

DATE:

February 1, 2005

TO: Rich Josephson, Deputy Director
Department of Planning and Zoning

FROM: Katrina Newton, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2004-0113
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Wen Ling Lu
Location: 1039 W. Glebe Rd
Zone: CG/Commercial General

On January 22, 1994, City Council granted Special Use Permit # 2760 to Kwok-Keung Chiu for the operation of a restaurant located at 1039 West Glebe Road. Subsequently, on August 22, 2003, Special Use Permit # 2003-0065 was administratively approved by the Director of Planning and Zoning to change the ownership of the restaurant to Hui Qin Li.

The current request, Special Use Permit # 2004-0113, is to change the ownership of the existing restaurant to Wen Ling Lu.

On December 16, 2004, staff visited the subject property and found that the hours of operation posted at the restaurant and printed on the menu were 11:00 a.m. to 11:00 p.m. Monday through Thursday, 11:00 a.m. to 12:00 midnight Friday and Saturday, and Sunday from 12:00 noon to 10:00 p.m., a violation of condition #3 of SUP #2003-0065 that allows hours of 11:00 a.m. to 10:00 p.m. daily.

Staff made a follow-up phone call on December 17, 2004 to talk to the owner about the violation and sent out a warning notice to the owner on December 20, 2004. Staff reinspected the premises on January 5, 2005 and found that the applicant had changed the hours on the menu and the posted hours to correspond with condition #3 of the SUP. Staff has not received any complaints from residents or adjacent businesses that would require staff to docket the special use permit for public hearing.

Staff recommends that the special use permit for change in ownership be granted.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: January 24, 2005

Action: Approved

Staff: Katrina Newton, Urban Planner

Attachments: Application for SUP # 2004-0113

CONDITIONS OF SPECIAL USE PERMIT

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#2760)
2. No seating for patrons shall be provided inside or outside the premises. (P&Z) (SUP#2760)
3. The hours of operation shall be limited to 11:00 a.m. to 10:00 p.m., seven days a week (P&Z) (SUP#2760)
4. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2760)
5. Trash and garbage shall be stored inside or in a dumpster. Trash and garbage shall be placed in sealed containers which 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 and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP#2003-0065)
6. Trash and garbage shall be collected daily when the business is open. (P&Z) (SUP#2760)
7. 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 and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP#2760)
8. Delivery vehicles shall be limited to one. (P&Z) (SUP#2760)
9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2760)
10. At least one trash container shall be located in the parking area for the use of patrons, and the container shall not be permitted to overflow, and the areas around the container shall be kept clean. (P&Z) (SUP#2760)
11. One standard City trash container shall be furnished to the City of Alexandria for installation by the City on the adjacent public right-of-way. (SUP#2760)

12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2760)
13. **CONDITION DELETED BY STAFF:** ~~No single containers of beer shall be sold regardless of type or size of containers, and no fortified wines (any wines with alcohol content of 14 percent or greater) shall be sold. (PC) (SUP#2760)~~
14. **CONDITION AMENDED BY STAFF:** Loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (P&Z) (T&ES) (SUP#2003-0065)
15. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors, ~~and~~ smoke and any other pollutants from operations at the site and prevent them from leaving the property or ~~from the property to prevent them from~~ becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)(SUP#2003-0065)
16. No live entertainment shall be provided at the restaurant.(SUP#2003-0065)
17. The applicant shall require its employees who drive to work to use off-street parking. (SUP#2003-0065)
18. **CONDITION ADDED BY STAFF:** No alcohol service shall be permitted. (P&Z)
19. **CONDITION ADDED BY STAFF:** The applicant is to contact the Crime Prevention 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.. This is to be completed prior to opening for business. (PD)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 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.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
- C-1 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.

Code Enforcement:

No comments.

Health Department:

C-1 *An Alexandria Health Department Permit is required for all regulated facilities.*

- C-2 Permits are non-transferable.*
- C-3 This facility must meet current Alexandria City Code requirements for food establishments. Contact Environmental Health at 703-838-4400 Ext. 255 to arrange for a "change of ownership" inspection.*
- C-4 If changes to the facility are to be done, five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.*
- C-5 Permits must be obtained prior to operation.*
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.*
- C-7 Certified Food Managers must be on duty during all hours of operation.*
- C-8 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.*
- F-1 This facility is currently operating as China Cafe' under permit*

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#16F-407-1, issued to Qin Li Hui.

R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.

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STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2004-0113.

Applicant - Signature

Date

Applicant - Printed

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attachment: Conditions of current Special Use Permit #2004-0113.