

*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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## **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 #2018-0009  
Approved by Planning and Zoning: February 14, 2018  
Permission is hereby granted to: Thaibox, LLC  
to use the premises located at: 602 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.

2/14/18

Date

K. Moritz by *cm*  
Karl Moritz, Director  
Department of Planning and Zoning

DATE: February 14, 2018

TO: Mary Christesen, Acting Division Chief Land Use Services  
Department of Planning and Zoning

FROM: Madeleine Sims, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-0009  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: Thaibox LLC  
Location: 602 King Street  
Zone: KR / King Street

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**Request**

Special Use Permit #2018-0009 is a request to change ownership of an existing restaurant from Kanchana Phengua to Thaibox, LLC. No changes to the operation are proposed. The applicant would continue to run a restaurant specializing in Asian cuisine with ten employees, on-premises alcohol sales, 25 seats and operating hours from 5 a.m. to 12 midnight, daily. The applicant proposes only minor cosmetic upgrades to transform the current establishment into their own.

**Background**

Numerous restaurants have existed at this site, with the first being approved in 1993 by City Council as SUP#2676. The most recent approval was done administratively in 2012 under SUP#2012-0082 for a change of ownership from Abdulhaluk Ensari to Kanchana Phengua.

On January 26, 2018, staff visited the subject property and found no violations of the conditions of Special Use Permit #2012-0082. The current restaurant, nor any previous restaurants at this site, have ever been cited for a zoning violations of SUP conditions. A restaurant at this location has been cited previously for signage without BAR approval, and few code complaints regarding trash. All violations were abated immediately. Staff has not received any complaints that would require staff to docket the special use permit for public hearing.

**Parking**

The subject restaurant is located within the Central Business District which waives this requirement under section 8-300 (B) of the Zoning Ordinance. The applicant therefore meets their parking requirement.

**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 that would require staff to docket the special use permit for public hearing.

**Staff Action**

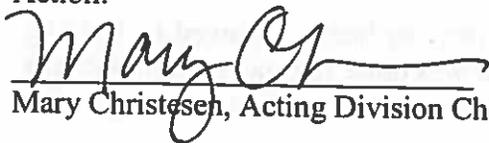
Staff does not object to the change of ownership request. Staff finds the change of ownership request to be reasonable, and the lack of increased intensity of use would not generate any additional impacts from the business. The use would occupy a long-standing restaurant site and continue to be a community serving establishment. Nevertheless, staff has updated and added conditions. Staff has updated Conditions #6 (trash), #15 (cleaning), and #16 (odors) to reflect current language. Staff has also added Condition #21 (window coverage) that reflects current standards for SUPs in pedestrian oriented areas. Finally, staff has deleted Conditions #14 (security survey) as it has been satisfied by the previous business owner.

Staff hereby approves the Special Use Permit request.

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

Date: February 14, 2018

Action:



Mary Christesen, Acting Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2018-0009**

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)
2. Seating shall be provided inside for no more than 25 patrons. (P&Z) (SUP #2676)
3. Outdoor seating may be provided on the premises subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program. (P&Z) (SUP #2011-0027)
4. The hours during which the business is open to the public shall be limited to 5:00 A.M. to 12:00 midnight, seven (7) days a week, as requested by the applicant. (P&Z) (SUP #2676)
5. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2676)
6. **CONDITION AMENDED BY STAFF:** 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 containers which does do not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #2676)
7. Condition deleted. (SUP#2003-0007)
8. All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line. (T&ES) (SUP#2003-0007)
9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2676)
10. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION #27:**~~The applicant shall require its employees who drive to work to use off street parking and 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#2011-0027)
11. On-premises alcohol service may be offered, but no off-premises alcohol sales shall be allowed. (P&Z) (SUP#2012-0014)
12. Condition deleted. (P&Z) (SUP#2003-0007)

13. 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#2003-0007)
14. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey for the business and a robbery awareness program for all employees. (Police) (SUP#2005-00048)~~
15. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or any other waste be washed onto the streets, sidewalks, alleys, or into storm sewers. (T&ES) (SUP#2012-0014) (P&Z)
16. **CONDITION AMENDED BY STAFF:** 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 and Environmental Services. (T&ES) (SUP#2003-0007) (P&Z)
17. The applicant 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. (P&Z) (T&ES) (SUP#2012-0014)
18. Meals ordered before the closing hour may be served, but no new patrons may be admitted and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2003-0007)
19. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements and on how to prevent the underage sales of alcohol. (P&Z) (SUP#2011-0027)
20. Condition satisfied and deleted by staff. (SUP#2011-0027)
21. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after 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) (SUP#2012-0082)

22. Condition deleted. (City Council) (SUP#2003-0007)
23. No live entertainment shall be permitted at the restaurant. (P&Z) (SUP#2012-0014)
24. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2012-0014)
25. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES) (SUP#2012-0014)
26. **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)**
27. **CONDITION ADDED 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 for information on establishing an employee transportation benefits program. (P&Z)**

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0009. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 602 King Street.



Applicant - Signature

Feb 20 2018

Date

KANOK KANAUVATCHAI

Applicant - Printed

Feb 20 2018

Date