



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2019-0064
Approved by Planning and Zoning: August 1, 2019
Permission is hereby granted to: William Gross
to use the premises located at: 710 King Street
for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

8/2/2019
Date

Karl Moritz (lytz)
Karl Moritz, Director
Department of Planning and Zoning

DATE: August 2, 2019

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

FROM: Max Ewart, Planner I, Land Use Services
Department of Planning and Zoning

SUBJECT: Special Use Permit #2019-0064
Administrative Review for Special Use Permit for a Minor Amendment
Site Use: Restaurant
Applicant: William L. Gross
Location: 710 King Street
Zone: KR/King Street Urban Retail

Request

Special Use Permit #2019-0064 is a request to amend SUP #2019-0001 to add two hours of operation each day at the Village Brauhaus restaurant at 710 King Street. The current hours of operation are 11 a.m. – 11 p.m., Sunday – Thursday and 11 – 1 a.m., Friday and Saturday. The applicant proposes to change the hours of operation to 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 to the existing SUP conditions are proposed.

Background

A restaurant has operated at this location since 1982 when City Council approved SUP #1498. Several changes of ownership have been administratively approved since then, including in May 2001, when the restaurant first became known as Las Tapas. City Council approved SUP #2014-0047 for a German-style restaurant in May 2014. Most recently, staff approved SUP #2019-0001 for a change of ownership for the current business owner, William Gross.

Parking

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

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Old Town Civic Association and Old Town Business and Professional Associations were sent an e-mail with information about the current application. Staff has not received any comments from the public regarding this request.

Staff Action

Staff finds the request to expand the hours of operation of the restaurant to be reasonable. The expanded hours of operation are comparable to nearby restaurants including Light Horse, Murphy's Grand Irish Pub and Don Taco. Staff has carried over conditions from the previous Special Use Permit, updating Condition #2 to align with the applicant's request.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: August 2, 2019

Action: Approved


Tony LaColla, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2019-0064

The owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The special use permit shall be issued to the applicant only or to any corporation or entity in which the applicant has a controlling interest. (P&Z) (SUP 1498)
2. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to 9 ~~11~~ a.m. to 11 p.m., Sunday; 10 ~~10~~ a.m. to 12 ~~11~~ a.m. Monday through Thursday; and 10 ~~10~~ a.m. to 2 ~~1~~ a.m. on Friday and Saturday. Meals ordered before 11 p.m., Sunday; 12 ~~11~~ a.m. Monday-Thursday or 2 ~~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; 12 ~~11~~ a.m., Monday-Thursday; or 2 ~~1~~ a.m. Friday and Saturday, and all patrons must leave by 12 midnight, Sunday; 1 ~~1~~ a.m., Monday-Thursday; or 3 ~~2~~ a.m., Friday and Saturday. (P&Z) (PC) (SUP #2014-0047)
3. Condition deleted by staff. (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. (P&Z) (SUP#2019-0001)
5. Live entertainment may be 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) (City Council)
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, with the exception of materials specified in other conditions. (P&Z)
10. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more

often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #97-0005)

11. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (~~SUP #97-0005~~)
12. The applicant shall require that its employees who drive to work use off-street parking. (CC) (SUP 99-0094)
13. Condition deleted by staff (SUP #2014-0047)
14. Condition deleted by staff (SUP #98-0055)
15. Condition deleted by staff (SUP #98-0055)
16. Condition deleted by staff (SUP #97-0005)
17. Condition deleted by staff (SUP #2014-0047)
18. The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line No music or noise shall be audible at the property line, with the two restaurants together construed as occupying one lot for the purpose of enforcing this condition. (P&Z)
19. Condition deleted by staff (SUP2014-0047)
20. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP2014-0047)
21. **CONDITION AMENDED BY STAFF:** The Director of Planning & Zoning shall review the Special Use Permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community, b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (~~2019-0001~~)
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 #2019-0001)

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 #2019-0001)
24. Food delivery operated and managed by the applicant shall not be permitted. (P&Z) (SUP #2019-0001)
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 #2019-0001)
26. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z) (SUP #2019-0001)
27. Chemicals, detergents, or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z) (SUP #2019-0001)
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 #2019-0001)
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 #2019-0001)
30. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z) (SUP #2019-0001)
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 for information on establishing an employee transportation benefits program. (P&Z) (SUP #2019-0001)
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 for more information about available resources. (P&Z) (SUP #2019-0001)

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 #2019-0001)
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 #2019-0001)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

No comments received.

Code Enforcement:

No comments received.

Health Department:

No comments received.

Parks and Recreation:

No comments received.

Police Department:

No comments received.

Fire:

No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0064. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant at 710 King Street.


Applicant - Signature

8/2/2019
Date

William Gross
Applicant - Printed

8/2/2019
Date