

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 #2013-0070
Approved by Planning and Zoning: October 25, 2013
Permission is hereby granted to: Dao Chai Lin
to use the premises located at: 1104 Queen 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.

10/25/2013

Date

FAROLL HAMER / AD

Faroll Hamer, Director

Department of Planning and Zoning

DATE: October 25, 2013

TO: Alex Dambach, Land Use Services Division Chief
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2013-0070
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Dao Chai Lin
Location: 1104 Queen Street
Zone: CL / Commercial Low

Request

Special Use Permit #2013-0070 is a request for a change of ownership at an existing restaurant at 1104 Queen Street in West Old Town. The change of ownership request will transfer the SUP from Oiu Yalin to Dao Chai Lin. No other changes to the business are proposed and the applicant plans to continue to offer Chinese cuisine at the restaurant under the same trade name of "Goody's."

Background

A series of grandfathered restaurants, the last of which was known as Chuck's Place, operated at this site until approximately the year 2000. City Council approved SUP#2000-0115 in November 2000 to allow a restaurant with delivery service, which was not a historical feature of the grandfathered restaurants, at the site. City Council reviewed the SUP in 2001 and approved a change of ownership in 2002. Most recently, staff administratively approved a change of ownership to Oiu Yalin in August 2007.

Staff inspected the restaurant on August 4, 2013 for compliance with SUP conditions as part of its routine inspection program. It found no violations. Staff has not received any complaints about this business in the last five years.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the West Old Town, Upper King Street Neighborhood, Old Town, and Braddock Station Civic Associations were sent written notification of the current application. Staff has not received any comments from residents or adjacent businesses.

Staff Action

Staff does not object to the applicant's proposal. It finds that the request to change ownership of the business is reasonable. New or amended conditions have been included in this report for consistency with modern standard condition language regarding matters such as staff training and supply deliveries. Certain conditions that are no longer routinely recommended today, such

as the installation of trash cans on the public right-of-way and the streetscape improvement contribution, have been deleted. Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 10/25/13

Action: APPROVE



Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2013-0070

The new owner is responsible for ensuring compliance with all applicable codes and ordinances and ensuring that the following conditions are adhered to at all times. Violation of any of the SUP 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 #2000-0115)
2. No seating shall be provided. (P&Z) (SUP #2000-0115)
3. No outside dining facilities shall be located on the premises. (P&Z) (SUP #2000-0115)
4. No grilling or other food preparation is permitted outside. (P&Z) (SUP #2000-0115)
5. No live entertainment shall be provided at the restaurant. (P&Z)(SUP #2000-0115)
6. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building and no music or amplified sound shall be audible at the property line. The use must comply with the City's noise ordinance. (P&Z)(T&ES) (SUP#2007-0046)
7. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to 11 a.m. to 10 p.m. Monday through Thursday, 11 a.m. to 11 p.m. Friday and Saturday, and noon to 10 p.m. Sunday. Meals ordered before 10 p.m. Sunday through Thursday and before 11 p.m. Friday and Saturday may be served, but no new patrons may be admitted after 10 p.m. Sunday-Thursday and 11 p.m. Friday and Saturday, and all patrons must leave by 11 p.m. Sunday-Thursday and 12 midnight Friday and Saturday. (P&Z) (SUP#2007-0046)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2000-0115)
9. Delivery service may be offered using bicycles or mopeds only. When not in use, the bicycles and mopeds used for delivery shall be parked on the concrete pad located east of the restaurant. Under no circumstances shall automobiles be used to conduct deliveries. (P&Z)
10. The applicant's employees shall not serve patrons who double park on Queen Street in their cars. (PC) (SUP #2000-0115)
11. The applicant shall prominently post a sign inside the restaurant stating that it is prohibited by the City from serving customers who double park on Queen Street. (P&Z)

(SUP #2000-0115)

12. No alcohol service in the restaurant and no off-premise sales of alcohol are permitted. (P&Z) (SUP #2000-0115)
13. No public telephones shall be located on the property. (P&Z) (SUP #2000-0115)
14. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2000-0115)
15. 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 #2000-0115)
16. 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 #2000-0115)
17. The applicant shall install at least one trash container inside the restaurant for customers' use. (P&Z) (SUP #2000-0115)
18. **CONDITION DELETED BY STAFF:** ~~The applicant shall obtain, at its expense, one city trash container model 2701-SP, for installation on the adjacent right-of-way and shall contact the Solid Waste division of T&ES at (703) 751-5130 for information. (T&ES) (SUP #2000-0115)~~
19. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2000-0115)
20. The applicant shall control cooking odors and smoke 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 #2000-0115)
21. The applicant shall require that its employees who drive to work use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z) (SUP#2007-0046)
22. **CONDITION AMENDED BY STAFF:** The applicant shall contact the ~~Crime Prevention Unit~~ Community Relations Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees prior to operation. (Police) (SUP #2000-0115)

SUP #2013-0070
1104 Queen Street

23. Condition deleted. (CC) (SUP #2000-0115)
24. Condition deleted. (P&Z) (SUP#2002-0067)
25. Condition deleted. (P&Z)(SUP#2002-0067)
26. The applicant shall apply for a Certificate of Approval for a permanent sign for the restaurant and repair and stain or paint the existing trash enclosure. (P&Z)(SUP#2002-0067)
27. The proposed bike and moped parking area on the concrete pad on the northeast corner of the subject property shall be enclosed with a fence, to be reviewed and approved by the Board of Architectural Review. (P&Z)(SUP#2002-0067)
28. **CONDITION DELETED BY STAFF (See Condition #7):** ~~Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (City Council) (SUP #2001-0014)(SUP#2002-0067)~~
29. **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 a result of a complaint that rises to the level of a violation, 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#2007-0046)
30. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2007-0046)
31. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES) (SUP#2007-0046)~~
32. **DUPLICATE CONDITION DELETED BY STAFF (See Condition #21):** ~~The applicant shall require its employees who drive to use off street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on site for employees. (T&ES) (SUP#2007-0046)~~

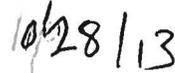
33. **CONDITION DELETED BY STAFF:** ~~Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of administrative approval. (T&ES) (SUP#2007-0046)~~
34. **CONDITION SUPERCEDED BY STATE LAW AND DELETED:** ~~The applicant shall comply with any requirements adopted as a part of a smoke-free restaurant ordinance. (P&Z) (SUP#2007-0046)~~
35. **CONDITION ADDED 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. (P&Z)
36. **CONDITION ADDED BY STAFF:** Supply deliveries, loading and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2013-0070. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1104 Queen Street.



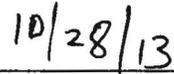
Applicant - Signature



Date



Applicant - Printed



Date