



DATE: August 3, 2017

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

FROM: Madeleine Sims, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2017-0065  
Administrative Review for Minor Amendment  
Site Use: Restaurant  
Applicant: Wen Ling Lu  
Location: 1039 West Glebe Road  
Zone: CG / Commercial General

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### **Request**

Special Use Permit #2017-0065 is a minor amendment request to change the closing hour of the subject restaurant, China Café, from 10 p.m. to 11 p.m, daily. The subject restaurant has operated under the current owner since 2004, serving carry-out Chinese food. The restaurant contains no seats. No other changes to the operation are proposed.

### **Background**

A restaurant has operated at this location since 1994 when City Council approved SUP#2760 to Kwok-Keung Chiu. In 2003, staff administratively approved a change of ownership to Hui Qin Li under SUP#2003-0065. In 2004, staff approved SUP #2004-0113 for a change of ownership from Hui Qin Li to Wen Ling Lu.

Inspections have revealed multiple Special Use Permit and Code violations over the years. In 2003, the previous owner violated Condition #10 (required placement of a trash can). In 2010 the applicant was in violation of Conditions #6 (trash), #7 (litter), and #9 (posting operating hours). In 2003, 2004, and 2017 violations of Condition #3, pertaining to operating hours were revealed. All violations were immediately corrected by the owner. After the most recent violation in 2017, the applicant chose to file for a minor amendment to increase the operating hours.

### **Parking**

City Council approved SUP #2760 with parking for two vehicles in accordance with Section 8-200 (A)(17) of the Zoning Ordinance. One space is used for the delivery vehicle. The shared parking lot provides 29 parking spaces and accommodates the parking requirement of the subject restaurant, neighboring restaurant and dry cleaners.

### **Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Arlandria Civic Association and North Ridge Citizen's Association were sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses regarding this request.

**Staff Action**

Staff does not object to the minor amendment request. Although the subject restaurant had multiple violations of SUP conditions; all violations have been corrected immediately by the owner. The new closing hour is within the prevailing neighborhood restaurant hours. Staff does not anticipate any impacts arising from increased operating hours, since the request represents a modest increase.

Standard conditions have been updated to reflect new language, and new conditions have been added to reflect standards regarding trash (Conditions #21 and #26), odor (Condition #15) and noise (Condition #23). Condition #11 has been satisfied by the applicant and deleted by staff.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: August 3, 2017  
Action: Approve



Alex Dambach, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT # 2017-0065**

The applicant 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#2760)
2. No seating for patrons shall be provided inside or outside the premises. (P&Z) (SUP#2760)
3. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to 11:00 a.m. to ~~10:00~~ 11 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. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be stored inside or in sealed containers that a dumpster. ~~Trash and garbage shall be placed in sealed containers which do not allow odors to escape, invasion by animals, or leaking, and shall be stored inside or in a closed container which does not allow invasion by animals.~~ No trash and/or debris shall be allowed to accumulate on-site 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. (P&Z) (T&ES) (SUP#2004-00113)
6. Trash and garbage shall be collected daily when the business is open. (P&Z) (SUP#2760)
7. **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 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) (T&ES) (SUP#2004-00113)
8. **CONDITION AMENDED BY STAFF:** Delivery vehicles shall be limited to one. All delivery vehicles must park off street when not in use. (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. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~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. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residues or wash water be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2004-00113)
13. Condition deleted by staff. (SUP#2004-00113)
14. **CONDITION AMENDED BY STAFF:** The use must comply with the city's noise ordinance. 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, smoke and any other air pollutants 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 and Environmental Services. (T&ES)
16. No live entertainment shall be provided at the restaurant. (SUP#2003-0065)
17. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking. (SUP#2003-0065)-(T&ES)
18. **CONDITION AMENDED BY STAFF:** No on or off premises alcohol service sales shall be permitted. (P&Z) (SUP#2004-00113)
19. **CONDITION SATISFIED AND DELETED 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) (SUP#2004-00113)~~
21. **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)
22. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
23. **CONDITION ADDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
24. **CONDITION ADDED BY STAFF:** 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)

25. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (T&ES)
  
26. **CONDITION ADDED 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)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Condition 5: **AMENDED BY STAFF:** Trash and garbage shall be stored inside or in sealed containers that a dumpster. Trash and garbage shall be placed in sealed containers which do not allow odors to escape, invasion by animals, or leaking, and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and/or debris shall be allowed to accumulate on-site 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. (P&Z) (T&ES) (SUP#2004-00113)
- R-2 Condition 7: **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 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) (T&ES) (SUP#2004-00113)
- R-3 Condition 11: **DELETED BY STAFF:** ~~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)
- R-4 Condition 12: **AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residues or wash water be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2004-00113)
- R-5 Condition 14 **AMENDED BY STAFF:** The use must comply with the city's noise ordinance. 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)
- R-6 Condition 15 **AMENDED BY STAFF:** The applicant shall control cooking odors, smoke and any other air pollutants 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 and Environmental Services. (T&ES)
- R-7 The applicant shall require its employees who drive to work to use off-street parking. (SUP#2004-00113)

- 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](mailto: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) (SUP2004-00013)
- 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 Enforcement:

No comments received.

Health Department:

No comments received.

Parks and Recreation:

No comments received.

Police Department:

No comments received.

Fire

No comments or concerns.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2017-0065. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1039 West Glebe Road.

Wen Lu

Applicant – Signature

9/12/18

Date

WEN LING Lu

Applicant – Printed

9/12/18

Date