

EXHIBIT NO. 1

5
5-20-08

Docket Item #4
SPECIAL USE PERMIT #2008-0022

Planning Commission Meeting
May 6, 2008

ISSUE: Consideration of a request for a special use permit to operate a restaurant.

APPLICANT: Wen Ti Zheng

STAFF: Richard W. Bray
Richard.bray@alexandriava.gov

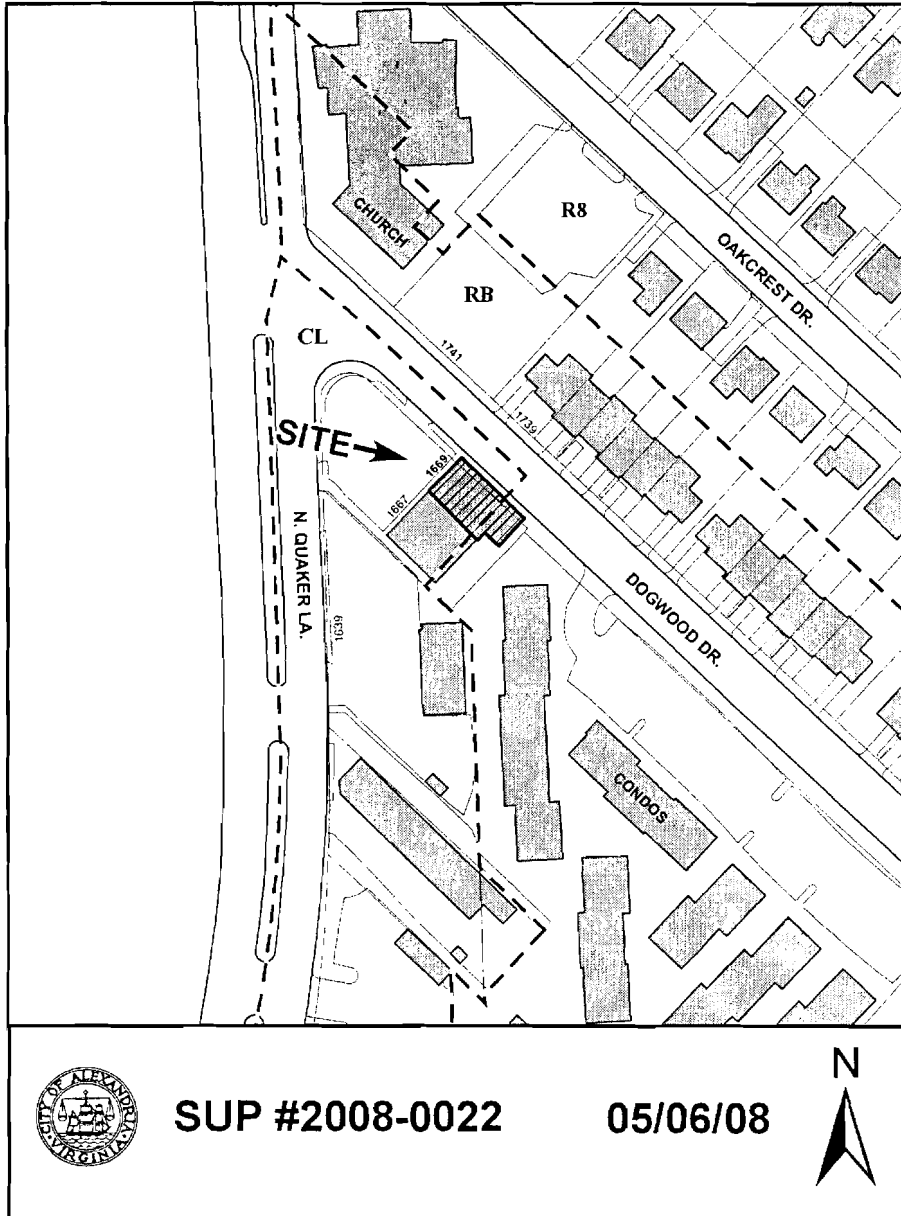
LOCATION: 1669 North Quaker Lane

ZONE: CL/Commercial Low

PLANNING COMMISSION ACTION, MAY 6, 2008: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



I. DISCUSSION

REQUEST

The applicant, Wen Ji Zheng, requests special use permit approval for the operation of a restaurant located at 1669 North Quaker Lane.

SITE DESCRIPTION

The subject property is part of one lot of record with 85 feet of frontage on North Quaker Lane, 180 feet of frontage on Dogwood Drive and a total lot area of 12,853 square feet. The site is developed with a retail building. Access to the property is from North Quaker Lane and Dogwood Drive.



The surrounding area is occupied by a mix of institutional, residential and commercial. Immediately to the north is a church and residential townhouses. To the south, on the same parcel is a 7-11 convenience store and south of that is a Sunoco gas station. To the east are residential townhouses and to the west are residential properties in Arlington County.

BACKGROUND

The tenant space was most recently occupied by K & H Cleaners and is currently vacant.

PROPOSAL

The applicant proposes to operate an oriental restaurant offering dine in, carry out and limited delivery service.

Hours: 10:00 am – 10:30 pm, Daily

Number of seats: 16

Alcohol: The applicant is proposing on premises service of beer and wine

Noise: Applicant does not anticipate noise impacts

Trash/Litter: Trash is collected every other day, staff will be required to patrol the site for litter daily.

PARKING

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 16 seats will be required to provide four off-street parking spaces.

The subject parcel was developed in 1962 and is grandfathered with respect to parking. The least intense use is a personal service use requiring one parking space for every 400 square feet of floor area. Under this use, the 1,400 square foot space would require four off-street parking spaces.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CL/Commercial Low zone. Section 4-103(M) of the Zoning Ordinance allows a restaurant in the CL zone only with a special use permit.

The proposed use is consistent with the Fairlington/Bradlee Small Area Plan chapter of the Master Plan which designates the property for small scale retail and service use.

II. STAFF ANALYSIS

Staff supports the proposed restaurant offering dine-in, carry-out and delivery service. The applicant has indicated that the restaurant's customers will be primarily carry-out.

The subject parcel is grandfathered with respect to parking. As long as the use is not intensified, the existing parking is sufficient. The applicant originally proposed 23 seats at the restaurant. Staff feels that a restaurant with 23 seats would place an undue parking burden on the neighborhood. The space is suited for retail, personal service or restaurant use. Staff recommended to the applicant that the number of seats should reflect the lowest parking requirements of the alternative uses. A retail store in this location would require eight off-street parking spaces while a personal service establishment would require four spaces. Staff and the applicant agreed that the recommendation would be for 16 seats.

With the following conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

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)
2. The hours of operation of the restaurant shall be limited to 10:00 am to 11:00 pm, daily. (P&Z)

3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The restaurant shall contain a maximum of 16 seats. (P&Z)
5. Delivery service is limited to one vehicle which must be parked off street when at the site. (P&Z)
6. 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)
7. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
8. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
9. 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)
10. All loudspeakers shall be prohibited from the exterior of the building. (T&ES)

Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
11. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
12. 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. (T&ES)
13. Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)

14. 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)
15. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
16. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business. (Police)
17. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees. (Police)
18. 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, (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: Richard Josephson, Deputy Director, Department of Planning and Zoning;
Richard Bray, Urban Planner.

Staff Note: 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.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- 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 & Environmental Services. (T&ES)
- R-3 All loudspeakers shall be prohibited from the exterior of the building. (T&ES)
- R-4 Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- R-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. (T&ES)
- R-7 Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
- R-8 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)
- 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.

- C-2 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).

Code Enforcement:

- C-1 The current use is classified as M- Mercantile; the proposed use is B- Business. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-5 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-6 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.
- C-7 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-8 The following code requirements apply where food preparation results in the development of grease laden vapors:

- (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-9 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
- (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operation.
- C-3 Five sets of plans of each facility must be submitted to and approved by this department prior to construction. Plans must comply with Alexandria City Code, Title 11, Chapter 2, food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Archaeology:

- F-1 No Comment

Parks & Recreation:

- F-1 No Comment

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.

- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2008-0022

Parcel Add: 1667 N. Quaker Lane
PROPERTY LOCATION: 1669 N. Quaker Lane, Alexandria, VA 223

TAX MAP REFERENCE: 22.02-06-01 **ZONE:** CL

APPLICANT:

Name: Wen Ji Zheng

Address: 4002 28th Avenue, Apt. 303, Temple Hills, MD 20748

PROPOSED USE: Restaurant

THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

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 IV, Section 4-1404(D)(7) 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 Director of Planning and Zoning 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.

Wen Ji Zheng
Print Name of Applicant or Agent

Wen Ji Zheng 02/11/08
Signature Date

4002 28th Avenue, Apt. 303
Mailing/Street Address

646 287-7042
Telephone # Fax #

Temple Hills, MD 20748
City and State Zip Code

Email address

ACTION-PLANNING COMMISSION: _____	DATE: _____
ACTION-CITY COUNCIL: _____	DATE: _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 1669 N. Quaker Lane, I hereby
 (Property Address)
 grant the applicant authorization to apply for the Carryout with limited dinin use as
 (use)
 described in this application.

Name: Michael GLASSMAN Agent Phone: 703-866-4990
 Please Print
 Address: 9554 OLD Keene Mill RD Email: GLASSMAN@EROLS.CO
Burke VA 22015 Buite B
 Signature: [Handwritten Signature] Date: 2/11/08

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

- Required floor plan and plot/site plan attached.
- Requesting a waiver. See attached written request.

2. The applicant is the (check one):

- 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 or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

Applicant Wei Ji Zheng will own the restaurant
business.

USE CHARACTERISTICS

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

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

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).

Approximately 50 patrons a day

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

3 employees, 2 chefs, 1 cashier a day

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

Day: Monday - Sunday

Hours: 10:00 am - 10:30 pm

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

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

None

- B. How will the noise be controlled?

N/A

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

There will be cooking odor. We will install Kitchen Hood to trap the cooking odor. 24 inch x 4 inch.

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? (i.e. office paper, food wrappers)

Wet trash including vegetables, bones, waste napkins.

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

2 trash bags a day

C. How often will trash be collected?

Trash is collected every other day currently.

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

We will keep our trash bags in our dumpsters.

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 nearby residents, employees and patrons?

N/A

ALCOHOL SALES

13.

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

Yes No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

PARKING AND ACCESS REQUIREMENTS

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

- 12 Standard spaces
- Compact spaces
- 1 Handicapped accessible spaces.
- Other.

Planning and Zoning Staff Only
Required number of spaces for use per Zoning Ordinance Section 8-200A _____
Does the application meet the requirement?
<input type="checkbox"/> Yes <input type="checkbox"/> No

B. Where is required parking located? (check one)

on-site

off-site

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

PLEASE NOTE: 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.

C. 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.

Parking reduction requested; see attached supplemental form

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

A. How many loading spaces are available for the use? _____

We will load and unload at the rear of the building if necessary. No loading or unloading necessary generally.

Planning and Zoning Staff Only
Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____
Does the application meet the requirement?
<input type="checkbox"/> Yes <input type="checkbox"/> No

B. Where are off-street loading facilities located? Right rear of the unit

C. During what hours of the day do you expect loading/unloading operations to occur?
Between 10:30 am and 10:30 pm

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
Twice a week.

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?
Street access is adequate

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?
1,400 sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ sq. ft. (total)

19. The proposed use is located in: (check one)
 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: Connected

End of Application



SUPPLEMENTAL APPLICATION

All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

1. How many seats are proposed?
Indoors: 23 Outdoors: _____ Total number proposed: 23

2. Will the restaurant offer any of the following?
Alcoholic beverages (**SUP only**) _____ Yes _____ No
Beer and wine — on-premises Yes _____ No
Beer and wine — off-premises _____ Yes _____ No

3. Please describe the type of food that will be served:
Japanese & 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? 1
Will delivery drivers use their own vehicles? Yes _____ No
Where will delivery vehicles be parked when not in use?
In front of store

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?
_____ Yes No
If yes, please describe:

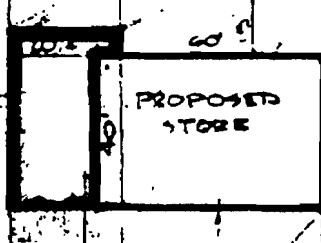
SCHEDULE A

DOGWOOD DRIVE (15' R/W)

TO BE DEDICATED FOR MUNICIPAL PURPOSES

N1°27'00"W
116.65'
C-2 ZONE

504



PROPOSED STORE

QUAKER LANE

LAND OF
CATHARINE DE TRELAUNEY
ALEXANDRIA, VIRGINIA
SCALE: 1"=50'



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2008-0022

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Wen Ji Zheng
Print Name of Applicant or Agent

Wen Ji Zheng 02/11/08
Signature Date

4002 28th Avenue, Apt. 303
Mailing/Street Address

646 287-7042
Telephone # Fax #

Temple Hills, MD 20748
City and State Zip Code

Email address

By unanimous consent, recommended approval. 7-0 5-6-08
ACTION-PLANNING COMMISSION: _____ DATE: _____
ACTION-CITY COUNCIL: CC approved the PC recommendation DATE: 5/20/08
7-0