

DOCKET ITEM #3

Special Use Permit #2009-0035

506 North Henry Street – Shanghai Peking Restaurant

4
9-12-09

Application	General Data	
Request: Consideration of a request for an amendment to add seating, allow on-premises alcohol sales, limit hours of operation, and change ownership at an existing restaurant.	Planning Commission Hearing:	September 1, 2009
	City Council Hearing:	September 12, 2009
Address: 506 N. Henry Street (Parcel Addresses: 1111 Oronoco Street & 525 N. Fayette St.)	Zone:	CRMU-H/Commercial Residential Mixed Use (High)
Applicant: Mei Duan Lin	Small Area Plan:	Braddock Road Metro

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.
Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov
<p><u>PLANNING COMMISSION ACTION, SEPTEMBER 1, 2009:</u> By unanimous consent, the Planning Commission <u>recommended approval</u> of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.</p> <p><u>Reason:</u> The Planning Commission agreed with the staff analysis.</p>
<u>CITY COUNCIL ACTION:</u>



SUP #2009-0035

09/01/09



I. DISCUSSION

REQUEST

The applicant, Mei Duan Lin, requests a special use permit amendment to add seating, add on-premises alcohol service, limit hours of operation, and change ownership at an existing restaurant located at 506 N. Henry St.

SITE DESCRIPTION

The subject property is one lot of record comprising the entire block surrounded by N. Henry, Oronoco, N. Fayette, and Pendleton Streets. The total lot area for the parcel is approximately 87,174 square feet (2.00 acres). The site is developed by the Monarch building which consists of residential condominiums on the upper floors with ground level retail. The existing 1,263 square-foot restaurant is located on the North Henry Street frontage.



The surrounding area is occupied by a mix of residential, retail, personal service and office and automotive repair uses. Other ground-floor retail uses in the building facing N. Henry Street include a salon/spa, a boxing/fitness studio, and a Starbucks. Immediately to the north of the subject site is an office building with a parking lot and small garage. To the south is a gas station/auto repair garage and to the southeast are residential townhouses. To the east is a day care center and office space. To the west is an auto garage, retail and office space. The property on the corner to the north-west of the subject property, 621 North Payne Street has been approved by City Council for a residential condominium project with ground-level retail.

BACKGROUND

On November 14, 2004 City Council granted approval of Development Special Use Permit #2003-0019 to build The Monarch, a building with 168 residential units and 16,000 square feet of ground-level retail. On January 8, 2008 City Council granted Special Use Permit #2007-0124 for the operation of a restaurant at this location.

On July 31, 2009 staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found two violations of the special use permit that have since been corrected. Although the existing Special Use Permit is not in the current business owner's name, this is a part of the applicant's current request.

PROPOSAL

The applicant proposes to add six indoor seats, add on-premises alcohol service, limit hours of operation, and change ownership of the business at an existing restaurant at 506 N. Henry St.

Hours:

Sunday-Thursday: 10:30 am – 10:00pm (Dine-in and Carry-out)
10:30 am – 12:00mid (Delivery)

Friday & Saturday: 10:30 am – 11:00pm (Dine-in and Carry-out)
10:30 am – 12:00mid (Delivery)

Number of seats: 12 (minimum) to 26 (maximum)

Type of Service: Table service, Carry-out, Delivery

Delivery Vehicles: One delivery vehicle

Alcohol: On-premises alcohol service only, from 11 a.m. to 10 p.m.

Entertainment: No live entertainment is proposed

Noise: No disruptive noise is expected

Trash/Litter: Typical restaurant trash will be picked up daily or as otherwise required based on volume

PARKING

Section 8-200(A)(8) of the Zoning Ordinance requires one parking space for every four restaurant seats. The restaurant will contain up to 26 indoor seats and up to 10 outdoor seats and therefore will be required to provide nine off-street parking spaces. Parking for all tenants of the first floor retail space in the Monarch mixed use development is provided on-site in the interior alley and in the underground parking garage accessed from Pendleton Street. Pursuant to DSUP #2003-0019, 73 parking spaces are required for the first-floor retail space and 75 are provided.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CRMU-H zone, Commercial Residential Mixed Use (high). Section 5-303 of the Zoning Ordinance allows a restaurant in the CRMU-H zone only with a special use permit.

The proposed use is consistent with the Braddock Road Metro Small Area Plan chapter of the Master Plan which designates the property for mixed-use residential and commercial.

II. STAFF ANALYSIS

Staff does not object to the applicant's proposal to add six indoor seats, add on-premises alcohol service, change hours of operation, and change the ownership of the business. Although some potential exists for impacts from loitering and alcohol service at this location, new and amended conditions of approval contained in Section III of this report should sufficiently mitigate any potential impacts.

An increase of six indoor seats at this location represents a minor increase that will give the applicant more flexibility and allow her the possibility of increased business. Staff believes that an increase of this size will not present significant additional noise, odor, trash or other impacts on the surrounding neighborhood.

Staff recognizes the potential for alcohol-related impacts on the Inner City neighborhood from the applicant's proposal. However, the applicant is proposing on-premises beer and wine service primarily to restaurant patrons to consume with their meals. It is not the applicant's concept for this establishment to be a destination for alcohol consumption. Furthermore, the restaurant does not offer live entertainment and will be prohibited from offering it. Staff believes, then, that the type of establishment the applicant operates presents a reduced potential for alcohol-related impacts.

Nonetheless, staff is recommending some limitations on the hours of alcohol service to further mitigate any alcohol-related impacts. These limitations represent a minor divergence from the restaurant's proposed hours of operation and will, from a practical standpoint, bring the hours of alcohol service at this establishment into conformance with other restaurants in the area.

Staff had recommended that the applicant revise her hours of operation to reflect her actual practice. Thus, the proposed hours are:

Sunday-Thursday: 10:30 am – 10:00pm (Dine-in and Carry-out)
 10:30 am – 12:00mid (Delivery)

Friday & Saturday: 10:30 am – 11:00pm (Dine-in and Carry-out)
 10:30 am – 12:00mid (Delivery)

Limiting on-premise alcohol service to the hours of 11 a.m. to 10 p.m. daily will be in substantial conformance with the hours of operation noted above, except for the first ½ hour each morning and one hour in the evening on Fridays and Saturdays.

The benefit of setting these limitations is that it will assure that the hours of alcohol service at this establishment are the same of the hours of service at other Inner City neighborhood restaurants. Although other establishments in the neighborhood may not have a specific limitation on their hours of alcohol service spelled out in their SUP, there is a de facto limitation for alcohol service in that most close their doors at or before 10 p.m. (i.e. LaPiazza).

Staff notes that it may be challenging to enforce hours for alcohol service that are different from the hours of operation at the restaurant. However, in this case, the divergence in hours is minor and the applicant understands the importance of the limitation both in discussions with staff and the community. Staff has discussed the applicant's proposal with the Inner City Civic Association (ICCA). The association has offered support of the applicant's proposal subject to four conditions that address its concerns about morning alcohol service, evening alcohol service, after-hours loitering in the outdoor dining area, and any potential for off-premises alcohol in the future. Staff understands that the applicant has agreed to these conditions and has signed a private memorandum with ICCA to that effect (see attached).

Finally, staff recommends two other changes to the conditions of approval. First, staff shares the concern of ICCA that the restaurant's eight outdoor seats, approved administratively in June 2009 pursuant to Condition #10, could potentially attract after-hours loiterers. Staff has therefore included a condition in Section III of this report that requires the applicant to either bring outdoor dining tables and chairs inside or otherwise secure them to prevent their after hours use, something she currently does in practice at this time. Also, staff has removed the portion of Condition #2 allowing the Planning Director, with the concurrence of the Chief of Police, to approve a minor amendment to extend the hours for dine-in and carry-out until midnight. The applicant has stated that she is not interested in expanding her evening hours and the condition is no longer necessary since the applicant now has the ability to apply for a minor amendment in the future as a result of the Small Business Zoning amendments to the Zoning Ordinance.

Subject to the conditions contained in Section III of this report, staff recommends approval of the applicant's Special Use Permit request.

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) (SUP#2007-0124)
2. **CONDITION AMENDED BY STAFF:** The dine-in and carry-out hours of operation shall be limited to ~~9:00 am~~ 10:30am – 10:00 pm, Sunday through Thursday and ~~9:00 am~~ 10:30am – 11:00 pm, Friday and Saturday. ~~After one year, the Planning Director with the concurrence of the Chief of Police, may approve a minor amendment to extend the hours for dine in and carry out until midnight.~~ Delivery service shall be allowed to operate until 12:00 am daily. (P&Z) (City Council) (SUP#2007-0124)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2007-0124)

4. 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#2007-0124)
5. 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. (P&Z) (SUP#2007-0124)
6. Interior storage cabinets, carts, window signs, posters, shelving, boxes, coat racks, storage bins, closets, and similar items shall not block the visibility of the interior of the store from the street. To the extent possible, the applicant shall provide seating/dining areas adjacent to the Henry Street windows. (P&Z) (SUP#2007-0124)
7. The window on the courtyard must have lighted display and/or signage to the satisfaction of the director of Planning & Zoning. (P&Z) (SUP#2007-0124)
8. The vestibule wall must allow the interior of the restaurant to be visible from the street to ensure an active street presence. (P&Z) (SUP#2007-0124)
9. The applicant must supply a trash removal plan to prevent the degradation of the interior courtyard to the satisfaction of the director of Planning & Zoning. (P&Z) (SUP#2007-0124)
10. **CONDITION AMENDED BY STAFF:** The restaurant shall contain a minimum of 12 seats and a maximum of ~~20~~ 26 seats indoors. Upon request by the applicant, staff may administratively approve outdoor dining of up to 10 seats on the site. (P&Z) (~~SUP#2007-0124~~)
11. All exterior signage must be compatible with the Monarch development to the satisfaction of the director of Planning & Zoning. (P&Z) (SUP#2007-0124)
12. **CONDITION AMENDED BY STAFF:** The maximum number of delivery vehicles operating from this restaurant shall be one (1). Delivery drivers must use off-street parking at all times. (P&Z) (~~SUP#2007-0124~~)
13. The applicant shall not permit carryout customers to loiter outside the business. (P&Z) (SUP#2007-0124)
14. **CONDITION SUPERCEDED BY STATE LAW AND DELETED BY STAFF:** ~~The applicant shall comply with any requirements adopted as a part of a smoke free ordinance. (P&Z) (SUP#2007-0124)~~
15. 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, 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#2007-0124)

16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES) (SUP#2007-0124)
17. 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#2007-0124)
18. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2007-0124)
19. 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) (SUP#2007-0124)
20. 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) (SUP#2007-0124)
21. 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) (SUP#2007-0124)
22. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2007-0124)
23. 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 and robbery readiness training for all employees. (Police) (SUP#2007-0124)
24. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2007-0124)

25. **CONDITION AMENDED BY STAFF:** Supply deliveries, loading or unloading activities to the business shall not take place shall not occur between the hours of 7:00 a.m. 11:00pm and 9:30 a.m. daily, or between 4:00 p.m. and 6:00 p.m.; Monday through Friday. (P&Z) (SUP#2007-0124)
26. 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#2007-0124)
27. **CONDITION ADDED BY STAFF:** No live entertainment shall be permitted either inside the restaurant or in any outdoor dining area. (P&Z)
28. **CONDITION ADDED BY STAFF:** On-premises alcohol service may be permitted only from 11:00 a.m. to 10:00 p.m. each day, but no off-premises alcohol sales shall be allowed. (P&Z)
29. **CONDITION ADDED BY STAFF:** Each day after the restaurant closes, tables and chairs used for outdoor dining shall be either brought inside the restaurant or stacked and secured outside in such a manner to preclude their after-hours use. (P&Z)
30. **CONDITION ADDED BY STAFF:** Meals ordered before the closing hour may be sold, but no new patrons may be admitted and no alcoholic beverages may be served after 10:00 p.m. and all patrons must leave by one hour after the closing hour. (P&Z)
31. **CONDITION ADDED BY STAFF:** 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)
32. **CONDITION ADDED BY STAFF:** Provide a menu or list of foods and equipment to be handled at this facility to the Health Department prior to opening. (Health)

STAFF: Gwen Wright, Division Chief, Department of Planning and Zoning;
Nathan Randall, 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) (SUP2007-0124)
- 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) (SUP2007-0124)
- R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP2007-0124)
- R-4 Supply 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) (SUP2007-0124)
- 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) (SUP2007-0124)
- R-7 The applicant shall require its employees who drive 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. (T&ES)
- C-1 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). (T&ES)
- C-2 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. (T&ES)

Code Enforcement:

- C-1 A new 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.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are no-transferable.
- C-3 This facility must meet current Alexandria City Code requirements for food establishments. Contact Environmental Health at 838-4400 ext. 255 to arrange for a “change of ownership” inspection.
- C-4 If changes to the facility are to be done, five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$ 200.00 fee for review of plans food facilities (Payable to City of Alexandria).
- C-5 Permits must be obtained prior to operation.(\$100.00 Payable to VDH)
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Certified Food Managers must be on duty during all hours of operation.
- C-8 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- C-9 Food must be protected to the point of service for outdoor dining.
- F-1 This facility is currently operating as under an Alexandria Health permit, issued to
- R-1 Provide a menu or list of foods and equipment to be handled at this facility to the Health Department prior to opening.

Parks and Recreation:

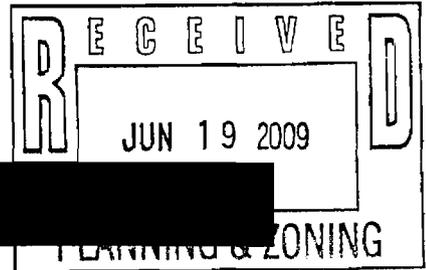
- C-1 Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owners front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1)

Police Department:

- F-1 Officer Charlette Young conducted a security assessment and robbery readiness training for this business on March 23, 2009. Therefore, no security assessment is requested.
- F-2 The applicant is seeking an "ABC On" license only. The Police Department has no objections.
- F-3 The Police Department has no objections to the change of ownership.



Sept.



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2009-0035

PROPERTY LOCATION: 506 N. Henry St.

TAX MAP REFERENCE: 064.01-03-10 ZONE: CRMM-H

APPLICANT: Mei Duan Lin
Name: Diamond Commercial, LLC

Address: 3719 Old Lee Highway, Suite 82A, Fairfax, VA 22030.

PROPOSED USE: chinese food 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.

Mei Duan Lin
Print Name of Applicant or Agent
506 N. Henry St.
Mailing/Street Address
Alexandria V.A 22314
City and State Zip Code

Mei Duan Lin
Signature
703-739-2211
Telephone #
703-739-2213
Fax #
Jianp6868@yahoo.com
Email address

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

PROPERTY OWNER AUTHORIZATION

As the property owner of 506 N. Henry Street, Alexandria VA 22304 I hereby

grant the applicant authorization to apply for the Chinese food restaurant use as

described in this application.

Name: Muhammed Al Motawakil Phone: _____

Please Print
Address: 925 Old Lee Hwy Suite 504, Alexandria VA 22304 Email: _____

Signature:  Date: 6/19/09

Room plan and plot/site plan. As a part of his application, the applicant is required to submit a floor plan and plot/site plan with the planning board of the proposed use. The STUP 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 waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. The applicant is the (check one):

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

REVISED

SUP # 2009-0035

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.

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. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

I Request Add Alcohol. and change
Ownership ~~and~~ at an existing restaurant
Alcohol will be served on premises only and
only during our current dine-in hours of
9am - 10:pm (Sunday - Thursday) and
9am - 11 pm (Friday and Saturday).

* I also request additional 6 seats indoors.
Total indoors seating will be 26 seats.

REVISED

SUP # 2009-0035

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: _____

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).

patron traffic will be concentrated around
normal and dinner hours.

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

Approximately 5 per shift.

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

Day: Sun - Thurs.

Hours: 9:00 am - 10:00 pm (Dinner and
carry out)

9:00 am - 12:00 mid (delivery)

Fri - Sat

9:00 am - 11:00 pm (Dine-in
carry out)

9:00 am - 12:00 mid (delivery)

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

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

There is expected to be no disruptive
noise from the use.

B. How will the noise be controlled?

Any noise will be confined within the
restaurant.

SJP 2009-0035
SUP # ~~2009-0124~~

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

The only possible odor will be that of cooking food, as with any restaurant. It will largely be
confined within the interior, as with any restaurant.

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)

Typical restaurant trash.

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

Typical restaurant amounts of trash.

C. How often will trash be collected?

Daily or as otherwise required by business volume.

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

The Monarch DSUP provides for the installation of 4 street trashcans on the blockfaces
adjacent to the site, and there will be trash disposal available within the restaurant.

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

[] Yes. [x] No.

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

SUP 2009-0035

SUP # ~~0070184~~

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:

General purpose cleaning supplies as typically found in restaurants, in amounts required by
business volume.

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

Typical restaurant methods.

ALCOHOL SALES

13.

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.

On-premises Beer and wine.

REVISED

SUP # 2009-0035

PARKING AND ACCESS REQUIREMENTS

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

_____ Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

77 Total ~~other~~ for commercial uses in surface lot.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A _____

Does the application meet the requirement?

Yes 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? 1

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?

Yes No

B. Where are off-street loading facilities located? In the interior alley of the monarch site.

C. During what hours of the day do you expect loading/unloading operations to occur?
Early morning.

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
3-5 days per week, or as required by business volume.

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.

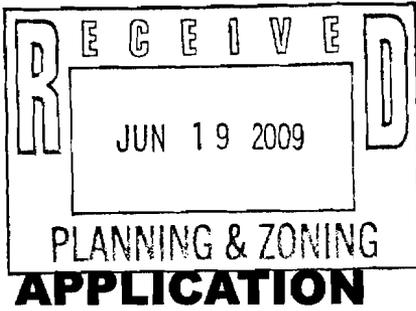
SITE CHARACTERISTICS

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?
1263 sq. ft. (existing) + _____ sq. ft. (addition if any) = 1263 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: the first-floor retail space in the monarch mixed-use development.

End of Application



REVISED

SUP # 2009-0035



RESTAURANT

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: 26 Outdoors: 8 Total number proposed: 34

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

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): [X] table service [] bar [X] carry-out [] delivery

5. If delivery service is proposed, how many vehicles do you anticipate? one Will delivery drivers use their own vehicles? [X] Yes [] No Where will delivery vehicles be parked when not in use? Park space ~~at~~ Rear of Restaurant

Already permitted by SUP 2007-0124.

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

Parking impacts. Please answer the following:

- 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

- 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

- 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 plan. 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.

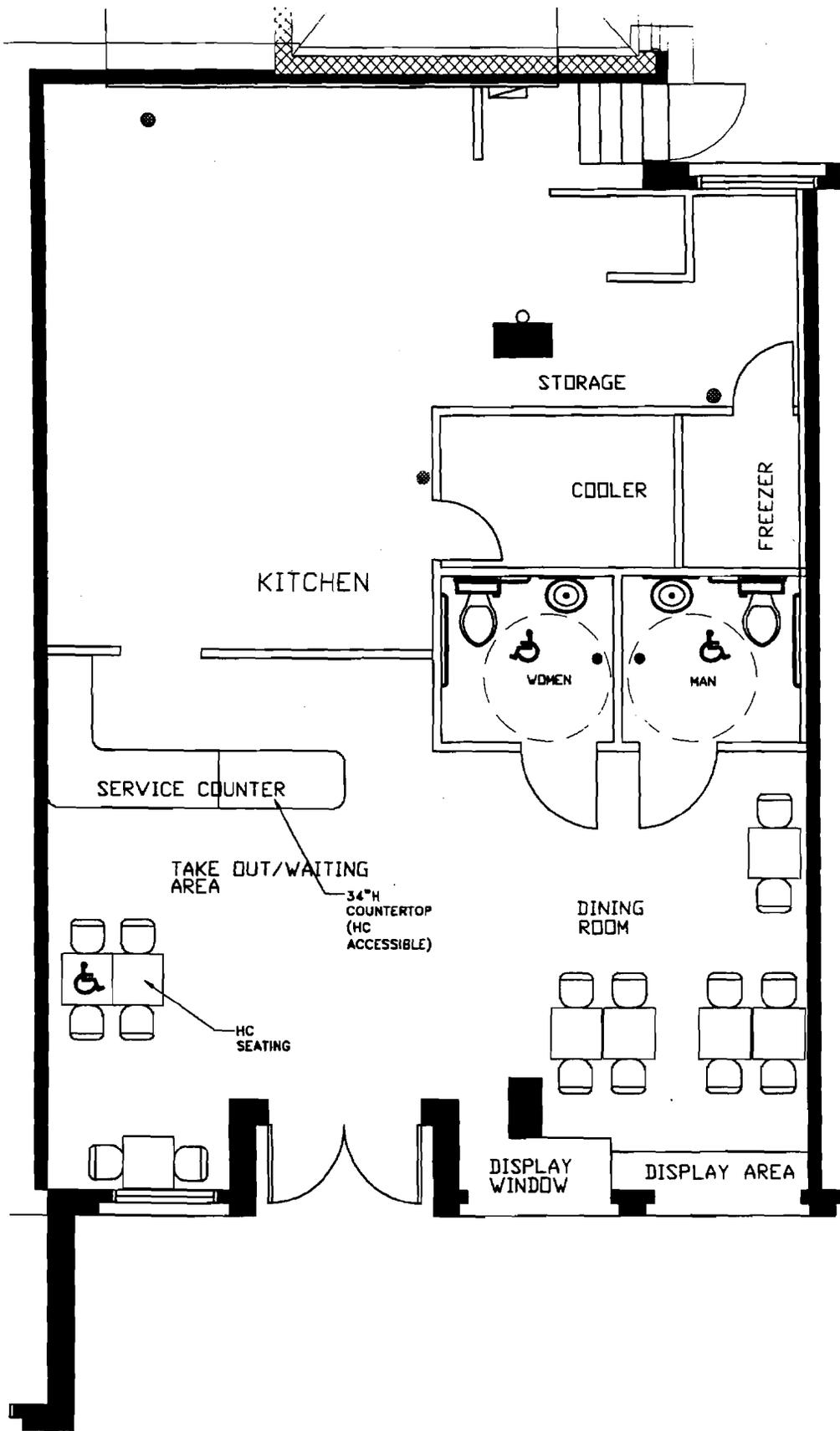
✓ **Alcohol Consumption and Late Night Hours.** Please fill in the following information.

- Maximum number of patrons shall be determined by adding the following:
 - + 34 Maximum number of patron dining seats
 - + _____ Maximum number of patron bar seats
 - + _____ Maximum number of standing patrons
 - = 34 Maximum number of patrons

- 5 Maximum number of employees by hour at any one time

- Hours of operation. Closing time means when the restaurant is empty of patrons.(check one)
 - Closing by 8:00 PM
 - Closing after 8:00 PM but by 10:00 PM
 - Closing after 10:00 PM but by Midnight
 - Closing after Midnight

- Alcohol Consumption (check one)
 - High ratio of alcohol to food
 - Balance between alcohol and food
 - Low ratio of alcohol to food



FURNITURE PLAN

SCALE: 1/4" = 1'-0"

August 19, 2009

Dear Mr. Randall:

I, Mei Duan Lin, the owner of Shanghai Peking restaurant at 506 N. Henry Street, agree to the limitation proposed in SUP2009-0035 that will change the approved opening hour for my restaurant to 10:30 am instead of the current 9:00am.

Sincerely,

Mei Duan Lin

A handwritten signature in black ink, appearing to read "Mei Duan Lin", written in a cursive style.

8/19/09



missz@aol.com

07/31/2009 10:51 AM

To hsdunn@ipbtax.com, komorosj@nasd.com, jlr@cpma.com,
erwagner@comcast.net, jjennings@casact.org,
Donna.Fossum@verizon.net, mslyman@verizon.net,
cc ha.ford123@yahoo.com, rimaca@verizon.net,
rcollinlee@gmail.com, landiscf@comcast.net,
faroll.hamer@alexandriava.gov,

bcc

Subject Comments on SUP2009-0035

History: This message has been forwarded.

Dear Mayor Euille, Members of City Council and Planning Commissioners:

I am writing on behalf of the Inner City Civic Association to comment on SUP2009-0035, a request from the Shanghai Peking restaurant at 506 N. Henry Street to amend its existing SUP to permit the on-premise sale of alcohol as well as provide outdoor seating. It is our understanding that this SUP will be on the docket at the September Planning Commission meeting.

While the Shanghai Peking has been a welcome neighbor, we believe that the addition of on-premise alcohol service and outdoor seating constitute significant and substantive changes to the original SUP. These material changes, in our opinion, require the City to return to standards implemented by the Inner City Civic Association in cooperation with the Alexandria Police Department years ago.

We refer you to the recorded testimony of former ICCA president Sarah Becker at Planning Commission on January 3, 2008, when she explained past policies, including the introduction of several business cards. Sarge's Restaurant and LaPiazza were among them.

We respectfully ask that the following changes be made to the SUP:

1. There shall be no on-premise service of alcohol products before 11:00 a.m. Monday through Sunday.
2. There shall be no on-premise service of alcohol after 10:00 p.m. Monday through Sunday.
3. Outdoor seats and tables shall not be left in place at the end of the day, but shall either be brought inside for the night or stacked and secured outside.

We believe that this request is the prelude to a more detailed future discussion of standard neighborhood hours and policies for the Inner City. The Inner City greatly appreciates Mayor Euille and Councilman Krupicka's long-range vision and concern for the neighborhood expressed at the January 2008 hearing on Shanghai Peking's initial SUP request, when they suggested that the civic association could return in the future and request standard hours.

We believe that the residential nature of our neighborhood, which has commercial buildings scattered among single family homes, is unlike King Street. This justifies a standard policy -- consistent with past practices established in the early 1990s -- regarding hours of alcohol service that will protect the peace and quietude of our residents. The neighborhood's well-documented history of nuisance crime related to alcohol, as well as our desire to treat all establishments equitably, justifies such a request.

On a final note, the ICCA Executive Board remains concerned that Planning & Zoning continues to omit key documents from the Planning Commission and Council dockets. In January 2008, neighbors closest to Shanghai Peking submitted a petition asking that the City move back the restaurant's initially proposed closing hour. This petition was not reproduced in the docket for the January 3, 2008 Planning Commission, nor for the subsequent Council hearing on January 12, 2008. We would like to formally

request that this document be added to the docket for the September 1, 2009 Planning Commission hearing on the Shanghai Peking as it demonstrates in writing the community's concern regarding operating hours.

Thank you.

On Behalf of the Executive Board of
the Inner City Civic Association

Leslie Zupan, President
1309 Queen Street
Alexandria, VA 22314
(703) 548-9489 (H)
(703) 980-2733 (Cell)
(202) 416-7755 (W)

An Excellent Credit Score is 750. See Yours in Just 2 Easy Steps!

1309 Queen Street
Alexandria, VA 22314
August 13, 2009

DELIVERED BY HAND

Nathan Randall
Department of Planning & Zoning
City Hall
301 King Street
Alexandria, VA 22314

Dear Nathan:

RE: SUP 2009-0035

Attached is a copy of the Memorandum of Understanding (MOU) signed by myself, as President of the Inner City Civic Association, and by Mei Duan Lin, owner of the Shanghai Peking Restaurant and the applicant for the Special Use Permit referenced above.

I met with Ms. Lin and ICCA 1st Vice President Heidi Ford yesterday, August 12 at 6:00 p.m. at the restaurant (located at 506 N. Henry St.) to discuss specific conditions in the SUP application. It was a congenial meeting and Ms. Lin and I, after thoroughly reviewing the document, both signed in the presence of Ms. Ford.

The conditions outlined in the signed MOU include those the ICCA requested in our E-mail to Council and Planning Commission of July 31 (copy attached).

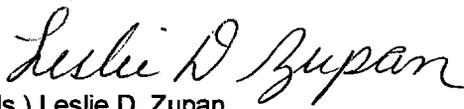
Given Ms. Lin's acceptance of the neighborhood's conditions, the ICCA is now prepared to support her SUP application.

Please note that this agreement as implemented is consistent with the precedents established in past years by ICCA president Sarah Becker.

ICCA requests that Planning & Zoning now amend the SUP application to reflect the agreement Ms. Lin has made with the community. We also ask that a copy of the MOU and this letter be entered into the record on this case.

Please contact me at (202) 416-7755 during business hours if you have any questions or comments. Thank you.

Sincerely,


(Ms.) Leslie D. Zupan
President, Inner City Civic Association

CC: Heidi Ford, ICCA 1st Vice President
ICCA Executive Board

Attachments (2)

MEMORANDUM OF UNDERSTANDING

We the undersigned, the owner/operator of the Shanghai Peking Restaurant, located at 506 N. Henry Street, and the President of the Inner City Civic Association mutually agree to the following:

1. Shanghai Peking will not serve alcohol before 11 a.m. Monday through Sunday.
2. Shanghai Peking will not serve alcohol after 10 p.m. Monday through Sunday.
3. Shanghai Peking's outdoor seating will either be brought inside the restaurant after closing or stacked and secured outside until opening hours.
4. At no time will the business request approval for an ABC license for off-premise (sometimes referred to as carry out) alcohol sales. In addition, the business agrees that any person who consumes alcohol on-premise but leaves intoxicated will be subject to all applicable laws relating to drunk and disorderly conduct.

This agreement is considered binding on the owner/operator of the Shanghai Peking with the present and future Boards of Directors of the Inner City Civic Association, regardless of any future change in business name, so long as the signatory holds the N. Henry Street lease.

Signed:



Mei Duan Lin
Owner/Operator, Shanghai Peking Restaurant



Leslie Zupan
President, Inner City Civic Association

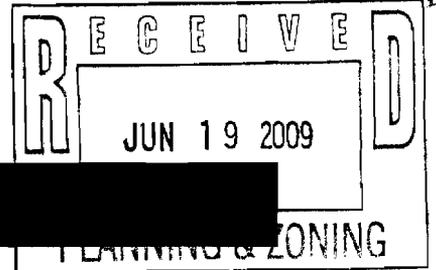
Date: 8/12/09

Date: 8/12/09

社会组织局关于酒的事



Sept.



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2009-0035

PROPERTY LOCATION: 506 N. Henry St.

TAX MAP REFERENCE: 064.01-03-10 ZONE: CRMM-H

APPLICANT: Mei Duan Lin
Name: ~~Diamond Commercial, LLC~~

Address: ~~3719 Old Lee Highway, Suite 82A, Fairfax, VA 22030.~~

PROPOSED USE: chinese food 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.

Mei Duan Lin
Print Name of Applicant or Agent
506 N. Henry St.
Mailing/Street Address
Alexandria V.A 22314
City and State Zip Code

[Signature]
Signature
703-739-2211
Telephone #
703-739-2213
Fax #
Jianp6868@yahoo.com
Email address

By unanimous consent, Recommended approval
ACTION-PLANNING COMMISSION: _____ DATE: 9/11/09
ACTION-CITY COUNCIL: _____ DATE: _____
CC approved PC recommendation 6-0 09/12/09