

DATE: March 11, 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 #2013-0005
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Tsim Yung, Inc by Liu Wen Xiang
Location: 2603 Mount Vernon Avenue
Zone: CL / Commercial Low

Request

Special Use Permit #2013-0005 is a request to change ownership of an existing restaurant from You Di Wang to Tsim Yung, Inc. by Liu Wen Xiang. No changes to the operation are proposed and the applicant plans to continue serving Asian cuisine under the trade name of Tsim Yung.

Background

City Council approved SUP#2716 for a restaurant in this space in 1993. Most recently, in 2004, staff administratively approved a change of ownership (SUP#2004-0022).

On February 27, 2013, staff visited the subject property and found no violations of the conditions of Special Use Permit #2004-0022. Staff has not received any complaints that would require staff to docket the Special Use Permit 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 Del Ray Citizens and Del Ray Business Associations were sent an e-mail with information about the current application. Staff received an email from the Del Ray Business Association expressing support for the application.

Staff Action

Staff does not object to the change of ownership, which involves no changes to the business compared to prior SUP approval. Staff has amended and added conditions of approval in this report on matters such as litter and the promotion of public transportation for consistency with modern condition language. Two new conditions also formally prohibit live entertainment and alcohol sales, since neither of these elements were included as part of the original 1993 SUP request for the restaurant.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 3/11/2013
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 #2013-0005

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) (SUP#2716)
2. The applicant shall provide ten (10) seats for patrons to dine in the restaurant. (PC) (SUP#2716)
3. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to 11 a.m. to 11 p.m., seven (7) days a week. Meals ordered before 11 p.m. may be served, but no new patrons may be admitted, and all patrons must leave by 12 midnight. (P&Z) (SUP#2716)
4. At least one (1) 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 it shall be kept clean. (P&CD) (SUP#2716)
5. **CONDITION DELETED BY STAFF:** ~~One (1) standard City trash container shall be furnished to the City of Alexandria for installation by the City on the adjacent public right of way.~~ (P&Z) (SUP#2716)
6. 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#2716)
7. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2716)
8. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be stored inside or in ~~a dumpster~~ sealed containers that do not allow odors to escape or invasion by animals. No trash or debris shall be allowed to accumulate outside of those containers. (P&Z) (SUP#2716)
9. Trash and garbage shall be collected every day that service is available. (P&Z) (SUP#2716)
10. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES) (SUP#2004-0022)
11. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2716)

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#2716)
13. 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#2004-0022)
14. The applicant and property owner shall be required to repair, resurface and maintain the rear parking lot to the satisfaction of the Director of Transportation and Environmental Services. (P&Z) (SUP#2716)
15. Delivery vehicles shall be limited to one, and it shall park and pick up orders only at the rear of the restaurant. (P&Z) (SUP#2716)
16. The rear dumpster shall be located and screened to the satisfaction of the Director of Planning and Community Development within one month of City Council approval. (P&Z) (SUP#2716)
17. Any improvements to the exterior of the building, including signs, shall comply with the Mount Vernon Avenue Urban Design Guidelines adopted for the area by City Council. (P&Z) (SUP#2004-0022)
18. **CONDITION DELETED BY STAFF (See Condition #3):** ~~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#2004-0022)~~
19. The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (SUP#2004-0022)
20. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (SUP#2004-0022)
21. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions. (P&Z) (SUP#2004-0022)
22. **CONDITION AMENDED BY STAFF:** The applicant ~~is to~~ shall 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. (Police) (~~SUP#2004-0022~~)

23. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year after approval 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#2004-0022~~)
24. **CONDITION ADDED BY STAFF:** No live entertainment shall be permitted at the restaurant. (P&Z)
25. **CONDITION ADDED BY STAFF:** No alcohol sales shall be permitted at the restaurant. (P&Z)
26. **CONDITION ADDED 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 monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (P&Z)
27. **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. (P&Z)
28. **CONDITION ADDED BY STAFF:** The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (P&Z)
29. **CONDITION ADDED BY STAFF:** At such time that an organized parking program is adopted by City Council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in the program. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2013-0005. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 2603 Mount Vernon Avenue.

Applicant - Signature

Date

Applicant – Printed

Date