

EXHIBIT NO. 1

17
12-14-02

Docket Item # 14
SPECIAL USE PERMIT #2002-0101

Planning Commission Meeting
December 3, 2002

ISSUE: Consideration of a request for a special use permit to intensify an existing restaurant and to amend conditions of the existing special use permit.

APPLICANT: China King Town Inc.
by Sui Chen Chu Yao

LOCATION: 701 King Street
China King Restaurant

ZONE: CD/Commercial Downtown

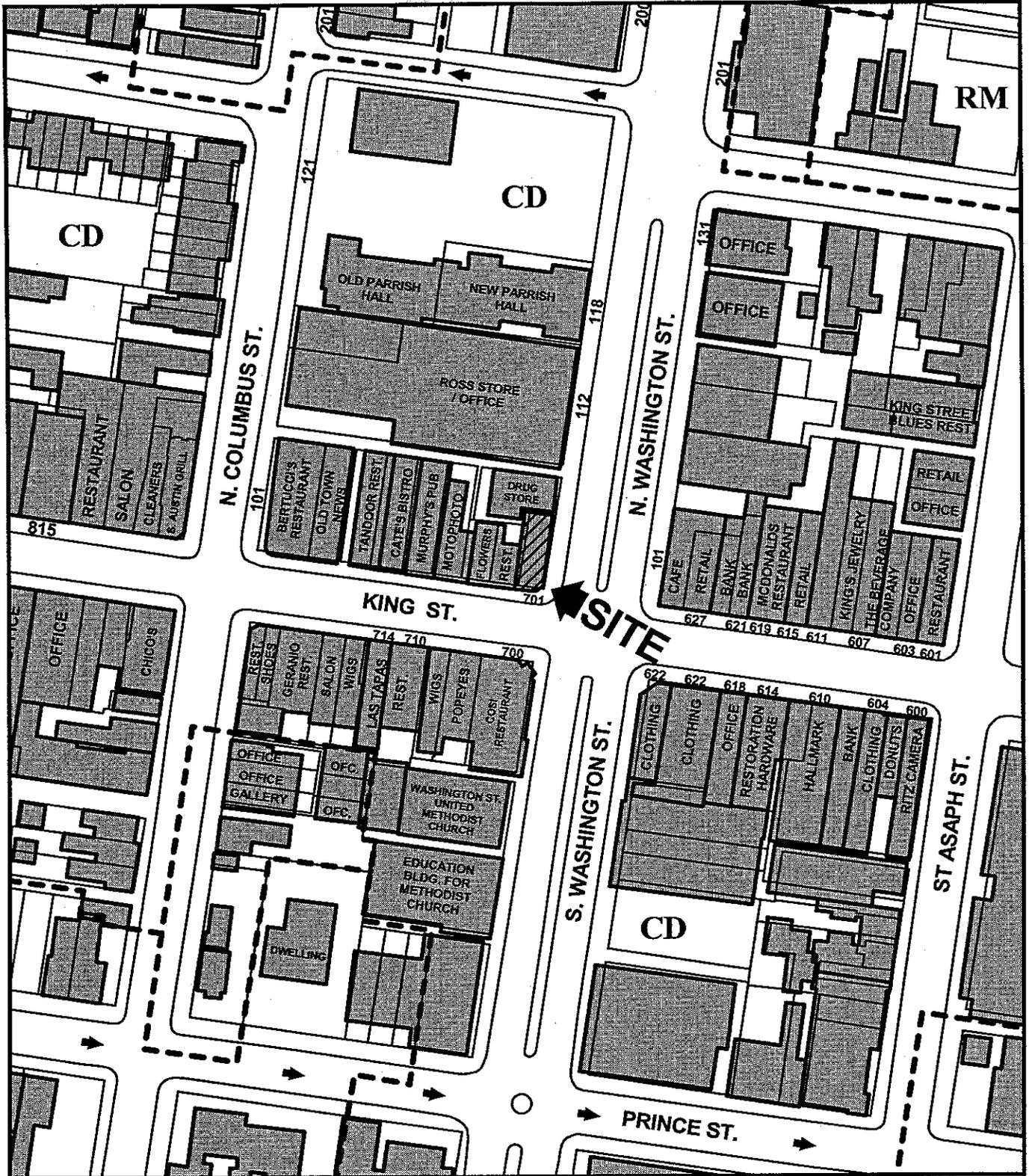
PLANNING COMMISSION ACTION, DECEMBER 3, 2002: On a motion by Mr. Komoroske, seconded by Mr. Gaines, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to amend Condition #11. The motion carried on a vote of 6 to 0. Mr. Dunn was absent.

Reason: The Planning Commission agreed with the staff analysis and agreed to allow afternoon and weekday dancing for diners as well as slightly later times for delivery service.

Speakers:

Sui Chen Chu Yao, applicant, requested longer hours for dancing and for delivery service.

Carolyn Merck, President of Old Town Civic Association, opposed the special use permit request, explaining that the opposition was not necessarily to this specific application but to the precedent it would set for other future applications for dancing.



SUP #2002-0101

12/03/02



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #2501)
2. Seating shall be provided inside for no more than 120 patrons. (P&Z) (SUP #2501)
3. No outside dining facilities shall be located on the premises. (P&Z) (SUP #2501)
4. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2501)
5. **CONDITION AMENDED BY STAFF** ~~Trash and garbage shall be stored inside or in a dumpster.~~ Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (SUP #2501)
6. Trash and garbage shall be collected daily when the business is open. (P&Z) (SUP #2501)
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 insanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2501)
8. All loading and unloading of goods to the restaurant shall occur only from the designated loading zone located along the north side of the 700 block of King Street. (PC) (SUP #2501)
9. Delivery vehicles shall be limited to one (1) which shall park and pick up orders only at the rear of the restaurant. (P&Z) (SUP #2501-A)
10. There shall be no parking or standing of customer or delivery vehicles on King Street or North Washington Street in front of the restaurant when waiting to pick up orders. (P&Z) (SUP #2501-A)

11. **CONDITION AMENDED BY PLANNING COMMISSION:** The hours during which the business is open to the public shall be restricted as follows: (P&Z) (~~SUP #2501-A~~) (PC)

Dining Service:

11:00 AM to 12:00 Midnight	Monday - Thursday
11:00 AM to 1:00 AM	Friday & Saturday
11:00 AM to 12:00 Midnight	Sunday

Delivery Service:

Lunch: 11:00 AM to 2:30 PM	Seven days a Week
Dinner: 5:00 PM to 9:30 10:00 PM	Monday - Friday
5:00 PM to 10:00 11:00 PM	Saturday & Sunday

Dancing:

7:00 2:30 PM to 11:00 PM	Friday & Saturday
2:30 PM to 9:00 PM	Sunday - Thursday

12. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2501-A)
13. **CONDITION AMENDED BY STAFF:** The applicant shall ~~provide and~~ require ~~their~~ its employees who drive to work to use off-street parking. (P&Z) (~~SUP #2501-A~~)
14. **CONDITION AMENDED BY STAFF:** Loudspeakers shall be ~~prohibited from the exterior of the building,~~ and no amplified sounds shall be audible ~~outside at the property line.~~ (T&ES) (P&Z) (~~SUP #2501-A~~)
15. **CONDITION ADDED BY STAFF:** Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages shall be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)
16. **CONDITION ADDED BY STAFF:** All exterior improvements or signs require approval by the Board of Architectural Review. (P&Z)

17. CONDITION ADDED BY STAFF: Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
18. CONDITION ADDED 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 & Environmental Services. (T&ES)
19. CONDITION ADDED BY STAFF: No live music shall be provided at the restaurant. (P&Z)
20. CONDITION ADDED BY STAFF: On-site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z)
21. CONDITION ADDED BY STAFF: The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in the Park Alexandria program or an equivalent parking subsidy program by which the regular parking price is discounted by at least \$1. (P&Z)
22. CONDITION ADDED BY STAFF: Dancing is permitted and limited to those who attend the restaurant for a meal. (P&Z)
23. CONDITION ADDED 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, (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)

Staff Notes: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

DISCUSSION:

1. The applicant, China King Town, Inc., represented by Sui Chen Chu, requests special use permit approval to intensify the existing restaurant located at 701 King Street and to change a condition of the existing special use permit.
2. The subject property is one lot of record with 24 feet of frontage on King Street, 68 feet of frontage along North Washington Street and a total lot area of 1,632 square feet. The site is developed with a two story building with the restaurant occupying each floor. The restaurant is located on the northwest corner of the intersection of Washington and King Streets, with Cosi, Banana Republic and Café Mezzogiorno occupying the other three corners. Timberman's Drug Store and Leon's Steak and Grill are immediately located to the north and west of the subject property.
3. On September 14, 1991, City Council granted Special Use Permit #2501 to China King Town, Inc. to operate a 120 seat full service restaurant with carry-out service. On March 20, 1993, City Council granted Special Use Permit #2501-A allowing the addition of delivery service for the restaurant.
4. The applicant now requests approval to provide dancing. The applicant will remove tables and chairs from a 9 foot by 16 foot area (144 square feet) on the second floor, now used for customer seating, to create a dance floor, and will play recorded music for ballroom style dancing. No live music is proposed. No separate fee will be charged for dancing. Customers will purchase food from the menu and have dancing as an amenity. The owner specifically envisions a coffee dance service, which is proposed to include a simple menu of food with dancing and free coffee and appetizers. The dancing will occur during the existing hours of operation. The restaurant is approved to operate from 11:00 a.m. to midnight Monday through Thursday, 11:00 a.m. to 1:00 a.m. Friday and Saturday, and 11:00 a.m. to midnight Sunday. The restaurant proposes to open the dancing floor throughout the day and evening, during the entire time the restaurant is open.
5. The applicant also requests approval to amend Condition #13 of Special Use Permit 2501-A to remove the requirement that the applicant provides the employee's off-street parking. The applicant is willing to retain the remainder of Condition #13 which requires employees to use off-street parking.

6. The applicant has not requested an increase in the number of permitted patrons. The existing special use permit limits seating for no more than 120 patrons.
7. The business has seven employees and does not expect to add more if the dancing request is approved.
8. On November 11, 2002, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found three violations of the special use permit related to unloading/loading, posting the hours of operation, and providing off-street parking for employees and issued a warning ticket for these violations.
9. The restaurant is located within the Central Business District, as described in Section 8-300 of the zoning ordinance, and is therefore exempt from parking requirements.
10. Zoning: The subject property is located in the CD (Commercial Downtown) zone. Section 4-500 of the zoning ordinance allows a restaurant in the CD zone only with a special use permit.
11. Master Plan: The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan which designates the property for commercial use.

STAFF ANALYSIS:

Staff has no objection to the proposed dancing located at 701 King Street. The use is buffered from residential uses by surrounding commercial businesses. Additionally, the restaurant does not intend to create a dance club but to provide dancing as an amenity for customers who are also eating a meal. Staff, however, is concerned about allowing dancing daily throughout the day and night because of the possibility that the use may become more of a dance club with a bar than a restaurant. Staff, thus, recommends that the dancing be limited to Friday and Saturday between the hours of 7:00 p.m. and 11:00 p.m., traditionally dinner hours, and that the dancing only be available to customers who have purchased a meal. There are not many special use permits that allow dancing in restaurants on King Street. Las Tapas Restaurant, located at 710 King Street, is only permitted to have two professional dancers demonstrate Flamenco dancing on an occasional basis. The Rock It Grill, located at 1319 King Street, is permitted to have dancing for customers and there are no noise complaints on record. Dancing Peppers once operated at 1120 King Street with dancing, and there are noise complaints on record. Staff, however, believes that with the recommended limitations on dancing in place, the subject restaurant is not likely to cause noise problems for the surrounding community.

Staff supports the amendment of Condition #13 to remove the requirement that the applicant provide the off-street parking for the employees and has amended the language to be consistent with the standard applied in other cases.

Additionally, staff has required the applicant to participate in a parking subsidy program for its customers so that any increase in parking demand caused by the addition of dancing to the restaurant may be accommodated.

Staff recommends approval subject to the recommended conditions.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Mary Hashemi, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 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.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 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.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.

Code Enforcement:

- C-1 The applicant shall resubmit a revised egress plan showing fixture location, aisles and exit doors for review which reflect the dance floor conditions. A separate occupancy load shall be calculated which will apply only during approved dances in accordance with the approved egress plan for this activity.

Health Department:

- F-1 No objections.

Police Department:

- F-1 No objections.

MH

APPLICATION for SPECIAL USE PERMIT # 2002-0101

[must use black ink or type]

PROPERTY LOCATION: 701 King st. China King Restaurant

TAX MAP REFERENCE: 74.02 Block 2 Lot 8 ZONE: CD, Commercial downtown

APPLICANT Name: China King Town Inc. by Sui Chen Chu

Address: 701 King street China King Restaurant

PROPERTY OWNER Name: Mr. Frances Hoffman Gue

Address: P. O. Box 237 Wilcomico Church VA. 22579

PROPOSED USE: to add coffee dance eatin service on the second floor to the existing full service restaurant

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Sui Chen Chu Yao
Print Name of Applicant or Agent

701 King st
Mailing/Street Address

Alexandria VA 22314
City and State Zip Code

[Signature]
Signature
703-989-0000 alt. phone
703-549-3268 Telephone # 703-549-3309 Fax #

9-20-02
Date

=====**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**=====

Application Received: 9-23-02 Date & Fee Paid: \$ 500.- \$

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

Special Use Permit # 2501-A
2002-0101

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) the Owner Contract Purchaser
 Lessee or Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

China King Town Inc.

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license
 No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

On the second floor, with the same music systems we have right now, we expect to take out the left side tables and the center tables so that we can have about 9'x16' area for the customers dance before, after or during the simple eat in. All the customers tables are by the window. The dance music is controlled by the general music system which is existing right now, through the DVD player. The music for dance is basically "ball room dance" and the classic everlasting long love songs. Every customer has to buy a ticket which included simple menu (free coffee and appetizers). The coffee dance service ~~of~~ expects to operate during the regular restaurant operation hours — the same as we have right now. The total max. customers limit ~~is~~ remains the same — 70. (see the map please

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

The same as before - 70 customers. (the same as the specification is #2)
The same dining hours as specification in the original perm

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

The same as we have in right now.

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

Monday - Thursday

11:00 Am - 12:00 midnight

Friday & Saturday

11:00 Am - 12:00 midnight

Sunday

11:00 Am - 12:00 midnight

The proposed hours and days of operation of the proposed use as specified in permit 2501-A

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

All the music system remains the same as it is right now. no amplified sound should be audible outside.

B. How will the noise from patrons be controlled?

- ① Control the DVD system plays soft music.
- ② Control the limit of the customer.

8. Describe any potential odors emanating from the proposed use and plans to control them:

Everyday, we'll clean the dining hall thoroughly.

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

Trash and garbage shall be stored inside or in a dumpster.

B. How much trash and garbage will be generated by the use?

It wouldn't be a lot.

C. How often will trash be collected?

Trash and garbage shall be collected daily when the business is open.

D. How will you prevent littering on the property, streets and nearby properties?

We arrange at least 3 times a day checkups and pick up and more often if necessary.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

We are going to install a T.V. supervision system to make everything safe.

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

The alcohol service remains the same as we have right now. on-premises sale only and table service only.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

The same as Permit # 2501-A specification

B. How many parking spaces of each type are provided for the proposed use:

_____ Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

C. Where is required parking located? on-site off-site (check one)

If the required parking will be located off-site, where will it be located:

inside old town

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? The same as Permit # 2501-A specification

B. How many loading spaces are available for the use? NO

C. Where are off-street loading facilities located? NO

D. During what hours of the day do you expect loading/unloading operations to occur?
restaurant opening hours.

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
unknown

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?
No

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No
Do you propose to construct an addition to the building? Yes No
How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be? The second floor dining hall
_____ sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ sq. ft. (total)

19. The proposed use is located in: (check one)
 ^{half} a stand alone building a house located in a residential zone a warehouse
 a shopping center. Please provide name of the center: _____
 an office building. Please provide name of the building: _____

other, please describe: at the corner of King & Washington St.

RESTAURANT SUPPLEMENTAL APPLICATION

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?
At tables: 112 At a bar: Total number proposed: 112

2. Will the restaurant offer any of the following?
 alcoholic beverages beer and wine (on-premises)
 beer and wine (off-premises)

3. Please describe the type of food that will be served:
Chinese food

4. The restaurant will offer the following service (check items that apply):
 table service bar carry-out delivery

5. If delivery service is proposed, how many vehicles do you anticipate? 2
Will delivery drivers use their own vehicles? Yes. No.

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? Yes. No.
If yes, please describe: We offer a 32"-50" television to display
the music or the program show on TV.

SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN

**CRITERIA TO BE USED TO EVALUATE NEW OR EXPANDED RESTAURANTS
ADOPTED BY CITY COUNCIL BY RESOLUTION, NOVEMBER 13, 1993**

Parking

1. The applicant must submit a parking management plan (PMP), which specifically addresses the following issues:

- A. The parking demand generated by the proposed restaurant.
- B.. The availability of off-street parking for patrons. For the purpose of this policy, availability shall be measured in terms of the number of vacant off-street parking spaces within 500 feet from the entrance to the restaurant.
- C. How employees who drive will be accommodated off the street at least in the evenings and on weekends.
- D. The predicted impact of the restaurant on the parking supply at the evening peak, weekend peak, and daytime peak.
- E. A proposal to reduce the impact of parking created by the restaurant on nearby areas. Acceptable alternatives for reducing parking impacts include, but are not limited to, the following: validated parking or valet parking for patrons, and off-street parking or transit subsidies for employees.

2. Additionally, please answer the following:

A. What percent of patron parking can be accommodated off-street?

(check one)

- 100%
- 75-99%
- 50-74%
- 1-49%
- No parking can be accommodated off-street

B. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends?

(check one)

- All
- 75-99%
- 50-74%
- 1-49%
- None

C. What is the estimated peak evening impact upon neighborhoods?

(check one)

- No parking impact predicted
- Less than 20 additional cars in neighborhood
- 20-40 additional cars
- More than 40 additional cars

Litter

The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

Alcohol Consumption and Late Night Hours

1. Maximum number of patrons shall be determined by adding the following:

	<u>121</u>	Maximum number of patron dining seats
	<u> </u>	Maximum number of patron bar seats
+	<u> </u>	Maximum number of standing patrons
<hr/>		
	<u>121</u>	Maximum number of patrons

2. 6 Maximum number of employees by hour at any one time

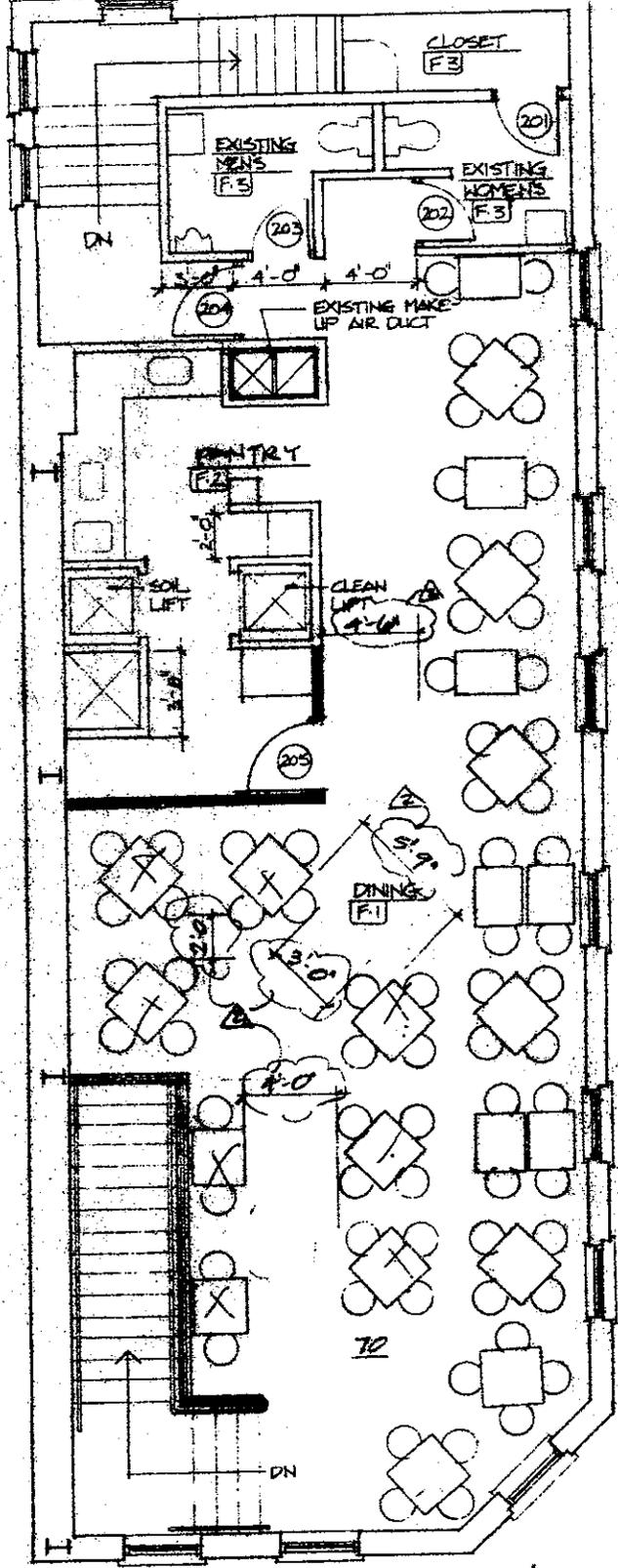
3. Hours of operation:
(check one)

<u> </u>	Closes by 8:00 P.M.
<u> </u>	Closes after 8:00 P.M. but by 10:00 P.M.
<u> X </u>	Closes after 10:00 P.M. but by Midnight
<u> </u>	Closes after Midnight

[Closing time means when the restaurant is empty of patrons.]

4. Alcohol Consumption:
(Check one)

<u> </u>	High ratio of alcohol to food
<u> </u>	Balance between alcohol and food
<u> X </u>	Low ratio of alcohol to food

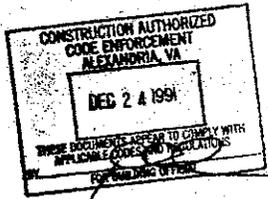


SUP 2002-0101



10/11/91
 HEALTHY START NORTH
 11/18/91
 HEALTHY START NORTH

DATE: 7/13/91



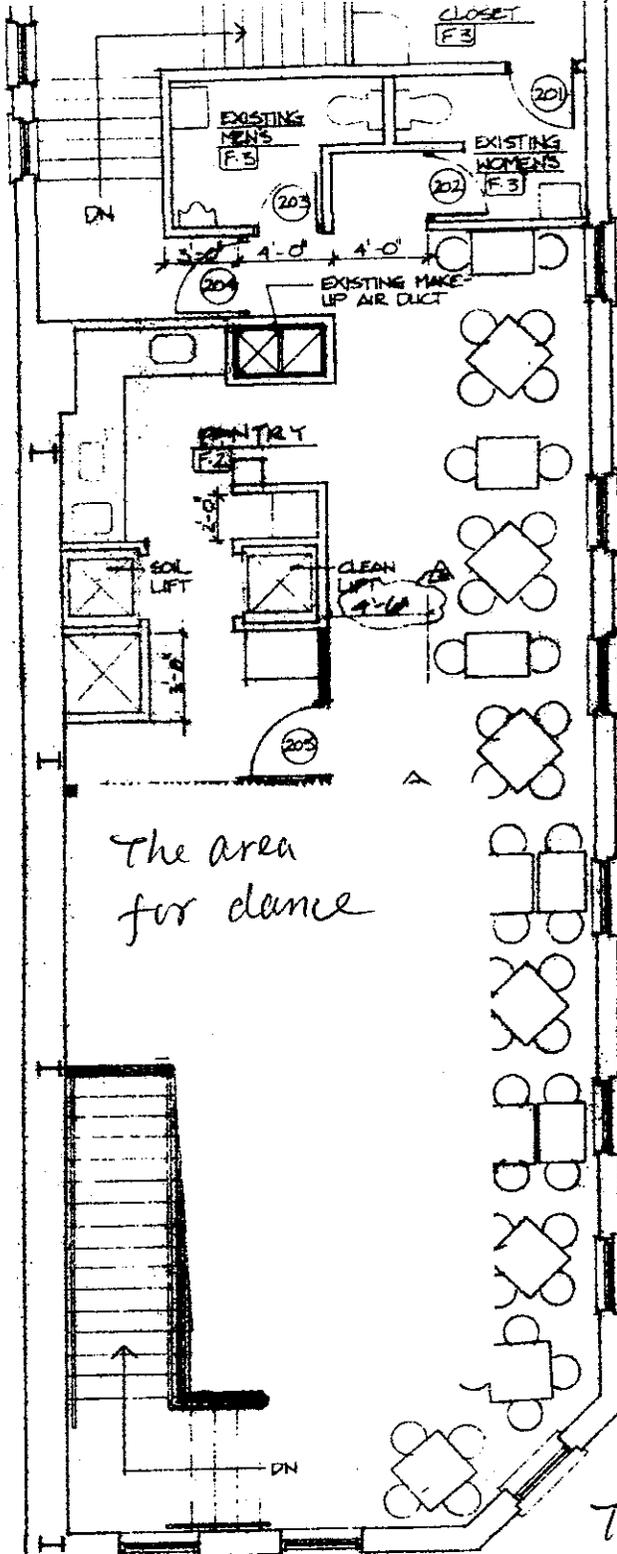
The original map

SECOND FLOOR PLAN
 1/4" = 1'-0"

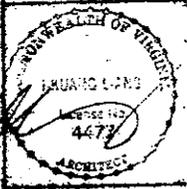
NOTE:
 FOR BUILDING INFORMATION, VICINITY
 MAP & SITE PLAN SEE SHEET A-2

FLOOR PLANS

A-2

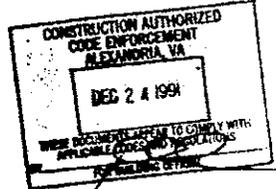


5/10-2002 JME



10/1/91 HEALTHY BIRTH NOTICE
11/18/91 Building permit
12/15/91

DATE: 7/13/91



The existing arrangement under applications

SECOND FLOOR PLAN
1/4" = 1'-0"

NOTE:
FOR BUILDING INFORMATION, VICINITY MAP & SITE PLAN SEE SHEET A-2

FLOOR PLANS

A-2



ALEXANDRIA DEPARTMENT OF
PLANNING AND ZONING
301 King Street, Room 2100
Alexandria, Virginia 22314

NOTICE OF VIOLATION

**YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE**

11-11-02 Monday 2:30
Date ticket served Day of Week Time AM/PM

Location of Violation: 701 King St.

Ord. Section: 11-500

Description of Violation: Violations of conditions #8 (unloading on Washington St), #12 (no hours posted), #13 (employees pking on-street).

Penalty \$: Warning
 1st 2nd
 3rd/MORE

**IF THE VIOLATION IS NOT CORRECTED BY
10 Days AN ADDITIONAL MONETARY
PENALTY WILL BE ASSESSED.**

Mary V. Hashemi
Inspector's Signature ID Number

I personally observed or investigated the commission of the violation noted above and/or violation was based upon signed affidavit.

- VIOLATORS COPY - WHITE
- CITY ATTORNEY COPY - YELLOW
- FINANCE COPY - PINK
- PLANNING AND ZONING COPY - ORANGE

NOTICE SERVED ON:

Chu Yee Sui
NAME: LAST FIRST MIDDLE

PROPERTY OWNER
 COMPANY Owner
NAME

China King Town, Inc

OTHER _____
POSITION

701 King St
ADDRESS
Alexandria VA
CITY/TOWN STATE ZIP

[Signature] 11-11-2
SIGNATURE DATE

I hereby acknowledge receipt of this Notice of Violation. Signature is not an admission of guilt.

PERSON REFUSED TO SIGN DATE _____

CERTIFICATE OF SERVICE

Mailed/posted a true copy of this notice to the last known home or business address of the respondent or the respondent's agent

Name of Person or Business Served

Address of Service

City/State

Posted true copy of this notice at the site of the infraction

The undersigned states that he/she is an employee of the City of Alexandria Department of Planning and Zoning and knows this Certificate of Service to be true to the best of his/her knowledge.

Signature

Print Name

Date Phone # _____

WARNING

YOU ARE REQUIRED TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 15 DAYS OF THE DATE OF SERVICE IN ONE OF THE FOLLOWING WAYS

SUP 2501-A

TICKET NO. 2733

1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A HEARING:

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail;
- Print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4949.

2. TO REQUEST A COURT HEARING:

- Check the "Contest in Court" box below and:
(a) Mail this completed notice to the Office of the City Attorney, City Hall, Suite 1300, 301 King Street, Alexandria, Virginia, 22314; or
(b) Appear in person or by an authorized representative, at the above address between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4433.

- If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

3. TO CONTEST THE INTERPRETATION OF THE ORDINANCE:

- You have the right to appeal the interpretation of the zoning ordinance upon which this violation is based to the Board of Zoning Appeals within 30 days in accordance with 15.2-2311 of the Code of Virginia. The interpretation shall be final and unappealable if not appealed within 30 days.

FOR INFORMATION CONCERNING THIS TICKET CALL PLANNING AND ZONING AT 703-838-4688

FAILURE TO RESPOND AS PROVIDED ABOVE WILL RESULT IN THE ISSUANCE OF A SUMMONS TO APPEAR IN COURT AND ANSWER TO THE VIOLATION FOR WHICH THIS NOTICE WAS ISSUED

YOU MUST COMPLETE AND SIGN THIS CERTIFICATION:

ADMIT VIOLATION NO CONTEST CONTEST IN COURT

Name (print) _____
Street Address _____
City _____ State _____ Zip _____

I hereby certify under penalty of law, that I have answered as indicated above, and corrected or made substantial efforts to correct the violation that I have admitted or for which I have pleaded no contest.

Signature _____ Date _____

To: The planning commission.

Re. The China King S.U.P.
From James Graham [Scotland Yard] 728 King St. Alex. Va.

This letter is in support of the granting of the S.U.P. to allow dancing at China King.

HERE'S WHY

I write as an expert witness on behalf of the petitioner. I am a former World's professional ballroom dancer.

I won my first National championship 50 years ago in 1952 and was undefeated until my retirement in 1972.

At which time I was the captain of the United States professional ballroom dance team. Representing the U.S.A. in International events. At which time I also owned the largest dance studio in the D.C. area.

This is an honorable request and should be given a fair consideration.

Here's the reason why.

The application reads "to allow dancing in the restaurant" In my opinion the wording should be more definitive. The question that comes to mind is, What type of dancing? as each person defines dancing in their own way. The mind creates an image associated with sounds, which to some people could be objectionable. So the debatable issue seems to be the nuisance value and excessive noise. Not dancing! First define "dancing" and whether there would be debate

If it were Ballet dancing?

- " " 18 th Century [Like Gadsby's Tavern]
- " " Latin dancing with loud live music {like Las Tapas}
- " " Irish dancing with music {like Murphy's}
- " " Punk rock with ear shattering music.

So from this it is important to know what type of dancing, as that determines the music and the noise level. In this case the application is for ballroom dancing as seen on T.V.

You may say 'Ballroom dancing in a Chinese restaurant how strange. That was my first reaction also.

Here's the rest of the story And the reason why this petition should be granted.

A few months ago I had a stroke which completely paralysed my left side. After a month in a wheelchair I decided to learn to walk again. My first venture was to try to walk a block using my cane and with my left arm dangling loosely at my side, I arrived at the China King restaurant. Never having been there before, I entered and was surprised to hear the Tennessee Waltz playing. The dining room was empty except for the owner and her staff intently watching ballroom dancing on a large screen T.V. When she approached me I asked her where she got the tape. Here's her story...

She is from British Hong Kong, where ballroom dancing is a popular pastime and sport. I knew this to be true, as I recently viewed a tape of the present World champion exhibitions in China, before an audience of 5000, impeccably dressed in tuxedos and ballgowns.

She told me that she would like to have matinee dances like the restaurants in her home town and did I think the City would allow it.

I replied " you can do anything you want as long as you apply for permits and are granted permission." The premise is to have large screen T.V. with ballroom Dance music playing. As a matter of fact this is the background music at present in the restaurant. Tunes like, I can't stop loving you, Georgia on my mind, Tennessee Waltz, all standards everyone knows. I doubt that anyone could find this music objectionable. It is small restaurant, no more than 6 or 8 couples could dance at a time, so I don't think there is a crowd factor. With a projected mature audience the chance of rowdiness is remote. This would be a positive influence in the neighborhood and would provide a creative outlet for Seniors who don't like to be out late in the dark.

She told me she could explain her plans in Chinese but could not find the proper English words.

In conclusion I support the venture and think it would enhance the social stability of the block. please think

MH

17

APPLICATION for SPECIAL USE PERMIT #2002-0101

[must use black ink or type]

PROPERTY LOCATION: 701 King st. China King Restaurant

TAX MAP REFERENCE: 74.02 Block 2 Lot 8 ZONE: CD, Commercial downtown

APPLICANT Name: China King Town Inc. by Sui Chen Chu

Address: 701 King street China King Restaurant

PROPERTY OWNER Name: Mr. Frances Hoffman Gue

Address: P. O. Box 237 Wilcomico Church VA. 22579

PROPOSED USE: to add coffee dance eatin service on the second floor to the existing full service restaurant - ALSO AMEND
par applicant, 11.11.02. ← **CONDITION #13 SO THAT OWNER IS NOT REQ'D TO PROVIDE EMP. PARKING**

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Sui Chen Chu Yao
Print Name of Applicant or Agent


Signature
703-989-0000 alt. phone
703-549-3268 703-549-3309
Telephone # Fax #

701 King st
Mailing/Street Address

Alexandria VA 22314
City and State Zip Code

9-20-02
Date

=====**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**=====

Application Received: 9-23-02 Date & Fee Paid: \$ 500.- \$

ACTION - PLANNING COMMISSION: 12/3/2002 RECOMMEND APPROVAL 6-0

ACTION - CITY COUNCIL: 12/14/02PH--CC approved the Planning Commission recommendation.