



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 #2024-00077

Approved by Planning and Zoning: December 26, 2024

Permission is hereby granted to: Sharbat Bakery and Cafe

to use the premises located at: 1640 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.

December 26, 2024

Date

Karl Moritz (by T. LaColla)

Karl Moritz, Director
Department of Planning and Zoning

DATE: December 26, 2024

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

FROM: Mavis Stanfield, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2024-00077
Administrative Review for Change of Ownership and Minor Modification
Site Use: Restaurant
Applicant: Sharbat Bakery and Cafe
Location: 1640 King Street
Zone: KR/King Street Retail

Request

Special Use Permit #2024-00077 is a request to change the ownership of an existing restaurant from Chewish Deli King St., LLC to Sharbat Bakery and Cafe. The application also includes a minor modification for the addition of outdoor seating, consisting of four tables with up to 10 to 12 twelve chairs to be located in front of the handicapped ramp that abuts the restaurant entrance, on either side of the steps leading from the sidewalk to the entrance, as shown in the picture in Figure 1. The seating will face the sidewalk on King Street but will remain wholly on private property. No other changes to the operation are proposed. The applicant will operate the business as Sharbat Bakery and Cafe and offer the sale of authentic Azerbaijani sweet and savory pastries such as baklava, a variety of cakes, shawarma sandwiches and plated bites, as well as lunch and dinner options. The applicant proposes to maintain the existing indoor space of approximately 1,250 square feet.



Figure 1: Location of One Side of Outdoor Seating

Background

The property was developed in 1990 and is comprised of a 62,800 square foot office building that includes 10,466 square feet of ground floor retail, restaurant and personal service uses. The subject site was used as office space until City Council approval of Special Use Permit #2004-00102 in February 2005, which granted a Quizno's Sub Sandwich restaurant the ability to operate at this location.

Staff administratively approved a Change of Ownership for the business via Special Use Permit #2007-00076 in August 2007 and, while it remained a restaurant use, the franchise

changed from a Quizno's Sub Sandwich restaurant to a Dunkin' Donuts. City Council approved a Change of Ownership to Quality Brand Capital LLC d/b/a Dunkin' Donuts, and an amendment to Condition #16 to allow loading and unloading activities to occur on Daingerfield Road between Diagonal Road and Prince Street during early morning hours through Special Use Permit #2011-00077 in March 2012. Staff administratively approved Special Use Permit #2016-00032, in July 2016, for a request for a Change of Ownership from Quality Brand Capital LLC d/b/a Dunkin' Donuts to DVA King – 1640, LLC d/b/a Dunkin' Donuts, who continued to operate the business as a Dunkin' Donuts franchise. On December 6, 2021, SUP #2021-00102 was approved administratively to change the ownership of the existing restaurant from DVA King – 1640, LLC d/b/a Dunkin' Donuts to Chewish Deli King St., LLC. No other changes to the operation were proposed.

Parking

The applicant's restaurant is located within the King Street Transit Parking District and Section 8-400(B)(8) of the Zoning Ordinance waives the parking requirement for the first 10,000 square feet of retail, restaurant or amusement enterprises uses in hotel or office buildings provided that those uses do not occupy more than 25% of the building's total floor area. The applicant's restaurant use and adjacent ground floor retail uses do not exceed the 25% threshold and therefore no off-street parking is required for the subject use.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Upper King Street Neighborhood Association was sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses.

Staff Action

Staff does not object to the Change of Ownership and Minor Modification requests and finds the sustained operation of a restaurant use at this location would continue to create street vitality. Staff has carried forward the previous Special Use Permit conditions. However, Conditions #11, #13, #22 and #27 have been amended to reflect current standard conditions for restaurant uses. Further, staff has added Conditions #28 through #38 to address additional standard conditions for restaurant uses with outdoor dining. The hours of operation for the outdoor dining, addressed in Condition #36, have been broadened to cover the earliest time for opening, 7 a.m., and the latest time for closing, 8:30 p.m., requested in the application. Further, this condition has been extended to 9 p.m., daily, to allow flexibility to the applicant in the future.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: December 26, 2024
Action: Approved

Tony LaColla, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2024-00077

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 granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2004-00102)
2. The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z) (SUP #2021-00102)
3. Indoor limited, live entertainment may be offered and must comply with the City's noise ordinance. No admission or cover fee shall be charged. All entertainment shall 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 food service as well as the entertainment. (P&Z) (SUP #2021-00102)
4. Condition deleted. (SUP #2021-00102)
5. Condition deleted. (SUP #2021-00102)
6. Condition deleted. (SUP #2021-00102)
7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2004-00102)
8. On and off premises alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z) (SUP #2021-00102)
9. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP #2021-00102)
10. 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 #2021-00102)
11. **CONDITION AMENDED BY STAFF:** No Kitchen equipment, including kitchen and cleaning equipment, or other items such as floor mats, shall not be cleaned outside. nor shall any cooking residue or other wastes shall be washed into the streets, alleys or storm sewers. (T&ES) (~~SUP #2021-00102~~)

12. 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 #2004-00102)
13. **CONDITION AMENDED BY STAFF:** ~~Loudspeakers shall be prohibited from the exterior of the building, and n~~ No amplified sounds shall be audible at the property line. (T&ES) (SUP #2004-00102)
14. Condition deleted. (SUP#2007-0076)
15. Condition deleted. (SUP #2021-00102)
16. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am (P&Z) (SUP #2021-00102)
17. All patrons must leave the premises one hour after the closing hour. (P&Z) (SUP #2021-00102)
18. 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 #2004-00102)
19. The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (T&ES) (SUP #2004-00102)
20. Condition deleted. (SUP #2016-00032)
21. 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. (P&Z) (SUP #2004-00102)
22. **CONDITION AMENDED BY STAFF:** T 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 may ~~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) or 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) (SUP#2021-00102)
23. The space that is the subject of this application, located on the ground floor at the north end of the building known as 1640 King Street, shall remain a restaurant or other retail use. (PC) (SUP #2004-00102)
 24. Condition deleted. (SUP #2011-0077)
 25. Restaurant-managed delivery vehicles must be provided with dedicated off-street parking spaces for each delivery vehicle. (P&Z) (SUP #2021-00102)
 26. 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. (T&ES) (P&Z)
 27. **CONDITION AMENDED BY STAFF:** 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. (T&ES) (P&Z)
 28. **CONDITION ADDED BY STAFF:** 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. (T&ES)
 29. **CONDITION ADDED BY STAFF:** 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. (T&ES)
 30. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
 31. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
 32. **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. (T&ES)

33. **CONDITION ADDED BY STAFF:** 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. (T&ES)
34. **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)
35. **CONDITION ADDED BY STAFF:** The number of outdoor seats shall not exceed 12 and the seating and the tables must remain on private property, shall not encroach into the public right-of-way and shall comply with the State building code. (P&Z) (T&ES)
36. **CONDITION ADDED BY STAFF:** The hours of operation for the outdoor dining shall be limited to 7 a.m. to 9 p.m., daily.
37. **CONDITION ADDED BY STAFF:** Outdoor seating areas shall not include signage on outdoor dining furniture or enclosures, including on umbrellas. (P&Z)
38. **CONDITION ADDED BY STAFF:** The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z)

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.

CITY DEPARTMENT COMMENTS

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

Transportation and Environmental Services

- R-1 Litter on the site and on the 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. (T&ES)
- R-2 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-3 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-4 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. (T&ES)
- R-5 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 P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (T&ES)
- R-6 No equipment, including kitchen and cleaning equipment, or other items such as floor mats, shall not be cleaned outside. No cooking residue or other wastes shall be washed into the streets, alleys or storm sewers. (T&ES)
- R-7 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)
- R-8 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. (T&ES)
- R-9 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

- R-10 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-11 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. (T&ES)
- R-12 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. (T&ES)
- R-13 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. (T&ES)
- R-14 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. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code

- C-1 There is insufficient information to verify the condition of the existing space plumbing fixtures. According to VPC Sec. 403.2, separate plumbing fixtures are required when the occupant load exceeds 25.

Fire

- C-1 This new use may require a fire prevention permit. The permit application can be accessed online at:
www.alexandriava.gov/fire-department/the-fire-marshals-office

Health

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria- fee must be paid separate from any other departmental fees.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C-4 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.
- C-8 Starting on 1/1/2023, The Virginia Department of Agriculture and Consumer Services (VDACS) is the point of contact for the following type of establishments: grocery stores, convenience stores, ice cream stores, wine shops,

or bakeries. The divisions of Food Safety can offer further guidance. Please use the following contact information:

VDAC's Food Safety Program

804.786.3520

804.371.7792

foodsafety@vdacs.virginia.gov

Recreation, Parks and Cultural Activities

No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2024-00077. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant use at 1640 King Street.



Applicant - Signature

01/02/2025
Date

Ilhama Safarova
Applicant – Printed

01/02/2025
Date