

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 #2022-00041
Approved by Planning and Zoning: July 14, 2022
Permission is hereby granted to: Tanay Gharbieh
to use the premises located at: 726 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.

July 14, 2022

Karl Moritz (by Tony LaColla)

Date

Karl Moritz, Director
Department of Planning and Zoning

DATE: July 14, 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 #2022-00041
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Tanya Gharbieh
Location: 726 King Street
Zone: KR / King Street urban retail

Request

Special Use Permit #2022-00041 is a request to change ownership of an existing 1,400 square foot, 16-seat restaurant from Sandra Tran to Tanya Gharbieh. The applicant will begin to operate the business under the name Impact King. The restaurant will continue to specialize in ice cream, sundaes, and hot beverages such as coffee and tea. The restaurant will serve approximately 250 to 400 customers per day during the operational hours of 11 a.m. to 10:30 p.m., Sunday through Thursday, and 11 a.m. to 11 p.m., Friday and Saturday. Three employees will be working on site per shift. No outdoor dining, live entertainment, alcohol sales, or applicant-operated delivery services are proposed.

Background

According to Sanborn Fire Insurance maps, the two-story brick building located at the subject site was constructed prior to 1891. Since the time of construction, the building has been used for by-right residential and commercial uses. A restaurant was first approved at the site in October 2016 when staff administratively approved Special Use Permit #2016-00067 and the applicant, Sandra Tran, began to operate Nicecream at the site.

No complaints regarding the operation of the business or any violations of Special Use Permit conditions have been recorded since the time the most recent Special Use Permit was approved in October 2016.

Parking

The applicant's proposed restaurant is located within the Central Business District and Section 8-300(B) of the Zoning Ordinance waives the parking requirement for restaurants located within the Central Business District. As such, the applicant is not required to provide off-street parking.

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 subject restaurant has operated successfully at this location for many years with little to no negative impacts on the surrounding neighborhood.

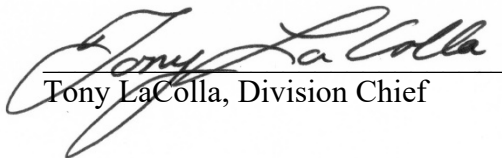
However, several Special Use Permit conditions have been updated to reflect new standard conditions for restaurant uses in the City. This includes amendments to Conditions #3, #4, #5, #6, #7, #13, #14, #15, #18, #21, #22, #23, and #24. In addition, this includes new Conditions #25 and #26.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: July 14, 2022

Action: Approved


Tony LaColla, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT # 2022-00041

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.

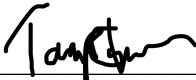
1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP2016-00067)
2. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP2016-00067)
3. **CONDITION AMENDED BY STAFF:** ~~The maximum number of restaurant shall have 16 indoor seats at the restaurant shall comply with the state building code. Outdoor seats may be permitted through the King Street Outdoor Dining Program.~~ (P&Z) (SUP2016-00067)
4. **CONDITION AMENDED BY STAFF:** ~~The hours of operation of the restaurant shall be limited to between 11 a.m. and 11 p.m., daily. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and a~~All patrons must leave by one hour after the closing hour. (P&Z) (SUP2016-00067)
5. **CONDITION AMENDED BY STAFF:** ~~No~~ On and off premises alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z) (SUP2016-00067)
6. **CONDITION AMENDED BY STAFF:** ~~No~~ Indoor limited, live entertainment may be offered and must comply with the City's noise ordinance shall be provided at the restaurant. 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) (SUP2016-00067)
7. **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) (SUP2016-00067)
8. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES) (SUP2016-00067)
9. 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) (SUP2016-00067)

10. 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) (SUP2016-00067)
11. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2016-00067)
12. 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. (T&ES) (SUP2016-00067)
13. **CONDITION AMENDED BY STAFF:** 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 ~~the Local Motion at~~ localmotion@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES) (SUP2016-00067)
14. **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 ~~Local Motion at~~ localmotion@alexandriava.gov for more information about available resources. (T&ES) (SUP2016-00067)
15. **CONDITION AMENDED BY STAFF:** The applicant shall encourage direct patrons to park off-street through the provision of information about nearby the availability of parking at nearby public garages on advertising and on the restaurant's website and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy (Old Town Area Parking Study). (T&ES) (SUP2016-00067)
16. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES) (SUP2016-00067)
17. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES) (SUP2016-00067)
18. **CONDITION AMENDED 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) (SUP2016-00067)
19. 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)
(T&ES) (SUP2016-00067)
20. The applicant shall require its employees who drive to work to use off-street parking.
(T&ES) (SUP2016-00067)
 21. **CONDITION AMENDED BY STAFF:** Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public in operation. (T&ES) (SUP2016-00067)
 22. **CONDITION AMENDED BY STAFF:** 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) (SUP2016-00067)
 23. **CONDITION AMENDED 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) (SUP2016-00067)
 24. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, 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) (SUP2016-00067)
 25. **CONDITION ADDED BY STAFF:** Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)
 26. **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. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-00041. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 726 King Street.



Applicant - Signature

07/14/2022
Date

TANYA GHARBIEH
Applicant – Printed

07/14/2022
Date