

DATE: August 8, 2025

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

FROM: Lanning Blaser, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2025-00035  
Administrative Review for Change of Ownership  
Site Use: Restaurant and Outdoor Dining on Private Property  
Applicant: Tortas Y Tacos La Chiquita IV, LLC  
Location: 529 E. Howell Avenue  
Zone: CDD #4 Coordinated Development District #4/CSL  
Commercial Service Low underlying zone

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### **Request**

Special Use Permit #2025-00035 is a request for an SUP change of ownership for a restaurant use and an outdoor dining on private property use from Brewski's Barkhaus, LLC to Tortas Y Tacos La Chiquita IV, LLC. Aside from removing the outdoor dog play area, no other changes to the restaurant and outdoor dining operations are proposed. The applicant will rename the restaurant as Tortas Y Tacos La Chiquita IV.

### **SUP Background**

City Council approved DSP #2013-0010 on September 3, 2013 for construction of a 2,956 square foot commercial building with ground floor retail and second floor office space. A 12-space surface parking lot was also constructed. City Council approved SUP #2014-0068 for EMS Food Group, LLC on October 18, 2014 for a restaurant with outdoor dining.

SUP #2020-0003 was administratively approved on April 21, 2020 for an SUP change of ownership and a minor amendment. The change of ownership was from EMS Food Group, LLC to Alexander Benbassat. The minor amendment approved one additional hour of operation on Friday and Saturday evenings and increased the number of indoor seats from 48 to 70 and the outdoor seats from 10 to 20. A by-right animal care facility without overnight accommodations included an accessory outdoor dog play area. The applicant name changed from Alexander Benbassat to Brewski's Barkhaus, LLC on July 27, 2023. An SUP change of ownership was not required as the business ownership remained the same. Nearby residents submitted several noise code complaints relating to dogs barking during the operation of this business. It closed in December 2024.

In June 2025, a resident informed staff that it appeared interior work was underway at this site and asked if staff was aware of this new business. A P&Z inspector confirmed

that a restaurant was being planned and informed the business operator that administrative special use permit approval was required before the business could open. The applicant submitted a special use permit application shortly thereafter. Additionally, staff received comments on August 4 stating the restaurant was ready to open the following day. A P&Z inspector informed the applicant the business could not open until it received special use permit approval and the applicant complied.

### **Parking**

The applicant will remove the artificial turf that had been used for the dog area, restoring the 12-space parking lot. Pursuant to Section 8-200(A)(17)a(i) of the Zoning Ordinance, restaurants within the enhanced parking area must provide one parking space for every one thousand square feet of space. The 2,956 square foot restaurant, therefore, is required to have three parking spaces. The 20 outdoor dining seats do not require parking according to Section 8-200(A)(17)(c). With a 12-space parking lot, the applicant exceeds the minimum parking requirement.

### **Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. The Del Ray Citizens Association was sent an email with information about the application. Staff received several comment letters from nearby residents and the Del Ray Citizens Association in opposition to the request. These related to 24-hour indoor hours, noise, parking, traffic, neighborhood safety, alcohol service, delivery services, and loading/unloading hours. Staff also received letters of support for another restaurant with expanded hours in the area.

Staff responded through email to commenters, stating, that many of the concerns are either outside the purview of SUP review or are addressed through SUP conditions to minimize impacts.

### **Staff Action**

Staff supports the SUP change of ownership request for a restaurant and outdoor dining as the request complies with Zoning Ordinance criteria. The new restaurant and outdoor dining uses will enliven a long-term vacant site, which appears prominently along the Richmond Highway commercial corridor. Although SUPs no longer regulate restaurant indoor hours of operation, the applicant voluntarily agreed to reduce the originally proposed 24-hour indoor daily operating hours to 8 a.m. to 2 a.m. in response to neighbor concerns.


Staff has carried forward the previous conditions and some have been amended and added to reflect current standard SUP restaurant and outdoor dining conditions language. Conditions which no longer apply have been deleted. These include Condition #3,

restricting indoor restaurant hours of operation. Additionally, the removal of the outdoor dog area prompts the deletion of Conditions #23 and #28.

Staff hereby approves the Special Use Permit request.

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

Date: August 8, 2025  
Action: Approved

  
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Tony LaColla, AICP  
Division Chief

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

## CONDITIONS OF SPECIAL USE PERMIT #2025-00035

The applicant 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 #2014-0068)
2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats at the restaurant shall ~~be 70 and~~ comply with the statewide building code. The number of outdoor seats shall be 20. (P&Z) ~~(SUP# 2020-00003)~~
3. **CONDITION DELETED BY STAFF:** ~~The hours of operation for the restaurant shall be limited to between 11 a.m. to 10 p.m., Sunday through Thursday. The hours of operation for the restaurant shall be limited to between 11 a.m. to 11 p.m., Friday and Saturday. For indoor patrons, meals ordered before at the closing time may be sold, but no new patrons may be admitted after the closing time and no new alcohol may be served, and all patrons must leave no later than one hour after the closing time. (P&Z) (SUP# 2020-00003)~~
4. **CONDITION AMENDED BY STAFF:** The outdoor dining area shall be closed and cleared of all customers by 10 p.m., Sunday through Thursday and by 11 p.m., Friday and Saturday and cleared of all customers by 11 p.m. The outdoor dining area shall be cleaned at the close of each business day that it is in use. The outdoor seating area shall not include ~~advertising~~ signage, including on umbrellas. (P&Z)~~(SUP# 2020-00003)~~
5. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP #2014-0068)
6. **CONDITION AMENDED BY STAFF:** ~~No delivery of food to customers may operate from the restaurant.~~ Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)~~(SUP#2020-00003)~~
7. **CONDITION AMENDED BY STAFF:** ~~On-and off premises beer and wine alcohol sales are permitted in compliance with Virginia ABC requirements. service may be offered but off premises alcohol sales shall be prohibited.~~ (P&Z) ~~(SUP #2020-00003)~~
8. The building and landscaping shall be maintained consistent with the Development Site Plan approved at this site (DSP2013-0010). (P&Z) (SUP #2020-00003)
9. No live entertainment shall be permitted. (P&Z) (SUP #2014-0068)



10. 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) (SUP #2014-0068)
11. **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 #2014-0068)
12. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be ~~placed~~ stored inside or in sealed containers which that do not allow odors to escape, invasion by animals, or leaking. ~~and shall be stored inside or in closed containers which do not allow invasion by animals.~~ No trash or debris shall be allowed to accumulate on site 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. (T&ES) (P&Z) (SUP #2014-0068)
13. Supply deliveries, loading, and unloading activities shall only occur on site in its parking lot and only between the hours of 8 a.m. and 2 p.m., and supply trucks delivering to this site shall not travel along East Howell Avenue west of this site's driveway. No supply deliveries, loading, or unloading activities are permitted to occur from a vehicle parked on the public right of way, and no on-street parking spaces shall be removed for this use. (P&Z)(T&ES) (SUP #2014-0068)
14. Litter on the site and on public right-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up by the applicant at least twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation on such day that the business is open to the public. (T&ES) (SUP #2014-0068)
15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be Washed into the streets, alleys or storm sewers. (T&ES) (SUP #2014-0068)
16. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP #2014-0068)
17. 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. (T&ES) (SUP #2014-0068)
18. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (SUP #2014-0068)

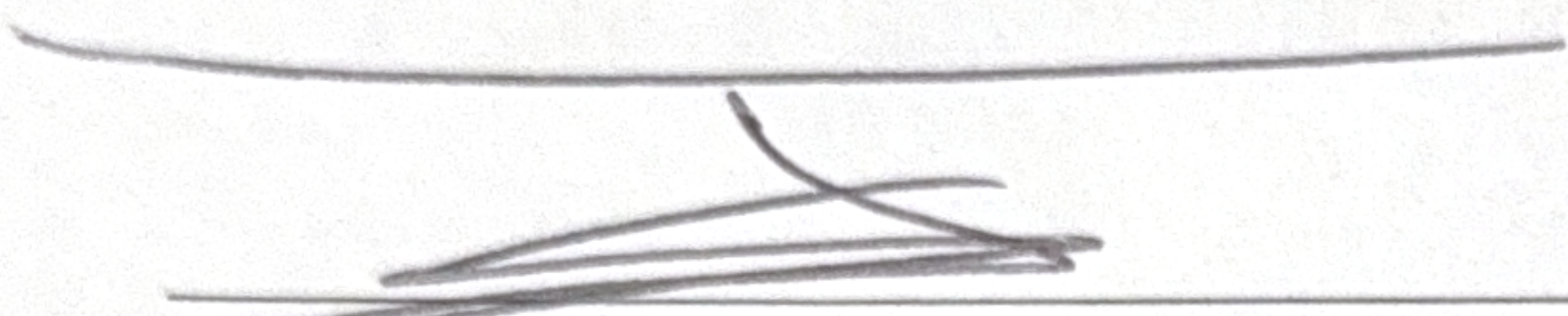
19. The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP# 2020-00003)
20. Condition deleted. (SUP# 2020-00003)
21. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year after it has been operational ~~for one year~~, and then again every three years for compliance with all conditions and shall ~~may~~ 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; or ~~(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 to offset land use impacts not addressed in the city code. (P&Z)(SUP2020-00003)
22. Outdoor dining must remain on the applicant's property and not encroach into the public right-of-way. (P&Z) (SUP# 2020-00003)
23. **CONDITION DELETED BY STAFF:** ~~The use must operate solely as a restaurant with outdoor dining and is not permitted to include an animal care facility without overnight accommodations and a dog park unless authorized by the Alexandria Health Department and the Virginia Department of Health. (P&Z) (SUP# 2020-00003)~~
24. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall submit an application for a minor site plan amendment. The site plan amendment must be approved prior to submission of a building permit. (P&Z) (SUP# 2020-00003)~~
25. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)(SUP# 2020-00003)
26. 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. (T&ES) (SUP# 2020-00003)
27. **CONDITION AMENDED BY STAFF:** The applicant shall ~~provide~~ maintain a flush transition between the loading space adjacent to the ADA parking space and the sidewalk to the building entrance. (T&ES)(SUP#2020-00003)

28. **CONDITION DELETED BY STAFF:** ~~The applicant must provide a pet waste plan and plan for cleaning the outdoor dining area. Pet waste and/or other debris from washing cannot be washed off site or into the storm drain system. (T&ES) (SUP #2020-00003)~~
29. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
30. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
31. **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)
32. **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)



## STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2025-00035. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant and outdoor dining uses at 529 E. Howell Avenue.

  
Applicant - Signature

08-12-25  
Date

Jorge David Villalobos C.  
Applicant - Printed

08-12-25  
Date