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	#2012-0082
Approved by Planning and Zoning:	January 15, 2013
Permission is hereby granted to:	Kanchana Phenghua
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.

1/15/13
Date

Faroll Hamer
Faroll Hamer, Director
Department of Planning and Zoning

DATE: January 15, 2013

TO: Joanna Anderson, Acting Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2012-0082
Administrative Review for Change of Ownership

Site Use:	Restaurant
Applicant:	Kanchana Phenghua
Location:	602 King Street
Zone:	KR/King Street Retail

Request

Special Use Permit #2012-0082 is a request to change ownership of an existing restaurant from Abdulhaluk Ensari to Kanchana Phenghua. No changes to the operation are proposed and the applicant plans to continue serving quick-service Asian cuisine under the trade name of Red Mei.

Background

The subject tenant space has been a restaurant since at least 1993, when City Council approved SUP#2676 for the operation of a Dunkin' Donuts location. Staff has administratively approved four changes of ownership in the last ten years, including in 2005 when the restaurant first started operating as Red Mei. The most recent SUP approvals at this site were SUP#2011-0027 in May 2011 and SUP#2012-0014 in March 2012.

On December 27, 2012, staff visited the subject property and found no violations of the conditions of Special Use Permit #2012-0014. Although staff has received complaints about the restaurant in the past, the complaints do not rise to the level that would require this request to be docketed for public hearing.

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 and Upper King Street Neighborhood Associations were sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses.

Staff Action

Staff does not object to the change of ownership and hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: January 15, 2012
Action: Approved

Joanna Anderson, Acting Deputy Director

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

CONDITIONS OF SPECIAL USE PERMIT #2012-0082

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. 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 #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. 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. 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. Kitchen equipment 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)

16. The applicant shall control 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)

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#2012-0014)~~

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)