EXHIBIT NO. 15
2-12-11

DOCKET ITEM #4

Special Use Permit #2010-0082
1012 King Street- Boccato Gelato

Application	General Data	
Consideration of a request to operate a restaurant.	Planning Commission Hearing:	February 1, 2011
	City Council Hearing:	February 12, 2011
Address: 1012 King Street	Zone:	KR/King Street Retail
Applicant: Boccato, LLC	Small Area Plan:	Old Town

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

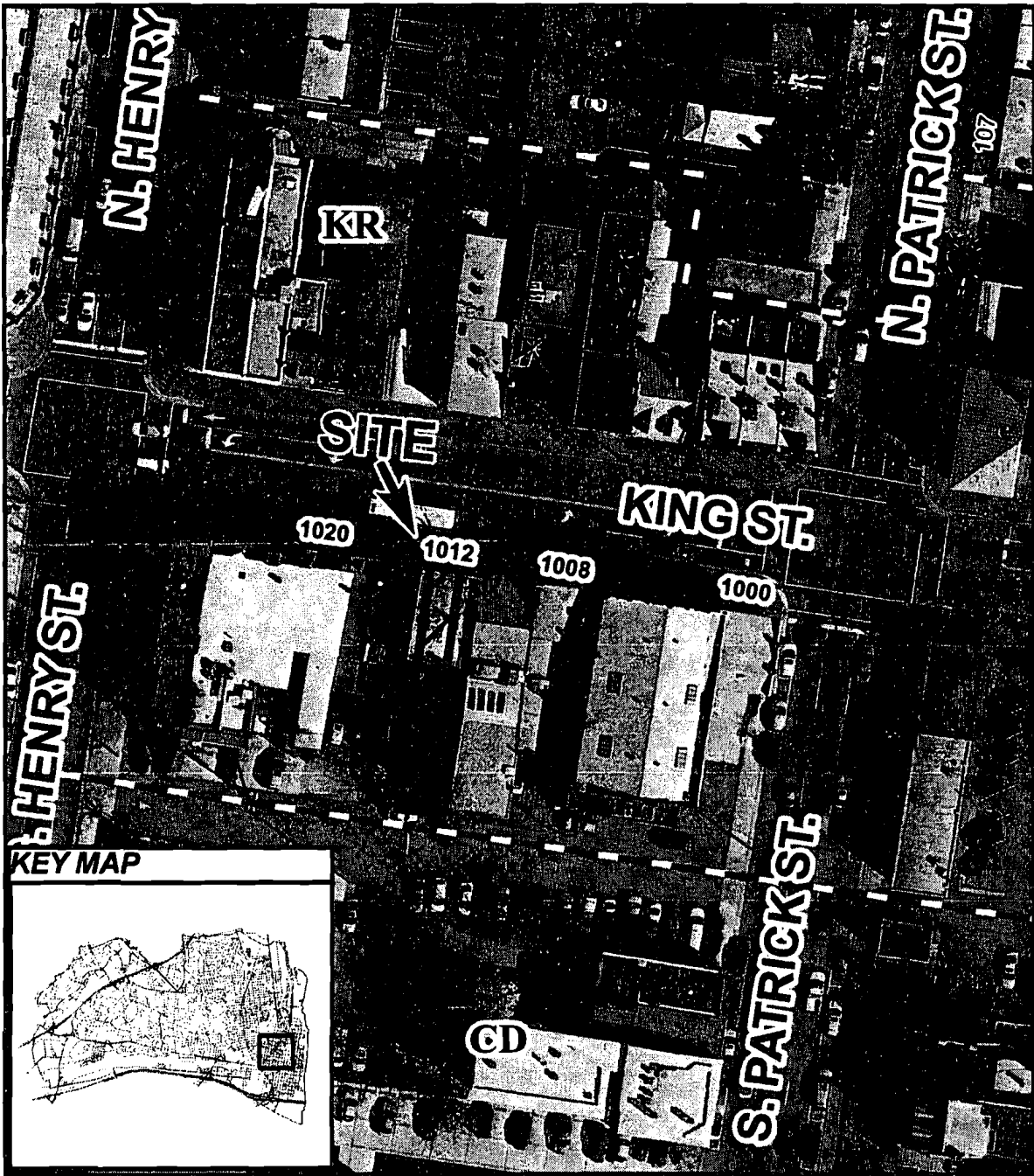
PLANNING COMMISSION ACTION, FEBRUARY 1, 2011: On a motion by Mr. Wagner, seconded by Ms. Fossum, the Planning Commission recommended approval of the request, with an amendment to Condition #3 increasing the maximum number of seats at the restaurant to 40 and subject to compliance with all applicable codes, ordinances and staff recommendations. The motion passed on a vote of 6 to 0, with Mr. Robinson absent.

Reason: The Planning Commission agreed with the staff analysis and the request by the applicant to increase seating at the restaurant.

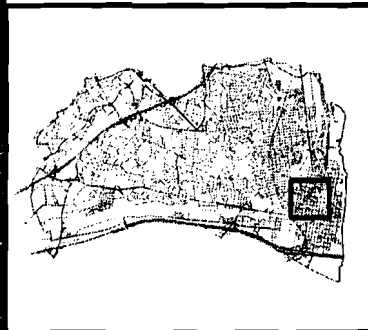
Speakers:

Rob Shelton, applicant, spoke in favor of the request and asked the Commission to increase seating and allow live entertainment at the gelato shop.

Boyd Walker, local business owner, spoke in favor of the increased seating and live entertainment.



KEY MAP



SUP #2010-0082 2/1/2011



I. DISCUSSION

The applicant, Boccato LLC by Rob Shelton, requests Special Use Permit approval for the operation of a gelato and coffee shop (restaurant) at 1012 King Street.

SITE DESCRIPTION

The subject property is one lot of record with approximately 25 feet of frontage on King Street, 100 feet of depth, and a total lot area of 2,500 square feet. The site is developed with a three-story mixed-use building. Commercial space is located on the bottom floor with two levels of residential apartments located above.



The surrounding area is mostly occupied by a mix of commercial uses, including professional offices, several retail shops, three restaurants, a cupcake bakery, a hair salon and an art studio.

BACKGROUND

The historic building on the property was built in approximately 1877 and significantly renovated in 1965.

PROPOSAL

The applicant proposes to operate 1,125-square foot gelato and coffee shop. The restaurant will both produce and sell gelato at this location in addition to selling coffee and bakery products. Additional elements of the applicant's proposal are as follows:

- Hours: 7:00am – 11:00pm Monday-Friday
8:00am – 11:00pm Saturday and Sunday
- Number of seats: 24 seats
- Type of Service: Dine-in and carry-out
- Customers: Approximately 90 customers/day
- Alcohol: No alcohol service is proposed
- Entertainment: No live entertainment is proposed

- Delivery: No delivery service is proposed
- Noise: Coffee grinders would be the noisiest equipment used at restaurant
- Trash/Litter: Approximately 10 bags of trash will be generated per week, which will be collected once/week

PARKING

The subject property is located within the Central Business District (CBD). According to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are exempt from parking requirements.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the KR/King Street Retail Zone. Section 4-503(W) of the Zoning Ordinance allows a restaurant in the KR 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 supports the applicant's proposal to operate a gelato and coffee shop in this location. The restaurant is not expected to have significant impacts on the neighborhood since it is relatively small, will not offer alcohol or live entertainment, and will not have late-night hours. Staff also concludes that the proposal is consistent with the Old Town Restaurant Policy, which requires a review of its impact on parking, late night hours, alcohol, litter, and diversity of uses.

Parking

Although the proposal has some potential for parking impacts on the neighborhood, it is small given that the restaurant will have only 24 seats. Furthermore, unlike some restaurants in this vicinity, the applicant reports that he has the use of two off-street parking spaces located immediately behind the building. Nonetheless, similar to other restaurants approved recently on King Street, staff is recommending condition language to require the applicant to participate in any organized parking program that may be developed for this area in the future.

Late-Night Hours and Alcohol

The Old Town Restaurant Policy is designed to anticipate the possibility that a combination of late-night hours and alcohol could create neighborhood impacts. In this case, the applicant proposes to operate the restaurant until 11:00pm daily, which is earlier than some restaurants in the area. Given that the applicant is also not proposing any alcohol service or live entertainment, no neighborhood impacts of the type contemplated in the Policy are expected here.

Litter

Some potential for litter could arise here since take-out service will be a significant feature of the restaurant. However, the small size of the restaurant should mitigate this impact. Additionally, staff has recommended standard condition language (Condition #18) requiring the applicant to pick up litter on the property and surrounding area at least twice a day and more often if necessary.

Diversity of Uses

Staff acknowledges concerns, especially those reflected in the King Street Retail Policy, about restaurant uses replacing retail uses. However, staff does not consider that to be an issue here given that the tenant space has been vacant for some time and the prior use of the space was as a hair salon. In addition, the restaurant will not impact the balance of uses on this diverse block of King Street, which features an array of commercial uses, including a bookstore, home furnishing stores, and other retail establishments.

Staff concludes that the proposal is consistent with the Old Town Restaurant Policy and is a reasonable use in this location that is not likely to create negative impacts for the surrounding community. In addition to standard conditions of approval, staff is also recommending an earlier start time of 7:00am on the weekends, to be consistent with the applicant's proposal for weekday hours and to provide additional flexibility. Subject to the conditions contained in Section III of this report, staff recommends approval of this 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)
2. The hours of operation of the restaurant shall be limited to between 7:00am and 11:00pm seven days/week. (P&Z)
3. **CONDITION AMENDED BY PLANNING COMMISSION:** The maximum number of indoor seats at the restaurant shall be ~~24~~ 40, subject to final staff approval. Additional outdoor seating may be provided on the premises subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program. (P&Z) (PC)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. No live entertainment shall be permitted either inside the restaurant or in any future outdoor dining area. (P&Z)

6. No delivery service shall be available from the restaurant. (P&Z)
7. No alcohol service shall be permitted at the restaurant. (P&Z)
8. Meals ordered before the closing hour may be sold, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour and all patrons must leave by one hour after the closing hour. (P&Z)
9. 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)
10. No food, beverages, or other material shall be stored outside. (P&Z)
11. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
12. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)(T&ES)
13. 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. (PC) (P&Z)(T&ES)
14. 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 Strategy. (T&ES)
15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
16. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
17. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

18. 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)
19. The applicant shall 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)
20. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
21. 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)

STAFF: Barbara Ross, Deputy Director, 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)
- 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, and no amplified sounds shall be audible at the property line.(T&ES)
- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 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-6 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 Strategy. (T&ES)
- R-7 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 Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 519-3486, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (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:

F-1 The SUP application, correctly, proposes to operate a “restaurant” at 1012/1014 King Street. Normally this would be classified as an A-2 Use Group classification for building code purposes. However, the 2006 edition of the code considers a building or space serving food used by less than 50 people be classified as a “B” use group. Please provide the current or most recent use of the first floor in order to determine if the proposed alterations constitute a “change of use” as defined by the building code. Until this is established, specific requirements cannot be determined.

Health:

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 \$200.00 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.

BAR:

F-1 1012 King Street is located in the Old and Historic Alexandria Historic District and is under the jurisdiction of the Old and Historic Alexandria Board of Architectural Review (BAR). The application is for an SUP in order to operate a Gelato/Coffee Shop on the first floor of the subject building. While no additional exterior alterations or demolition appears to be proposed for this building which has not already been approved by the BAR at 1012 King Street, the applicant is reminded that any exterior changes to the building, which is visible from a public-right-of-way, including but not limited to installation of new signage, window replacements, roofing, repairs to the exterior masonry, fencing, exterior light fixtures, and any exterior demolition or encapsulation greater than 25 square feet requires approval by the Board of Architectural Review. It is the applicant’s responsibility to inform BAR Staff should such issues develop.

Parks and 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 assessment 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.
- F-1 The applicant is not seeking an A.B.C. permit. The Police Department concurs.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2010-0082

PROPERTY LOCATION: 1012 KING STREET

TAX MAP REFERENCE: 074.01-05-07 **ZONE:** KR

APPLICANT:
Name: BOCCATO, LLC

Address: 2719 WILSON BLVD., ARLINGTON, VA 22201

PROPOSED USE: GELATO & COFFEE SHOP
(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.

Rob Shelton
Print Name of Applicant or Agent
2719 WILSON BLVD.
Mailing/Street Address
ARLINGTON, VA 22201
City and State Zip Code

JRS/WT 11/29/10
Signature Date
703 200 3200
Telephone # Fax #
jamesrobertshelton@yahoo.com
Email address

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

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 1012 King Street, I hereby
 (Property Address)
 grant the applicant authorization to apply for the Restaurant use as
 (use)
 described in this application.

Name: Castle + Pembroke LLC Phone 703-548-3022
 Please Print
 Address: 108 N. Payne St - Alexandria VA 22311 Email: mcgrath@mcgrathlegal.com
 Signature: [Signature] Date: 11/26/10
Ian McGrath, Managing Member

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.

ROB SHELTON

CRISTIAN VELASCO

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. 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. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. ROB SHELTON	2719 WILSON BLVD Arlington, VA 22201	50%
2. CRISTIAN VELASCO	2719 WILSON BLVD Arlington, VA 22201	50%
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1012 KING ST. (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Castle + Ambrose LLC	108 N. Payne St. Alexandria VA 22314	100%
2. Ian M. McGrath	108 N. Payne St. Alexandria VA 22314	↓ 100%
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

11/29/10

Rob Shelton

J.R. Little

Date

Printed Name

Signature

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.)

The proposed use for 1012 KING ST. is a gelato and coffee shop. We intend to produce and sell our gelato from the site according to Alexandria's Health Department standards. Our coffee and bakery products will be delivered by outside vendors. Bakery products will be kept in a glass enclosure, and coffee will be ground per order. The proposed space will predominantly be utilized for walk-in / carry-out clientele, but seating will be an offered option.

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).

20 early a.m. / 30 mid-day / 40 evenings

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

M-F 7 a.m. - 11 p.m. 3 (a.m.) 2 (mid-day)
Sat-Sun 8 a.m. - 11 p.m. 3 (evenings)

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

Day: Mon. - Fri.

Hours: 7 am - 11 pm

Sat. - Sun.

8 am - 11 pm.

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

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

Coffee grinders will be creating the most noise w/ a level of 59 db. intermittently.

B. How will the noise be controlled?

Doors and windows will be closed. Noise reducing insulation will be installed in walls and ceilings.

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

The scent of freshly brewed coffee may be noticed when walking by.

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)
 No office paper, minimal food wrappers. Mostly cups and spoons that will be put in a recycling bin.

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

C. How often will trash be collected?

Once weekly

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

Trash / Recycling containers by front door and throughout space.

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. [X] 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?

Staff will be trained in safety and emergency procedures.

ALCOHOL SALES

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

[] Yes [X] 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:

- 2 Standard spaces
- Compact spaces
- 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?
 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? _____

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? Directly behind property. Alleg accessible.

C. During what hours of the day do you expect loading/unloading operations to occur? Early a.m. (7-9 a.m.)

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate? Once per 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? Adequate street access.

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?
1125 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: Attached row of buildings

End of Application



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: 24 Outdoors: _____ Total number proposed: 24

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

3. Please describe the type of food that will be served:
GELATO, made on premises, and
bakery products delivered from an off-site vendor.

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? _____
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 X No
If yes, please describe:

SUP # _____

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:
+ 24 Maximum number of patron dining seats
+ _____ Maximum number of patron bar seats
+ 8 Maximum number of standing patrons
= 32 Maximum number of patrons
2. 4 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

32 21

LITTER PLAN

Bocato Gelato & Espresso Bar

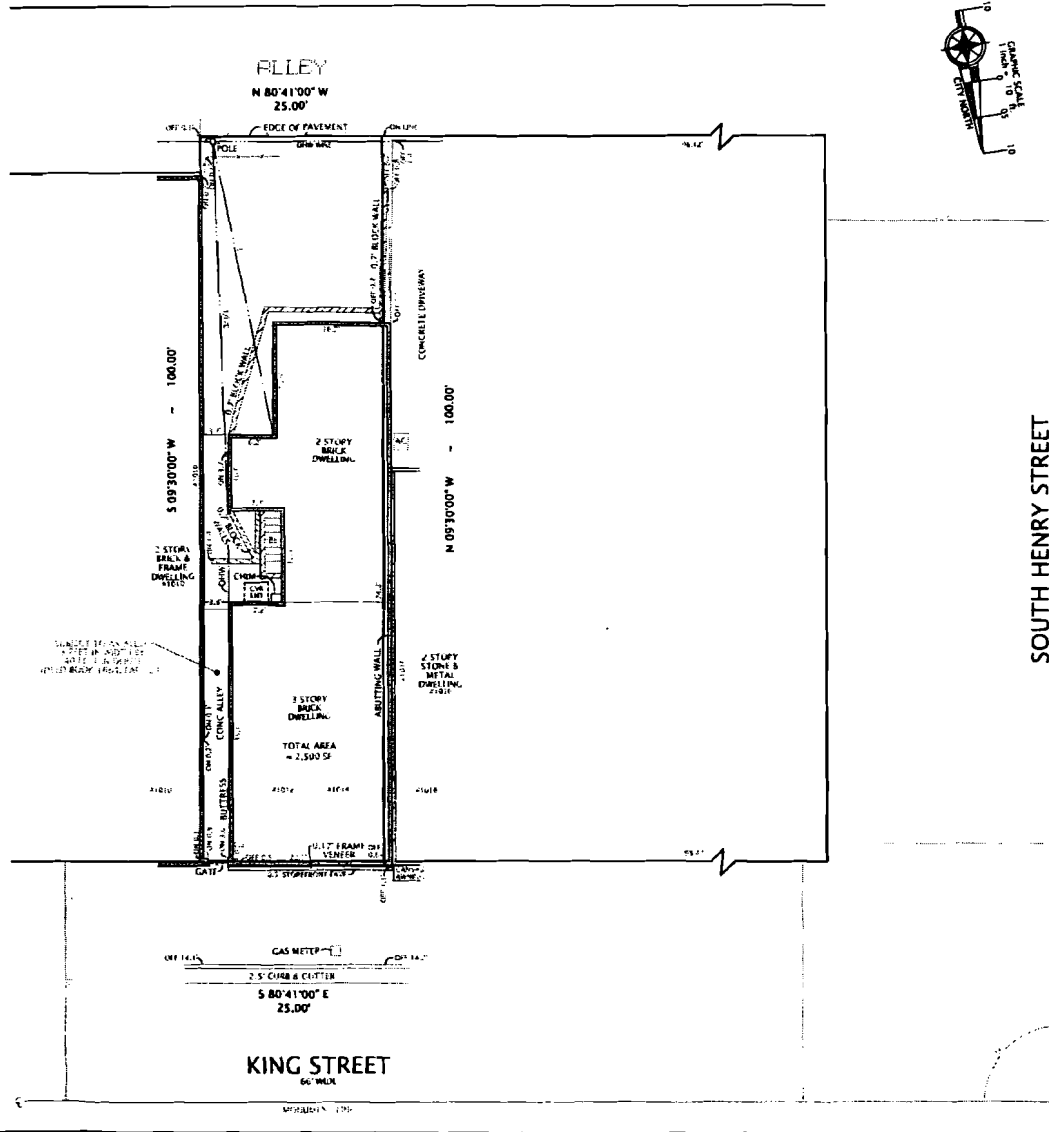
We plan on eliminating litter by monitoring the front of our proposed space on an almost hourly basis. We will make sure dropped items are picked up and disposed of properly and our staff will be trained to keep a sharp eye out for litter in our vicinity.

Additionally, we will display discreet signs inside the property to convey respecting the neighborhood, and disposing of waste materials properly.

We may be obligated to contribute to an Alexandria City beautification fund per our SUP, which will help keep our general surroundings clean.

33

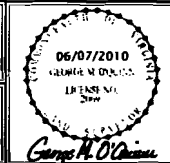
NOTE: DIMENSIONS ARE CHAIN SURVEY.



BOCCATO
gelato & espresso bar
james shalton (applicant)

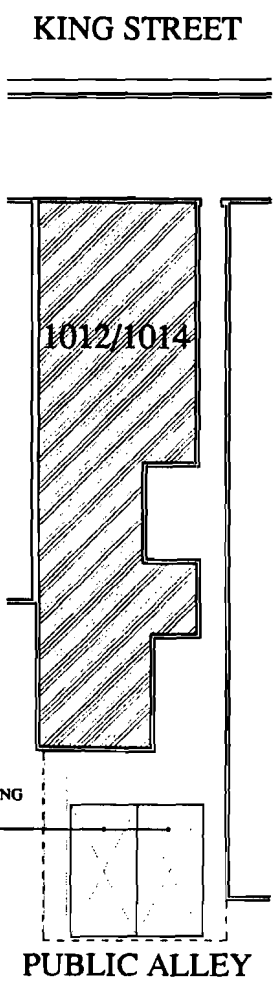
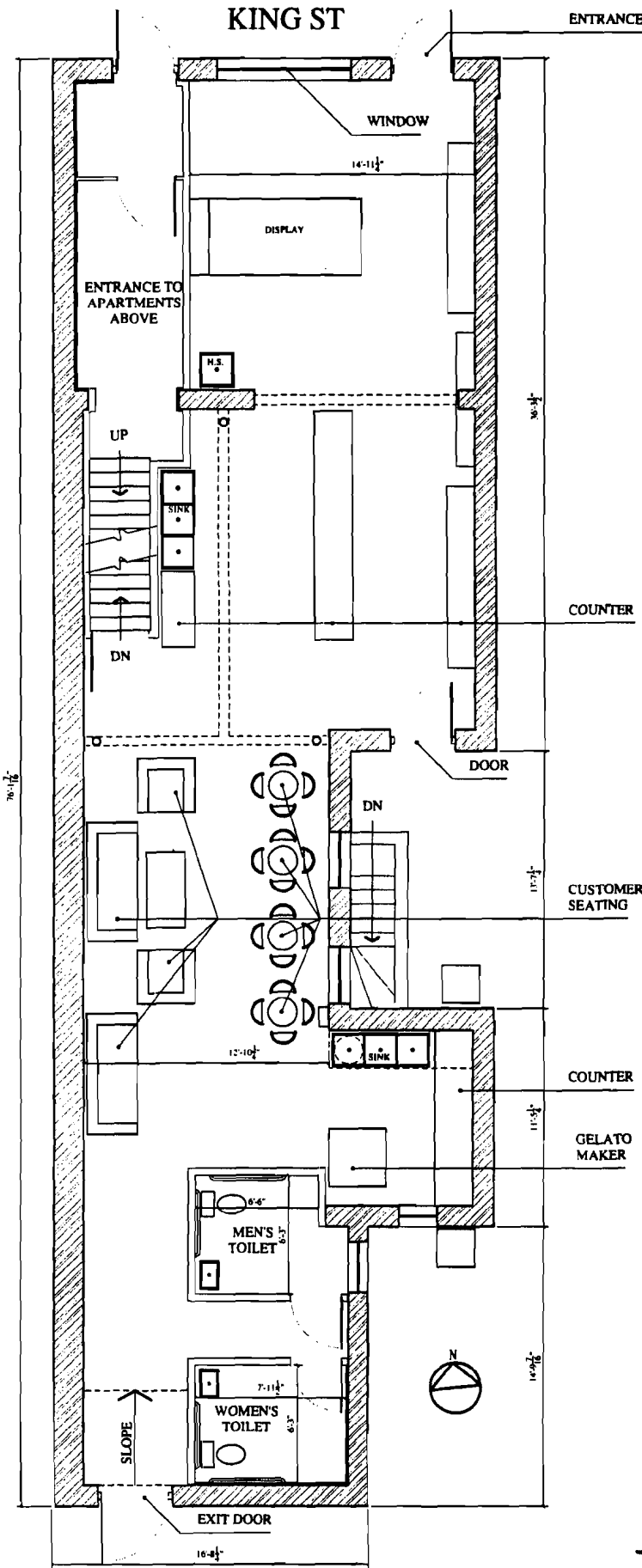
PLAT
SHOWING HOUSE LOCATION ON
THE PROPERTY LOCATED AT
#1012 AND #1014 KING STREET
CORNER BLOCK 1504, PAGE 201
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 10'
JUNE 07, 2010

THE PLAT IS SUBJECT TO
THE RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA
AND IS NOT VALID UNLESS IT IS RECORDED IN THE
OFFICE OF THE CITY CLERK OF ALEXANDRIA, VIRGINIA



CASE NAME
APPLICANT
CHAMPNETZ - CHAMPNETZ

DOMINION SURVEYING
800-H PLAIN TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-819-6155
FAX: 703-799-6412



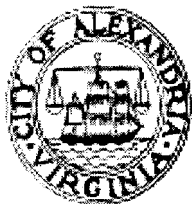
INTERIOR AREA
1,125 sq. ft.

BOCCATO
gelato & espresso bar

APPLICANT- JAMES SHELTON
1012/1014 KING ST

SPECIAL USE PERMIT EXHIBIT

SCALE: 3/16"=1'-0"
DATE: 11.22.10



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2010-0082

PROPERTY LOCATION: 1012 KING STREET

TAX MAP REFERENCE: 074.01-05-07 ZONE: KR

APPLICANT:

Name: BOCCATO, LLC

Address: 2719 WILSON BLVD., ARLINGTON, VA 22201

PROPOSED USE: GELATO & COFFEE SHOP (RESTAURANT)

[X] 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.

Rob Shelton
Print Name of Applicant or Agent
2719 WILSON BLVD.
Mailing/Street Address
ARLINGTON, VA 22201
City and State Zip Code

J.R. Shelton
Signature
11/29/10
Date
703 200 3200
Telephone #
Fax #
jamesrobertshelton@yahoo.com
Email address

Recommended approval w/ Amendments 6-0
ACTION-PLANNING COMMISSION: DATE: 2/01/11
ACTION-CITY COUNCIL: CC approved PC recommendation: 2/12/11
7-0