepper and monterrey cheese.
- ❖ 53 **Croquetas De Pollo Y Queso**  
A rich mixture of Spanish cheese combined with tender chicken and served with tomato sauce.
- ❖ 54 **Pimientos Rellenos**  
Green pimentos stuffed with ground veal and Baked in a delicate brown sauce.
- ❖ 55 **Empanadillas**  
Two turnovers filled with delicately seasoned beef and chicken served with salsa verde.
- ❖ 57 **Albondigas**  
Spanish style meatballs.

### Ensaladas ~ Salads

- ❖ 63 **Ensalada Mediterranea**  
Sliced mozzarella with country tomato, roasted red pepper and grilled zucchini drizzled with a basil vinaigrette dressing.
- ❖ 64 **Ensalada Mixta**  
Boston lettuce with asparagus, olives, anchovies, garden tomato, hard-boiled eggs, cucumber and Spanish olives.

### Soup

- ❖ 60 **Gazpacho Andaluz**  
Authentic gazpacho from Spain.
- ❖ 61 **Crema De Langosta**  
Cream of lobster scented with Jerez wine, Spanish Brandy and lobster brunoise.
- ❖ 62 **Sopa De Ajo**  
Traditional Spanish Garlic Soup

**Your Choice:**  
Two Tapas for 9.95  
Add a soup or salad for 2.00  
Monday to Friday 3 to 7 p.m.





ALEXANDRIA DEPARTMENT OF  
PLANNING AND ZONING  
301 King Street, Room 2100  
Alexandria, Virginia 22314

## NOTICE OF VIOLATION

YOU ARE CHARGED WITH VIOLATING THE  
ALEXANDRIA, VIRGINIA ZONING ORDINANCE

9/10/01 Monday 3:39  
Date ticket served Day of Week Time AM/PM

Location of Violation: 710 KING

Ord. Section: 11-505

Description of Violation: Violated at  
SUP # 2001-0028 Condition  
#4 seating for 205  
253 was covered

Penalty \$: 50.00

☒ 1st ☐ 2nd  
☐ 3rd/MORE ☐

IF THE VIOLATION IS NOT CORRECTED BY  
9/20/01 AN ADDITIONAL MONETARY  
PENALTY WILL BE ASSESSED.

Inspector's Signature: [Signature] ID Number: 103

I personally observed or investigated the commission of the  
violation noted above and/or violation was based upon signed  
affidavit.

VIOLATORS COPY - WHITE  
CITY ATTORNEY COPY - YELLOW  
FINANCE COPY - PINK  
PLANNING AND ZONING COPY - ORANGE

## NOTICE SERVED ON:

NAME: LAST FIRST MIDDLE

☐ PROPERTY OWNER  
☐ COMPANY

NAME

POSITION

☐ OTHER

ADDRESS

CITY/TOWN STATE ZIP

SIGNATURE DATE

I hereby acknowledge receipt of this Notice of  
Violation. Signature is not an admission of guilt.

☐ PERSON REFUSED TO SIGN DATE

## CERTIFICATE OF SERVICE

☒ Mailed/posted a true copy of this notice to the last  
known home or business address of the respondent  
or the respondent's agent

Name of Person or Business Served

710 KING ST

Address of Service

Alexandria VA 22314

City/State

☐ Posted true copy of this notice at the site of the  
infraction

The undersigned states that he/she is an employee  
of the City of Alexandria Department of Planning  
and Zoning and knows this Certificate of Service to  
be true to the best of his/her knowledge.

Signature

Print Name

Date

Phone # 703 938-3846

## WARNING

YOU ARE REQUIRED TO RESPOND TO THIS NOTICE  
OF VIOLATION WITHIN 15 DAYS OF THE DATE OF  
SERVICE IN ONE OF THE FOLLOWING WAYS

TICKET NO 2305

## 1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A HEARING:

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail;
- Print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4949.

## 2. TO REQUEST A COURT HEARING:

- Check the "Contest in Court" box below and;  
(a) Mail this completed notice to the Office of the City Attorney, City Hall, Suite 1300, 301 King Street, Alexandria, Virginia, 22314; or  
(b) Appear in person or by an authorized representative, at the above address between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4433.

- If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

## 3. TO CONTEST THE INTERPRETATION OF THE ORDINANCE:

- You have the right to appeal the interpretation of the zoning ordinance upon which this violation is based to the Board of Zoning Appeals within 30 days in accordance with 15.2-2311 of the Code of Virginia. The interpretation shall be final and unappealable if not appealed within 30 days.

FOR INFORMATION CONCERNING THIS TICKET CALL  
PLANNING AND ZONING AT 703-838-4688

FAILURE TO RESPOND AS PROVIDED ABOVE WILL RESULT  
IN THE ISSUANCE OF A SUMMONS TO APPEAR IN COURT  
AND ANSWER TO THE VIOLATION FOR WHICH THIS NOTICE  
WAS ISSUED

YOU MUST COMPLETE AND SIGN THIS  
CERTIFICATION:

☐ ADMIT VIOLATION ☐ NO CONTEST ☐ CONTEST IN COURT

Name (print)

Street Address

City

State

Zip

I hereby certify under penalty of law, that I have  
answered as indicated above, and corrected or made  
substantial efforts to correct the violation that I have  
admitted or for which I have pleaded no contest.

Signature

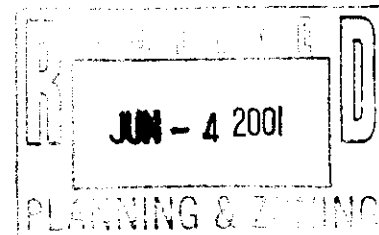
Date

F-PLN-0071 (7/00)

~~SUP#2001-0028~~  
SUP# 2001-0088

# The Old Town Civic Association

POST OFFICE BOX 21333  
ALEXANDRIA, VIRGINIA 22320-2333



June 1, 2001

Ms. Barbara Ross  
Deputy Director  
Department of Planning & Zoning  
City of Alexandria  
301 King Street, Room 2100  
Alexandria, VA 22314

Re: Change of Ownership - SUP#2001-028      710-714 King Street

Dear Barbara:

Prior to the May 1, 2001 Planning Commission and May 12, 2001 City Council Public Hearings we had a chance to discuss this application. Inasmuch as the applicant had agreed to accept the Staff Recommendations and we were unaware of any prior problems, OTCA did not oppose the application. We did, however, question the reference to the 205 patron capacity (as did Councilman Speck) but understood the need to consolidate the restaurants for purposes of better enforcement of the SUP. Unfortunately, I am constrained to bring to your attention an incident that I was called to investigate.

On Tuesday evening May 22, 2001 around 10:45 p.m. I received a complaint that 2 tour busses were blocking the eastbound lane of King street in front of 710-714 King Street and that there was a great deal of commotion at the restaurant. I walked to the restaurant to see what was going on and observed that the 2 busses were still there at 11:00 p.m. and that the restaurant had been hosting a private function. Some patrons had apparently left the premises, or the waiting busses, and were being retrieved from Murphy's across the street while others continued to board the busses from the restaurant.

In addition to the noise associated with patrons leaving the restaurant and traveling back and forth to Murphy's, the busses remained blocking King Street for at least 20 minutes.

Aside from condition number 19 that prohibits audible noise at the property line, the 2 busses idled and remained parked in the travel lanes of King Street. Hopefully this was an isolated event but, if repeated it will need to be addressed through additional conditions prior to the scheduled one year review.

If you have any questions or if additional information is required do not hesitate to contact me.

Sincerely,



Mark S. Feldheim  
President

cc: Mustapha Meliani  
Las Tapas  
710 King Street  
Alexandria, VA 22314

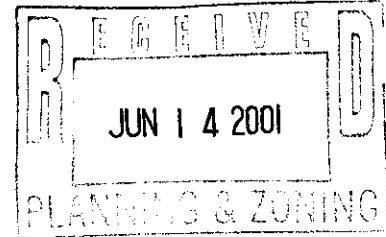
SUP # 2001-0028  
SUP # 2001-0088

ROBERT J. TEST  
ATTORNEY AT LAW

Tel: 703.837.9070

FAX: 703.836.4285

June 12, 2001



Ms. Barbara Ross  
Department of Planning and Zoning  
301 King Street  
Alexandria, VA 22314

Re: *Las Tapas*; 710 King Street

Dear Ms. Ross;

This office represents *Las Tapas* restaurant. The owners of the restaurant have given me a copy of the letter you received from Mark Feldheim of June 1<sup>st</sup> regarding the two tour buses that were picking up passengers in front of the restaurant on May 22<sup>nd</sup>. After meeting with the principals and reviewing the matter, it appears that a group of approximately 100 real estate agents from Philadelphia were touring the area and reserved rooms at *Las Tapas* for dinner.

When dinner ended, the buses the group were traveling in pulled up in front of the restaurant on King Street to load passengers for the return trip. As you may recall, it was raining heavily that night, and the buses evidently remained in front of the restaurant for an extended period.

Restaurant staff was not aware of any problem caused by the buses, and received no complaints, either that evening or thereafter, other than Mr. Feldheim's letter. As you know, the City goes to great expense to encourage group and tour business for Old Town and the surrounding areas. The number of buses navigating the narrow road ways of Old Town on a daily basis attest to the success of the Visitors' Bureau.

While the owners of *Las Tapas* are cognizant of the potential problem group and tour buses may present to local traffic, the restaurant does not actively promote nor does it actively seek group and tour business. The group from Philadelphia was the first of its size to visit the restaurant, and at present no other groups have inquired, much less reserved, space at the restaurant.

Ms. Barbara Ross  
June 12, 2001  
Page 2

On a final note, it would seem appropriate that if tour buses are blocking the flow of traffic the correct call would be to the City's traffic department. I hope the above satisfactorily responds to the concerns raised by Mr. Feldheim. If I can be of further assistance, please feel free to call.

Yours truly,

A handwritten signature in black ink, appearing to read "R. J. Test", with a large, stylized initial "R" and a horizontal line extending to the right.

Robert J. Test

RJT/sw  
cc: M. Meliani

## APPLICATION for SPECIAL USE PERMIT #

2001-0088

[must use black ink or type]

PROPERTY LOCATION: 710 - 714 King Street

TAX MAP REFERENCE: 074.02-10-07 ZONE: CD

APPLICANT Name: 710 King St. LLC

Address: 710 King St. ALEXANDRIA, VA 22314

PROPERTY OWNER Name: 710 King St. LLC

Address: 710 King St. ALEXANDRIA, VA 22314

PROPOSED USE: RESTAURANT

Amend hours of operation  
duration of 10/01/01 to 10/01/02

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

ROBERT J. TEST  
Print Name of Applicant or Agent  
SignatureP.O. Box 20110  
Mailing/Street Address703.837.9070 703.836.4285  
Telephone # Fax #ALEXANDRIA, VA 22320  
City and State Zip CodeJuly 24, 2001  
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: Date &amp; Fee Paid: \$

ACTION - PLANNING COMMISSION: 10/02/2001 RECOMMEND DENIAL 6-0

ACTION - CITY COUNCIL: 10/13/01PH--See attached.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

10. SPECIAL USE PERMIT #2001-0079  
108-110 E GLENDALE AV

Public Hearing and Consideration of a request for a special use permit for a reduction of off-street parking to allow tandem parking spaces in conjunction with the construction of a semi-detached dwelling; zoned RA/Residential. Applicant: Landmark Communities, by Gaver Nichols, architect.

COMMISSION ACTION: Recommend Approval 5-0-1

City Council approved the recommendation of the Planning Commission, as amended, to add Condition #12: **"12. That the applicant shall work with staff concerning the grade of the driveway and the operation of the garages. Additionally, the applicant shall work with staff to ensure a proper drainage system is constructed pertaining to the driveway aprons."**

Council Action: \_\_\_\_\_

11. SPECIAL USE PERMIT #2001-0088  
710-714 KING ST  
LAS TAPAS RESTAURANT

Public Hearing and Consideration of a request for a special use permit to amend the hours of operation and the duration of live entertainment for a restaurant; zoned CD/Commercial Downtown. Applicant: 710 King St., LLC, by Robert J. Test, attorney.

COMMISSION ACTION: Recommend Denial 6-0

Jay Test, attorney for the applicant, explained that the only change to the special use permit is Condition #5, 5(B), to have that changed to "cease at closing" instead of by 11:00 p.m.

Planning and Zoning Deputy Director Ross stated that staff has no objection to this change.

City Council reversed the Planning Commission recommendation, struck Condition #5(A)(2), amended Condition #5(B) to read: **"5(B) All dancing and amplified music must cease at closing."**, and changed Condition 18(b) to use the standard language.

Council Action: \_\_\_\_\_

# SPEAKER'S FORM

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK  
BEFORE YOU SPEAK ON A DOCKET ITEM.**

DOCKET ITEM NO. 11

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: SAID, M. OUDGHART by Robert G. Test, Atty.
2. ADDRESS: 710-714 King St Alexandria, VA
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? LOS TAPAS  
Restaurant
4. WHAT IS YOUR POSITION ON THE ITEM?  
FOR: X AGAINST: \_\_\_\_\_ OTHER: \_\_\_\_\_
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):  
PROPERTY OWNER
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL? YES ✓ NO X

This form shall be kept as a part of the Permanent Record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of 5 minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the City Clerk.

Additional time, not to exceed 15 minutes, may be obtained with the consent of the majority of the Council present, provided that notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at Public Hearing Meetings, and not at Regular Meetings. Public Hearing Meetings are usually held on the Saturday following the second Tuesday in each month; Regular Meetings are regularly held on the Second and Fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item can be waived by a majority vote of Council members present, but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at Public Hearing Meetings. The Mayor may grant permission to a person, who is unable to participate in public discussion at a Public Hearing Meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

## Guidelines for the Public Discussion Period

- All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- No speaker will be allowed more than 5 minutes, and that time may be reduced by the Mayor or presiding member.
- If more than 6 speakers are signed up or if more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30-minute public discussion period.
- If speakers seeking to address Council on the same subject cannot agree on a particular order or method that they would like the speakers to be called, the speakers shall be called in the chronological order of their request forms' submission.
- Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.