

EXHIBIT NO. 1

5  
5-12-07

Docket Item #4  
SPECIAL USE PERMIT #2007-0025

Planning Commission Meeting  
May 1, 2007

**ISSUE:** Consideration of a request for a special use permit amendment to change the ownership, hours, and number of seats for a restaurant.

**APPLICANT:** Kyong R. Yi

**STAFF:** James Hunt, Planner  
james.hunt@alexandriava.gov

**LOCATION:** 119 South Royal Street

**ZONE:** CD/Commercial Downtown

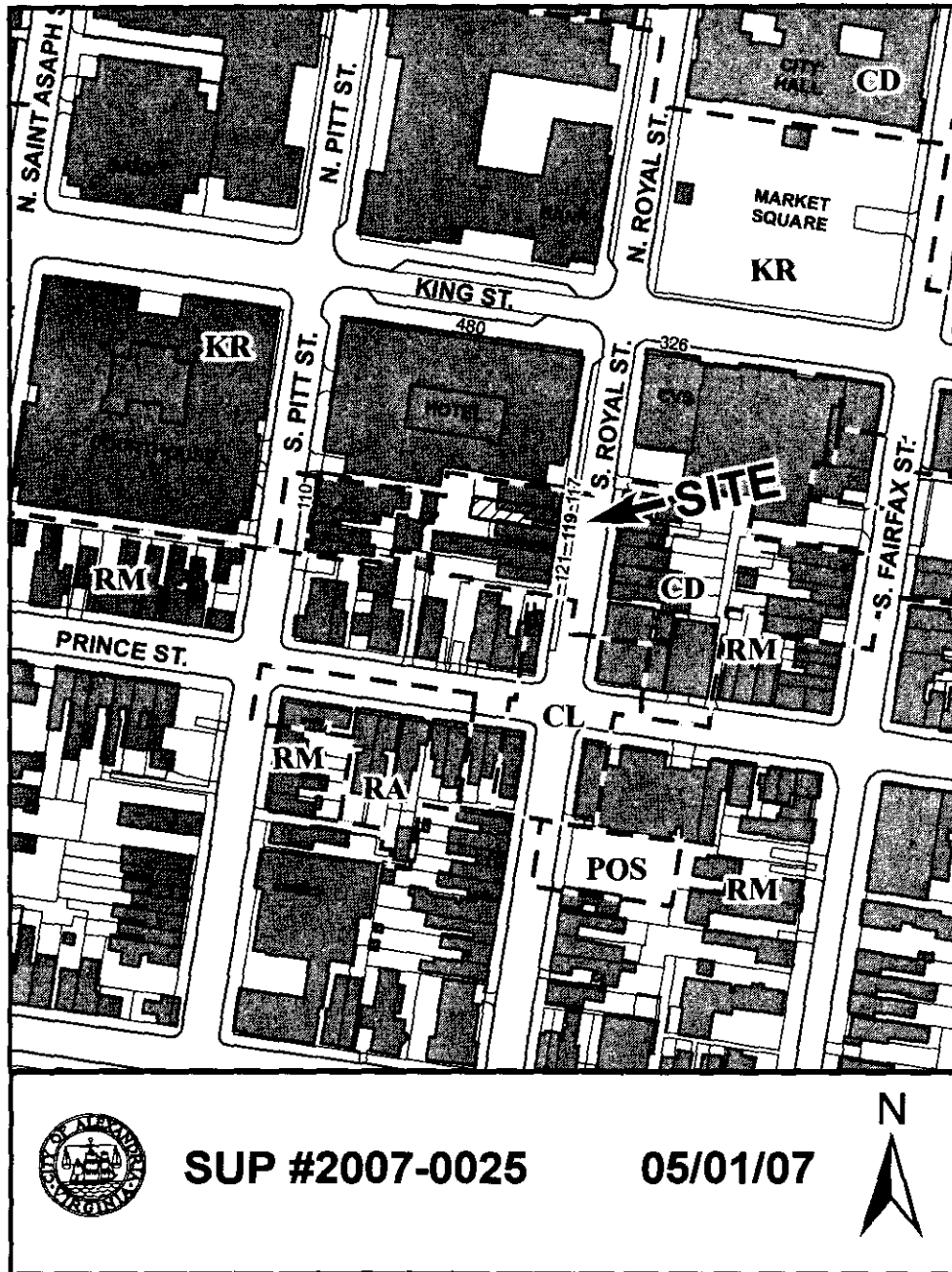
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**PLANNING COMMISSION ACTION, MAY 1, 2007:** By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

**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.

SUP#2007-0025  
119 South Royal Street



## I. DISCUSSION

### REQUEST

The applicant, Kyong R. Yi, requests special use permit approval for a change of ownership, hours of operation, and number of seats for a restaurant located at 119 S. Royal Street.

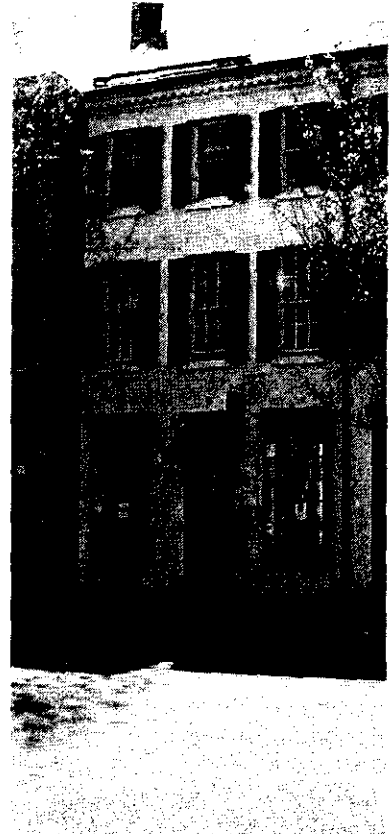
### SITE DESCRIPTION

The subject property is one lot of record with 20.7 feet of frontage on South Royal Street, 128 feet of depth and a total lot area of 4,001 square feet. The applicant proposes to occupy a vacant first floor space, previously occupied by Tea Cozy Restaurant.

The surrounding area is occupied by a mix of retail, residential, restaurant, office, and hotel uses. Immediately to the north is Shoe Hive (retail). To the east is a vacant retail space and to the west is Restaurant Eve. To the south is Goldsmith-Silversmith (retail).

### BACKGROUND

On October 12, 1991, City Council approved SUP#2532 to Vivian M. Bacon to operate a full service restaurant at 119 South Royal Street with a total of 44 seats. On October 17, 1992, City Council approved SUP#2532-A to Vivian M. Bacon for an extension to the previous special use permit approval. On October 16, 1993, City Council approved SUP#2532-B to Vivian M. Bacon for an increase in hours of operation for Tea Cozy Restaurant and to offer carry-out service. The Tea Cozy Restaurant ceased operations in February 2007.



### PROPOSAL

The applicant requests special use permit approval to change the ownership, increase the hours of operation, and increase the number of patron seating for a restaurant. The applicant proposes to operate a Euro-style café specializing in crepes, gourmet sandwiches, and salads along with coffee and tea. The operation of the restaurant as proposed by the applicant is as follows:

Hours:	Daily 9am- midnight
Number of seats:	55 indoors
Noise:	Noise impacts are not anticipated

Trash/Litter: Trash will be collected daily when the business is open. Trash will be stored inside or in a dumpster and staff will check for litter around the store, street frontage, alley, and nearby properties daily.

Alcohol: On-premise alcohol sales are being proposed.

Live Entertainment: No live entertainment is being proposed.

PARKING

According to Section 8-300 (B) of the Zoning Ordinance, parking provisions do not apply to restaurants located within the Central Business District.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CD/Commercial Downtown zone. Section 4-503 of the Zoning Ordinance allows a restaurant in the CD/Commercial Downtown zone only with a special use permit.

The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan which designates the property for commercial use.

**II. STAFF ANALYSIS**

Staff has no objection to the change of ownership, hours, and increased seating for the proposed restaurant. In fact, staff has recommended longer hours than requested, allowing the applicant to adjust their hours in the future if necessary. Staff finds the restaurant will continue to be an active use along the block and will also add to the mix of existing retail, hotel, and personal service uses in the area. In addition to an existing restaurant within the nearby Kimpton Hotel (previously Holiday Inn), the proposed restaurant will be the second restaurant use along the block and will serve residents of the neighborhood as well as people from nearby King Street. Staff has not received any complaints regarding the previous operation of a restaurant at the proposed location.

Staff finds the request for an increase in the number of restaurant seats, from currently 44 to the proposed 55 restaurant seats, to be reasonable. The applicant is not required to provide off-street parking; however, the Old Town Restaurant Policy does require restaurants to address the need for off-street parking. The applicant has agreed to condition #19, requiring participation in any organized program to assist with both employee and customer parking, and condition #9 requiring employees to park off-street. In addition, the applicant has agreed to give patrons a minimum \$1 discount for parking their vehicles in an adjacent parking garage.

Staff has included a series of standard conditions, including a condition requiring a review of the restaurant one year after approval so if there are any problems with its operation, additional conditions may be imposed. With the proposed conditions, staff recommends approval of the subject application.

### 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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2532)
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided inside for no more than 44-55 patrons. (P&Z) (SUP#2532)
3. **CONDITION DELETED BY STAFF:** ~~No Outside dining facilities shall be located on the premises. (P&Z) (SUP#2532)~~
4. No food, beverages, or other material shall be stored outside. (P&Z)(SUP#2532)
5. **CONDITION AMENDED BY STAFF:** ~~Trash and garbage shall be stored inside or in a dumpster. Trash and garbage shall be place 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#2532)~~
6. Trash and garbage shall be collected every day that service is available. (P&Z)(SUP#2532)
7. **CONDITION AMENDED BY STAFF:** ~~The hours of operation shall be limited to the following: Monday 10am-6pm, Tuesday-Thursday 10am-8pm, Friday 10am-10pm, Saturday 9am-10pm, and Sunday 10am-8pm The hours of operation shall be limited to 7am- Midnight Daily. (P&Z) (SUP#2532-B)~~
8. **CONDITION AMENDED BY STAFF:** ~~Alcoholic beverages shall be limited to ale, beer, cider, and wine to be consumed on- premise only- On-premise alcohol sales only are permitted. (PC)(SUP#2532) (P&Z)~~

9. CONDITION AMENDED BY STAFF: The applicant shall assist and require its employees who drive to use off-street parking. 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 (SUP#2532-A)(PC) (T&ES)
10. CONDITION AMENDED BY STAFF: One (1) standard city trash container shall be furnished to the City of Alexandria for installation by the City on the adjacent public right-of-way. Applicant shall contribute \$500.00 to the Streetscape Beautification 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) (SUP#2532-B) (P&Z)
11. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)(T&ES)(SUP#253B)
12. The applicant shall post the hours of operation at the entrance of the restaurant. (P&Z)(SUP#2532-B)
13. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)(SUP#2532-B)
14. 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)
15. CONDITION ADDED BY STAFF: 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)
16. CONDITION ADDED BY STAFF: All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)

17. **CONDITION ADDED BY STAFF:** The applicant shall provide storage space for solid waste and recyclable materials lined 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](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
18. **CONDITION ADDED BY STAFF:** The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Study. (P&Z)
19. **CONDITION ADDED BY STAFF:** The applicant shall comply with any requirements adopted as a part of a smoke-free restaurant ordinance. (P&Z)
20. **CONDITION ADDED BY STAFF:** Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
21. **CONDITION ADDED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey and robbery awareness program for employees. (Police)
22. **CONDITION ADDED BY STAFF:** Indoor live entertainment shall be permitted to the extent that no amplified sound is audible outside the restaurant. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z)

23. **CONDITION ADDED BY STAFF:** 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, Acting Director, Department of Planning and Zoning;  
James Hunt, Urban Planner.

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**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.
- R-2 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.
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line.
- R-4 The applicant shall provide storage space for solid waste and recyclable materials lined 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](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- R-5 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.
- R-6 Applicant shall contribute \$500.00 to the Streetscape Beautification 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.

- R-7 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.
- 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 A new Fire Prevention permit is required for the proposed operation due to a change in ownership. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-2 Any proposed additions and alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit (USBC 108.1). Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application (USBC 109.1).
- C-3 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-4 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.
- C-5 Any configuration of outdoor seating shall comply with the following conditions:

- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
- Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
- Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
- The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.

C-6 Any increase in occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are not transferable.
- C-3 This facility must meet current Alexandria City Code requirements for food establishments. Contact Environmental Health at 838-4400 ext. 250 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 \$135.00 fee for plans review of food facilities.
- C-5 Permits must be obtained prior to operation.
- 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.
- F-1 This facility is currently operating as The British Connection C., LLC under the Health Permit issued to The British Connection Company, LLC.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

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 a robbery readiness program for all employees.
- F-1 The applicant is seeking an "ABC On" license only. The Police Department has no objections.
- F-2 The Police Department completed a crimes history check for the address of 119 South Royal Street. No incidents were reported for that address. Therefore, the Police Department has no objections to the extended hours and increased seating.

BAR:

- F-1 The subject property is located in the Old and Historic Alexandria District and is under the jurisdiction of the Old and Historic Alexandria Board of Architectural Review (BAR). The Special Use Permit is for a change of ownership, hours and number of seats for a full restaurant use. From the application, there does not appear to be any proposed exterior changes at this time. However, the applicant is reminded that any further exterior changes, including signage, lighting, window replacement, kitchen exhaust and/or new HVAC vents or fixtures, or other alterations visible from a public right-of-way would need to be submitted for review and approval by the BAR Staff and the Board of Architectural Review. It is the applicant's responsibility to inform BAR Staff when new signage, lighting, or other external alterations are proposed which require BAR review and approval.



# APPLICATION

## SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** 2007-0025

**PROPERTY LOCATION:** 119 South Royal street

**TAX MAP REFERENCE:** 074.02-07-02 **ZONE:** CD

**APPLICANT**

Name: Fontaine Inc

Address: 2059 Huntington Ave #515 Alexandria, VA 22303

**PROPERTY OWNER**

Name: Bartons Royal street Properties LLC

Address: 6201 Hillvale Place, Alexandria, VA 22307

**PROPOSED USE:**

Full service restaurant,  
change ownership, change hours, change # seats

**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 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.

Kyong R. Yi  
Print Name of Applicant or Agent

2059 Huntington Ave #515  
Mailing/Street Address

Alexandria, VA 22303  
City and State                      Zip Code

[Signature]  
Signature

(571) 228-9290  
Telephone #                      Fax #

Kyongranyi@yahoo.com  
Email address

Feb 19, 2007  
Date

**DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY**

Application Received: \_\_\_\_\_ Date & Fee Paid: \$ \_\_\_\_\_

ACTION - PLANNING COMMISSION: \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_

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# APPLICATION

## SPECIAL USE PERMIT

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

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

Kyong R. Yi 100%

2059 Huntington Ave #515

Alexandria, VA 22303

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 11" x 17" or smaller. Twenty-four copies are required for plans larger than 11" x 17" 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.

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**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 include 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.)

The restaurant will be an elegant Euro-style Cafe serving approximately <sup>59</sup> people. It will be a full-service restaurant that specializes in crepes. It will offer savory and sweet crepes, gourmet sandwiches and salads along with the specialty coffee and tea; In addition, beer and wine to be consumed on-premise.

The types of patron we are targeting are educated and affluent diners who are looking for a casual upscale dining experience, baby boomer and retirees who work and live in and around Old Town, and local shoppers, business, and visitors.

A staff of 5 to 6 employees will operate the restaurant. Due to the style of the restaurant and types of patron we are targeting, noise generated will be limited.

We will be open 7 days a week as follow: Monday - Sunday 9am ~~11pm~~ <sup>midnight</sup>

Parking subsidy will be provided to employees and patrons by arrangement with nearby parking garages.

**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).

An estimate of 110 patrons per day.

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

A staff of 5 to 6 employees will operate the restaurant on a daily basis.

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

Day:

Hours:

Monday - Sunday

9 AM - Midnight

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

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

No loud noise is anticipated from equipment.  
No loud noise is anticipated from our patrons.

B. How will the noise from patrons be controlled?

Due to the nature of "creperie and specialty cafe" types of restaurant, we do not expect to attract loud "partying" patrons and noise generated to be limited.



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

any potential ~~air~~ odors from food preparation will be  
controlled by the mounted kitchen fans.

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 generated will be typical emptied boxes,  
containers, and trash generated from food preparation.

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

Anticipated trash generated will be 3 to 5 30 gallon  
trash bags daily during the operation.

C. How often will trash be collected?

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

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

Trash and garbage will be stored inside or in a  
 dumpster and staff will regularly check for litter  
around the store front street, alley, and nearby properties.

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:

General cleaning soaps and detergent will be used  
and it will be stored in closet. an estimated use will be  
1 gallon per bi-monthly and flushed in normal manner.

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

staff will be educated and informed on the public health  
requirement and safety food handling well as robbery awareness  
program. We will maintain premise that is safe for staff and patron, and  
nearby residents and businesses by working with the city and state.

**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.

We will serve beer and wine to be consumed  
on-premise 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?

1 spaces per 4 seats. Exempt from parking requirement

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? (check one)

- on-site
- off-site

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

\* Note: parking subsidy will be provided to employees and patrons by arrangement with nearby parking garages.

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?

N/A

B. How many loading spaces are available for the use?

N/A

C. Where are off-street loading facilities located?

loading and unloading of goods will be from street front of the building to service entrance through side alley.

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

It will be done during the hours of 9AM-11AM or 2pm-4pm.

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

It will be done 2-3 times a week.

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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 to the subject property  
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?

1235 sq. ft. (existing) + 0 sq. ft. (addition if any) = 1235 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: \_\_\_\_\_

# REVISED

SUP # 2007-0025  
Admin-Use Permit # \_\_\_\_\_



## SUPPLEMENTAL APPLICATION

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: 55      Outdoors: 4      Total number proposed: 59

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:  
It will specialize in crepes. It will offer  
crepes, gourmet sandwiches, and salads

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? N/A  
Will delivery drivers use their own vehicles?      \_\_\_\_\_ Yes      \_\_\_\_\_ No  
Where will delivery vehicles be parked when not in use?  
\_\_\_\_\_

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

**Parking impacts.** Please answer the following:

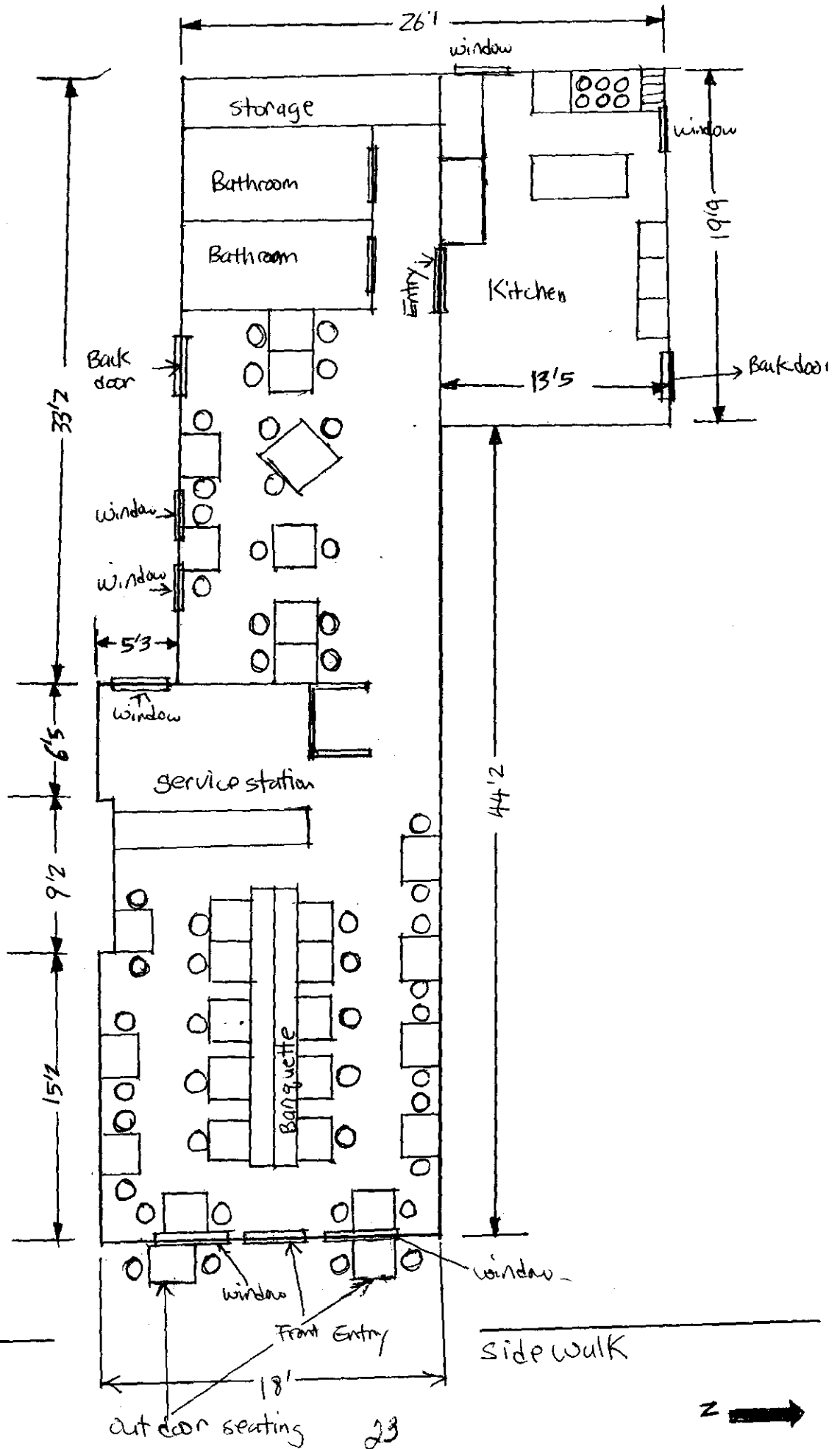
1. What percent of patron parking can be accommodated off-street? (check one)  
 100%  
 75-99%  
 50-74%  
 1-49%  
 No parking can be accommodated off-street
  
2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)  
 All  
 75-99%  
 50-74%  
 1-49%  
 None
  
3. 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.

1. Maximum number of patrons shall be determined by adding the following:  
+ 63 Maximum number of patron dining seats  
+ 0 Maximum number of patron bar seats  
+ 0 Maximum number of standing patrons  
= 63 Maximum number of patrons
  
2. 6 Maximum number of employees by hour at any one time
  
3. 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
  
4. Alcohol Consumption (check one)  
 High ratio of alcohol to food  
 Balance between alcohol and food  
 Low ratio of alcohol to food

Revised



Union floor Plan

119 South Royal st.

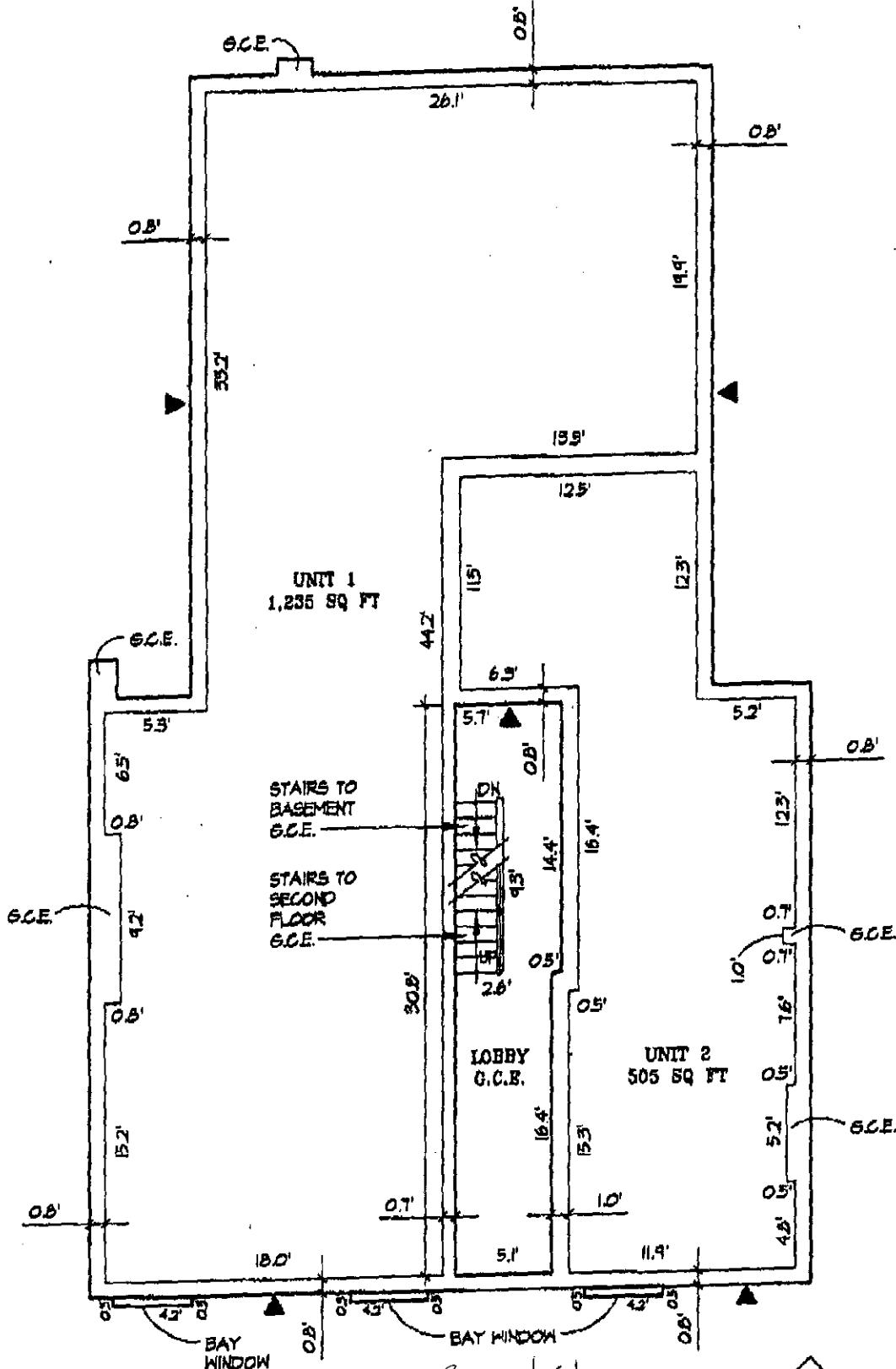
31P0007-0005

South Pitt Street

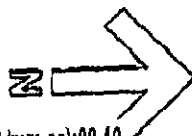
SLIP 2007-0025

Prince Street

King Street



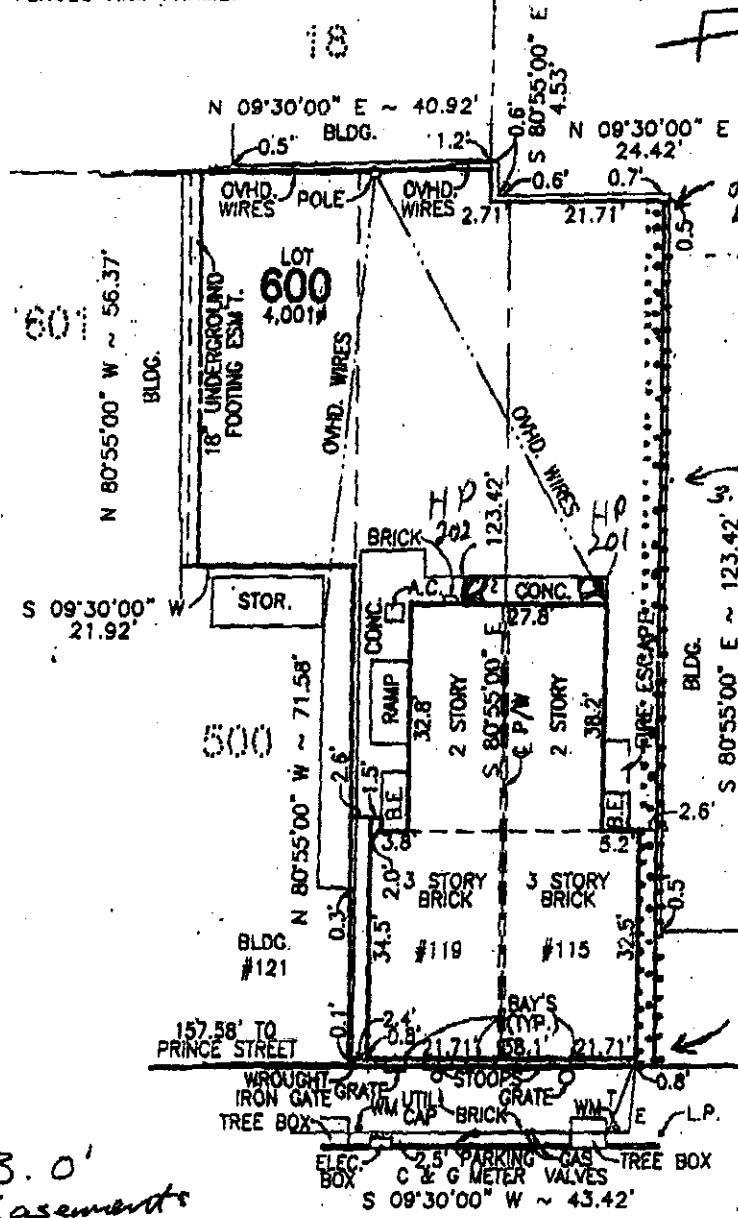
119 South Royal St  
**FIRST FLOOR**





NOTE: NO CORNER MARKS SET.  
FENCES ARE FRAME.

*SUP 2007/0625*



2.0  
Joint Easement Area  
ENDING

3.0 Joint Easement Area  
GADSBY Lodging Associates LLC  
480 King Street  
(Holiday Inn)

3.0 Joint easement area  
-Beginning-

3.0' Easements  
Begins From  
GADSBY Lodging  
Associates, LLC  
Property going 2.6'  
into South  
Royal Company LP

S. ROYAL STREET MON. LINE

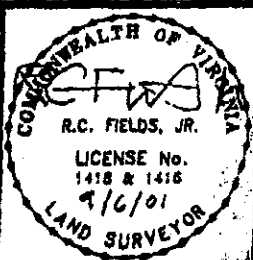
PLAT  
SHOWING PHYSICAL IMPROVEMENT SURVEY  
OF THE PROPERTY LOCATED AT  
**115 THRU 119 S. ROYAL STREET**  
CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20'  
DATE: SEPTEMBER 8, 2001

CASE NAME: TURNER

PLAT SUBJECT TO RESTRICTIONS OF RECORD.  
TITLE REPORT NOT FURNISHED. THUS ALL EASEMENTS MAY NOT BE SHOWN.

**R.C. FIELDS, JR. & ASSOCIATES**  
A PROFESSIONAL CORPORATION  
718 JEFFERSON STREET, ALEXANDRIA, VIRGINIA 22314  
TEL (703) 548-4434 FAX (703) 548-8452



I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY THIS TRANSITABLE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.



1235 South Clark St Suite 704  
 Arlington, VA 22202-3843  
 (202) 312-1346

**COUPON ORDER FORM**

Customer Name Fontaine Inc.

Address: C/O Kyong R. Yi  
2059 Huntington Ave # 515, Alexandria, VA 22303

Suite# 515 Telephone # (571) 228-9290

Customer # \_\_\_\_\_

Location Name City of Alexandria

Date 4/16/2007 Customer Number \_\_\_\_\_

All Day = \$80.00 per sheet (\$8.00 per coupons X 10) = \$80.00

One Hour \$10.00 per sheet (\$1.00 per coupons X 10) = \$10.00

Type of Coupon	Quantity	Each Unit Cost	Total
One Hour	50	10.00	500.00

**Please fill out this information and fax this form to:**

**Standard Parking Accounting Office –**

**Attn: Alicia Newman at (202) 312-1345**

**Please give Two days notice and allow Two days to process**

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**Validation Agreement**  
(Underlying Management Agreement)

This Validation Agreement (this "Agreement") is made and entered into as of April 16, 2007, between Standard Parking Corporation ("Standard"), having an address of 900 N. Michigan Avenue, Suite 1600, Attn: Legal Department, Chicago, Illinois, and Fontaine, Inc. ("Tenant"), having an address of 2059 Huntington Ave #515, Alexandria, VA 22303 whereby Tenant agrees to pay Standard for the value of parking privileges granted by Standard to Tenant's patrons who present validated parking tickets to Operator at the parking facility located at: 108 N. Fairfax Street #111 S. Pitt Street (the "Facility").  
Alexandria, VA 22314

**Term.** This Agreement shall commence on the date above and shall continue thereafter from month to month unless and until either party gives thirty (30) days' prior written notice of non-renewal, unless terminated earlier in accordance with the following sentence. Standard may terminate this Agreement immediately upon written notice to Tenant in the event that (i) Standard's underlying agreement to manage or operate the Facility shall terminate or expire, regardless of reason, (ii) Tenant breaches any provision of this Agreement, or (iii) the owner and/or landlord of the Facility requires Standard to terminate this Agreement, regardless of reason.

**Rates.** The validated parking rates to be charged to Tenant during this Agreement will be the same daily parking rates charged to the general public at the Facility, as may be changed from time to time without Tenant approval.

**Coupon.** Standard will honor the following Coupon provided and used by Tenant:

(staple a copy of coupon here)

The parties agree that in no event shall Standard be responsible or liable for any monies or losses in connection with any counterfeit coupons whether generated or used by a customer, an employee or otherwise.

**Billing; Payment.** Standard will (i) collect from Tenant's parking patrons all validated parking tickets (and any portion of the parking charge to be paid directly by the patron), and (ii) submit to Tenant on a monthly basis an invoice reflecting the aggregate validated parking charges due Standard for the preceding month. Tenant shall make payment to Standard within thirty days of Tenant's receipt of the invoice. If Tenant fails to make any payment hereunder when due, then

© 2004 Standard Parking

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Standard may, with or without terminating this Agreement, charge interest at the highest legal rate on the unpaid balance and Tenant shall be responsible for reimbursing Standard for any and all costs and expenses (including, without limitation, legal fees and court costs) incurred by Standard in collecting same. Standard shall retain all parking tickets at Standard's office for ninety (90) days after processing and Tenant shall have the right to audit such tickets at Standard's office during the 90-day period upon advance notice to Standard and during Standard's normal business hours.

**Miscellaneous.** This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and can only be amended by a signed written agreement between the parties. Neither party shall be deemed the drafter of this Agreement and the laws of the state in which the Facility is located shall govern. Tenant shall not assign this Agreement without Standard's prior written consent. Tenant shall not be deemed or construed as a partner, agent or joint venturer with Standard.

Standard Parking Corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Fontaine Inc  
By: Kyong R. Yi  
Name: [Signature]  
Title: President

**This Agreement is not authorized or valid unless signed by an employee of Standard Parking Corporation holding the position of Regional Manager or higher.**

AGREEMENT APPROVED BY OWNER:

\_\_\_\_\_  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

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# APPLICATION

**SPECIAL USE PERMIT**

**SPECIAL USE PERMIT #** 2007-0025

**PROPERTY LOCATION:** 119 South Royal street

**TAX MAP REFERENCE:** 074.02-07-02 **ZONE:** CD

**APPLICANT**

Name: Fontaine Inc

Address: 2059 Huntington Ave #515 Alexandria, VA 22303

**PROPERTY OWNER**

Name: Bartons Royal street Properties LLC

Address: 6201 Hillvale Place, Alexandria, VA 22307

**PROPOSED USE:**

Full Service restaurant,  
Change ownership, change name, change # units

**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 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.

Kyong R. Yi  
Print Name of Applicant or Agent  
2059 Huntington Ave #515  
Mailing/Street Address  
Alexandria, VA 22303  
City and State Zip Code

Kyong Yi  
Signature  
(571) 228-9290  
Telephone # Fax #  
Kyongranyi@yahoo.com  
Email address  
Feb 19, 2007  
Date

**DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY**

Application Received: \_\_\_\_\_ Date & Fee Paid: \$ \_\_\_\_\_  
ACTION-PLANNING COMMISSION: By unanimous consent, recommended approval May 1, 2007  
ACTION-CITY COUNCIL: 5/12/07 - CC approved the PC recommendation 6-0

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