



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 #2021-00102
Approved by Planning and Zoning: December 6, 2021
Permission is hereby granted to: Chewish Deli King St., LLC
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 6, 2021

Karl Moritz (by T. LaColla)

Date

Karl Moritz, Director
Department of Planning and Zoning

DATE: December 6, 2021

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

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

SUBJECT: Special Use Permit #2021-00102
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Chewish Deli King St., LLC
Location: 1640 King Street
Zone: KR/King Street Retail

Request

Special Use Permit #2021-00102 is a request to change ownership of an existing restaurant from “DVA King – 1640, LLC d/b/a Dunkin Donuts” to “Chewish Deli King St., LLC.” No other changes to the operation are proposed. The applicant will operate the business as Chewish Deli and offer the sale of bagels, sandwiches, coffee and other pre-packaged items. The applicant proposes to maintain the existing space of approximately 1,250 square feet with 18 indoor seats.

Background

The building was constructed 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 the subject site. After this, in August 2007, staff administratively approved a Change of Ownership for the business via Special Use Permit #2007-00076 and, while it remained a restaurant use, the franchise changed from a Quizno’s Sub Sandwich restaurant to a Dunkin’ Donuts. In March 2012, 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 the 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. Most recently, in July 2016 staff administratively approved Special Use Permit #2016-00032, 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.

As part of a routine inspection program, staff inspected the restaurant in May 2016 and found two violations of existing Special Use Permit conditions. First, the restaurant exceeded its approved operating hours by 30 minutes prior to the established opening hour of 5:30 a.m. as required in Condition #6. When informed of the violation the store

operator changed the operating hours, agreed to open at 5:30 a.m. and was deemed in compliance. Second, staff noted that the use of backlit menu boards was in violation of Condition #4(h) which prohibits backlight or internally lit menu boards. Staff informed the restaurant operator the menu boards would need to be changed. On two follow up inspections the menu boards were still in use and staff issued a warning followed by a ticket. On a final inspection in June 2016 the restaurant had replaced the menu boards and was in compliance with all Special Use Permit conditions.

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 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. Therefore, no parking is required to be provided for the 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 Old Town Civic Association were 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 request and finds the continued operation of a restaurant use at this location would continue to create street vitality. In addition, the restaurant use is consistent with Condition #23, added by the Planning Commission as part of their recommendation of approval for Special Use Permit #2004-00102, which requires the continued operation of this site as a restaurant or retail use.


Staff has carried forward the previous Special Use Permit conditions. However, Conditions #2, #3, #8, #9, #10, #11, #16, #17, #22, #25, #26, and #27 have been amended to reflect current standard conditions for restaurant uses. Likewise, Conditions #28, #29, #30, #31, and #32 have been added to reflect current standard conditions for restaurant uses. Condition #4 and Condition #6 have been deleted as the City's no longer regulates interior design considerations or hours of operation for restaurant uses via Special Use Permit conditions. Finally, Condition #5 has also been deleted as this is now covered by the City's Sign Ordinance.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: December 6, 2021

Action: Approved



Tony LaColla, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2021-00102

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. **CONDITION AMENDED BY STAFF:** ~~Seating shall be provided for no more than 18 patrons. The maximum number of indoor seats at the restaurant shall comply with the state building code.~~ (P&Z) (SUP #2004-00102)
3. **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. 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. No live entertainment shall be provided at the restaurant.~~ (P&Z) (SUP #2004-00102)
4. **CONDITION DELETED BY STAFF:** ~~The applicant shall maintain all elements of the existing an interior design plan, including but not limited to interior finishes, colors, materials, furniture, and lighting, to the satisfaction of the Director of Planning & Zoning. The Director shall review the existing plan and any future changes for the use of attractive, high quality materials that may distinguish the restaurant from other locations of the same business as well as its compliance with the following elements:~~
 - a. ~~No lighted signage in the windows is permitted.~~
 - b. ~~Lighting fixtures in the dining area and the serving area shall avoid the use of fluorescent tubes.~~
 - c. ~~Furniture to be situated near the windows shall be constructed out of wood, granite, or other high quality and preferably natural materials, with minimal use of plastic.~~
 - d. ~~Flooring within the dining area shall be ceramic tile or other high quality material.~~
 - e. ~~Any tiling on the vertical surface of the cashier/service counter shall be a generally solid color and/or design.~~
 - f. ~~Deleted~~
 - g. ~~Decorative wood interior trim shall include moldings and other detail, such as rosettes.~~
 - h. ~~Menu boards, if any, shall not be backlighted or have any internal lighting.~~ (P&Z) (SUP #2004-00102)

5. **CONDITION DELETED BY STAFF:** ~~The design and/or illumination of any signage pertaining to the applicant's business on the exterior facade of 1640 King Street shall be to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #2004-00102)~~
6. **CONDITION DELETED BY STAFF:** ~~The maximum hours of operation for the restaurant shall be between 5:30 a.m. and 12 midnight daily. (P&Z) (SUP #2011-00077)~~
7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2004-00102)
8. **CONDITION AMENDED BY STAFF:** On and off premises alcohol sales are permitted in compliance with Virginia ABC requirements. ~~No alcoholic beverages shall be sold. (P&Z) (SUP #2004-00102)~~
9. **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 #2004-00102)
10. **CONDITION AMENDED BY STAFF:** ~~Trash and garbage shall be placed in sealed containers that 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 or debris shall be allowed to accumulate on site outside of those containers. 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 #2004-00102)~~
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 #2004-00102)
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. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP #2004-00102)
14. Condition deleted. (SUP#2007-0076)

15. **CONDITION DELETED BY STAFF:** ~~The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police) (P&Z) (SUP #2011-00077)~~
16. **CONDITION AMENDED BY STAFF:** ~~Loading and unloading shall occur either in the loading area on Dechantal Street or in on-street spaces, in compliance with all parking regulations, located on the northeastern side of Daingerfield Road between Diagonal Road and Princee Street. All loading/unloading activities from delivery vehicles parked on Daingerfield Road shall occur before 6 a.m. daily. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am (P&Z) (SUP #2011-00077)~~
17. **CONDITION AMENDED BY STAFF:** ~~Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and a All patrons must leave the premises by one hour after the closing hour. (P&Z) (SUP #2004-00102)~~
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 by Staff.
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:** The Director of Planning and 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 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) (SUP#2016-00032)

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 superseded by State Law and deleted by staff.
25. **CONDITION AMENDED BY STAFF:** ~~No delivery service shall operate from the restaurant.~~ Restaurant-managed delivery vehicles must be provided with dedicated off-street parking spaces for each delivery vehicle. (P&Z) (SUP #2011-00077)
26. **CONDITION AMENDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. ~~Within 60 days of approval, the business shall contact the Local Motion at localmotion@alexandriava.gov for information on establishing an employee transportation benefits program.~~ 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 Local Motion at localmotion@alexandriava.gov or www.alexandriava.gov/LocalMotion for more information about available resources.~~ Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)(P&Z)
28. **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)
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 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)**

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2021-00102. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant use at 1640 King Street.


Applicant - Signature

3/2/22
Date

Gregg Linzey
Applicant -- Printed

Date