

DATE: December 7, 2022

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

FROM: Patrick Silva, Urban Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2022-00096  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: Rodolfo E. Garcia  
Location: 710 King Street  
Zone: KR / King Street Urban Retail

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### **Request**

Special Use Permit #2022-00096 is a request to change ownership of a restaurant from William Gross & Chelsea Gross to Rodolfo E. Garcia. The applicant will continue to operate the business under the name Village Brauhaus. The applicant will continue to offer dine-in and carry out service with operational hours of 9 a.m. - 11 p.m. on Sundays, 10 - 12 a.m. Monday - Thursday and 10 a.m. - 2 a.m., Friday and Saturday. No other changes are proposed.

### **Background**

A restaurant has operated at this location since June 12, 1982, when City Council approved Special Use Permit #1469 for a restaurant. Then, on September 18, 1982, City Council approved Special Use Permit #1498 to allow the previously approved restaurant to add an additional 80 seats and expand into the building located at 714 King Street. Several Change of Ownership SUPs have been administratively approved since then, including on May 12, 2001, when City Council approved Special Use Permit #2001-00028 and the restaurant first became known as Las Tapas. Next, on May 23, 2014, staff administratively approved Special Use Permit #2014-00047, through which the existing restaurant was converted to a medieval tavern style restaurant called John Strongbow's Tavern. Next, on August 2, 2019, staff provided administrative approval for Special Use Permit #2019-00001 for a Change of Ownership for the current business owner, William Gross, who renamed the business Village Brauhaus. On August 2, 2019, staff provided administrative approval for Special Use Permit #2019-00064 to permit the existing hours of operation. Most recently, on October 26, 2021, staff administratively approved Special Use Permit #2021-00098 allowing the applicant to add dining to a newly constructed rooftop dining area.

### **Parking**

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

**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 was sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses regarding the request.

**Staff Action**

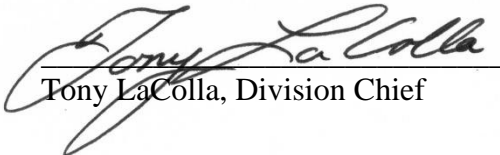
Staff does not object to the change of ownership request as the restaurant has successfully operated here for many years without negatively impacting the neighborhood. In addition, a restaurant at this location continues to contribute to the goal of emphasizing commercial activity on King Street, as articulated in the Old Town Small Area Plan.

Special Use Permit conditions have been carried forward and several have been updated to reflect new standard conditions for restaurant uses in the City. This includes amendments to Conditions #5, #7, #21, and #24.

Staff hereby approves the Special Use Permit request.

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

Date: December 7, 2022  
Action: Approved

  
Tony LaColla, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT # 2022-00096**

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. All patrons must leave the premises within one hour of the closing hour. (P&Z) (SUP2021-00098)
3. Condition deleted by staff. (SUP97-00005)
4. The number of indoor and rooftop restaurant seats shall comply with the statewide uniform building code. (P&Z) (SUP2021-00098)
5. **CONDITION AMENDED BY STAFF:** ~~Indoor limited,~~ live entertainment may be offered and must comply with the City's noise ordinance. ~~No admission or cover fee shall be charged. provided at the restaurant to the satisfaction of the Director of Planning & Zoning as follows:~~ 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) (SUP2021-00098)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #97-00005)
7. **CONDITION AMENDED BY STAFF:** ~~The applicant may serve alcohol for on- and off premises~~ alcohol sales are permitted in compliance with ~~consumption consistent with a VA ABC requirements~~ license. (P&Z) (SUP2021-00098)
8. Condition deleted by staff. (SUP2021-00098)
9. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP2019-00001)
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) (SUP97-00005)
11. 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) (SUP2019-00064)
12. The applicant shall require that its employees who drive to work use off-street parking.

(CC) (SUP 99-0094)

13. Condition deleted by staff (SUP2014-00047)
14. Condition deleted by staff (SUP98-00055)
15. Condition deleted by staff (SUP98-00055)
16. Condition deleted by staff (SUP97-00005)
17. Condition deleted by staff (SUP2014-00047)
18. Condition deleted by staff (SUP2021-00098)
19. Condition deleted by staff (SUP2014-00047)
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) (SUP2014-00047)
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) (~~SUP2021-00098~~)
22. 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) (SUP #2019-00001)
23. 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) (SUP #2019-00001)
24. **CONDITION AMENDED BY STAFF:** ~~Food~~ Delivery vehicles operated and managed by the applicant ~~shall not be~~ are permitted. Delivery vehicles must be parked off-street when not in use (P&Z) (SUP #2019-00001)

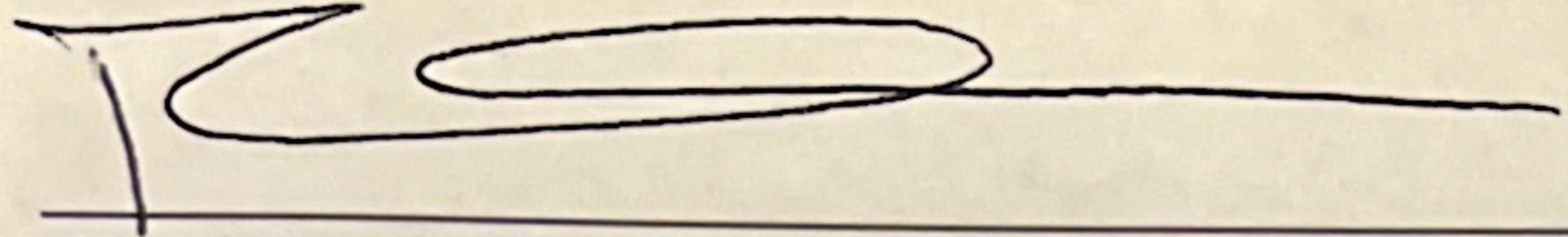
25. All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage 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) (SUP #2019-00001)
26. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z) (SUP #2019-00001)
27. Chemicals, detergents, or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z) (SUP #2019-00001)
28. 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) (SUP #2019-00001)
29. 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 #2019-00001)
30. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z) (SUP #2019-00001)
31. 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](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (P&Z) (SUP #2019-00001)
32. 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](mailto:goalex@alexandriava.gov) for more information about available resources. (P&Z) (SUP #2019-00001)
33. 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) (SUP #2019-00001)
34. 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) (SUP #2019-00001)

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Staff Note: In accordance with Section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-00096. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 710 King Street.



Applicant - Signature

12/15/22  
Date

Rodolfo Garcia  
Applicant - Printed

12/15/22  
Date