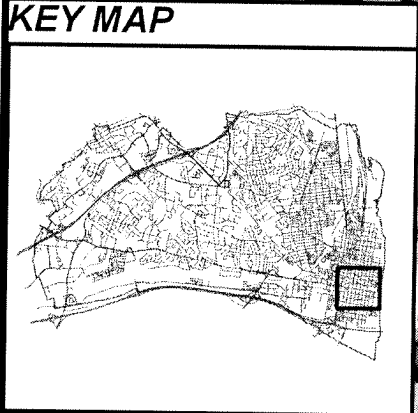
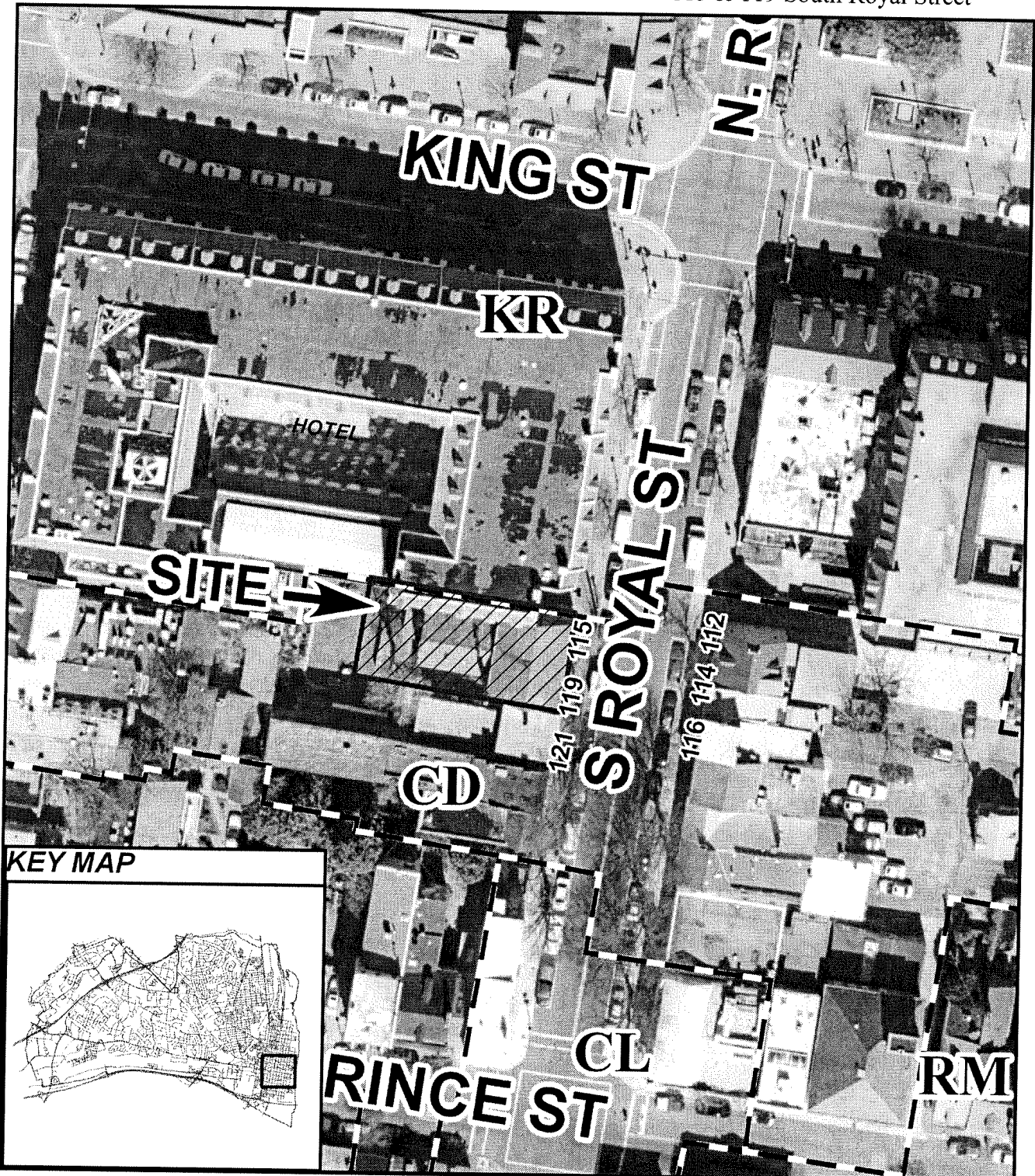


DOCKET ITEM #3
Special Use Permit #2009-0069
Fontaine Restaurant - 115 and 119 S. Royal Street

Application	General Data	
Request: Consideration of a request to expand an existing restaurant.	Planning Commission Hearing:	January 5, 2010
	City Council Hearing:	January 23, 2010
Address: 115 & 119 South Royal Street	Zone:	CD/Commercial Downtown
Applicant: Fontaine, Inc.	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
<u>PLANNING COMMISSION ACTION:</u>



SUP #2009-0069

01/05/10



I. DISCUSSION

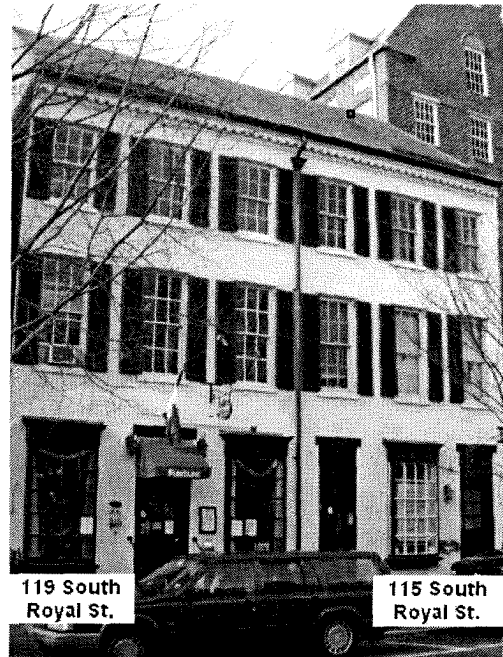
REQUEST

The applicant, Fontaine, Inc. by Kyong Yi, requests a special use permit amendment to expand an existing restaurant located at 115 and 119 South Royal Street.

SITE DESCRIPTION

The subject property is two lots of record, each with 21 feet of frontage on South Royal Street and 93 feet of depth and a lot area of approximately 1,953 square feet. The combined site consists of 3,906 square feet in total and is developed with a three-story building consisting of retail on the first floor and residential apartments above.

The surrounding area is occupied by a mix of retail, residential, restaurant, office, and hotel uses. Immediately to the north along King Street is the Hotel Monaco building. To the east is a consignment shop and to the west is Restaurant Eve. To the south is a jewelry and art gallery.



BACKGROUND

A full-service restaurant with 44 seats was originally approved at this location in 1991 (Special Use Permit #2532) to Vivian M. Bacon. The Tea Cozy operated here from 1993 (SUP#2532-B) until May 12, 2007, when City Council approved SUP#2007-0025, an amendment changing the ownership to Kyong Yi, the current owner, and increasing the hours and number of seats for the restaurant. On September 13, 2008, City Council approved SUP#2008-0045 to permit off-premises alcohol sales at the restaurant.

On December 11, 2009 staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found one minor violation of the special use permit that was corrected immediately.

PROPOSAL

The applicant proposes to expand her existing restaurant into neighboring space at 115 South Royal Street. Although storage and kitchen space will be expanded and shared with the existing restaurant, the applicant proposes to operate the new portion essentially as a separate establishment with a separate entrance and different hours of operation. In the new section of her restaurant, the applicant proposes to serve gourmet salads to carry-out

customers. She has indicated that there will not be any seats in this portion of the restaurant and that she will not offer alcohol service. Features of her existing restaurant operation, such as the 55 indoor seats, table service, hours of operation, will remain the same. The existing restaurant is 1,235 square feet in size and the expansion area is 505 square feet. If approved the total restaurant area would therefore increase to 1,740 square feet.

New Portion of Restaurant Only	
<u>Proposed Hours:</u>	11:30am – 7:30pm
<u>Number of Seats:</u>	Zero
<u>Type of Service:</u>	Carry-out only
<u>Alcohol:</u>	No alcohol service proposed
<u>Employees:</u>	2 additional employees
<u>Noise:</u>	No major changes
<u>Trash/Litter:</u>	No major changes, staff will monitor vicinity

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 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 does not object to the applicant's request to expand her existing restaurant into the space next door. Staff finds the proposal to be reasonable and believes that the expanded use will be positive addition to the area, offering visitors, residents and workers a new quick-service dining option in Old Town. Staff also believes that the proposal is consistent with the Old Town Restaurant Policy since it will not significantly impact nearby residential neighborhoods.

Staff has reviewed the proposal to determine its impact on nearby residential neighborhoods. With regard to parking, staff finds that any impact would be minor, since the expansion will not increase the overall number of seats and that the existing operation is very small with only 55 indoor seats. Furthermore, off-street parking is available at garages located in the vicinity and staff has recommended no change to the existing condition requiring participation in any future parking program formed as a result of strategies listed in the King Street Retail Strategy.

The applicant proposes to operate the expanded portion of the restaurant only from 11:30am to 7:30pm. These hours are shorter than those for the existing restaurant, which is permitted to operate from 7:00am until 12:00 midnight daily. Staff finds that with shorter hours and no alcohol proposed for the carry-out portion, it is unlikely that negative impacts will arise from the proposed hours of operation.

Staff has some concern that the restaurant, if approved, would replace retail space. However, a diversity of uses still exists in the vicinity of the proposal. A retail bakery, a consignment shop, a jewelry and art gallery, a restaurant with a wine and coffee bar, several professional offices, and a hotel are located in the immediate vicinity. Staff also notes that the shoe store formerly at 115 South Royal has not gone out of business but instead moved to South Fairfax Street.

The Old Town Restaurant Policy also notes the issue of litter and the proposal, while small, is for a carry-out operation. The applicant has noted that she does not expect much change in the amount of litter generated from her restaurant if her expansion request is approved. Staff agrees and believes that any impact would be minor and will be addressed through standard conditions.

Staff also notes that the applicant's expansion request is not eligible for an Administrative Special Use Permit since the property is located in the CD zone and since the expanded portion will offer carry-out service instead of full service. The request is also ineligible for a minor amendment because the applicant proposes to expand the size of her entire restaurant operation by 41%, which exceeds the maximum 10% allowed in the Zoning Ordinance.

Staff has retained most of the conditions from the prior Special Use Permit in Section III of this report, including those regarding hours of operation, alcohol, and live entertainment. A few conditions have been deleted or amended to reflect current

standards. Consistent with City Council policy adopted in June 2009, staff has not recommended that the applicant contribute \$500 to the Streetscape Improvement Fund because the requirement applies only to new businesses.

In conclusion, staff believes that the restaurant expansion proposal is appropriate for this location and is consistent with the Old Town Restaurant Policy. Subject to the conditions contained in Section III of this report, staff recommends approval of the 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 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 55 patrons. 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) (SUP#2007-0025)
3. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2532)
4. 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) (SUP2007-0025)
5. Trash and garbage shall be collected every day that service is available. (P&Z)(SUP#2532)
6. The hours of operation shall be limited to 7am- Midnight Daily. (P&Z) (SUP2007-0025)
7. Condition deleted. (P&Z) (SUP#2008-0045)
8. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (SUP2007-0025)
9. Condition satisfied. (P&Z) (SUP#2008-0045)

10. 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)
11. The applicant shall post the hours of operation at the entrance of the restaurant. (P&Z)(SUP#2532-B)
12. 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)
13. 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) (SUP2007-0025)
14. 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) (SUP2007-0025)
15. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (SUP2007-0025)
16. **CONDITION DELETED 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 or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES) (SUP2007-0025)~~
17. **CONDITION AMENDED BY STAFF:** The applicant shall direct patrons to the availability of parking at nearby public garages and 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) (SUP2007-0025)
18. **CONDITION SUPERCEDED BY STATE LAW:** ~~The applicant shall comply with any requirements adopted as a part of a smoke-free restaurant ordinance. (P&Z) (SUP2007-0025)~~

19. **CONDITION CONTINUED BY STAFF:** Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (~~SUP2007-0025~~)
20. **CONDITION CONTINUED 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) (~~SUP2007-0025~~)
21. 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) (SUP2007-0025)
22. Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2008-0045)
23. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (Police) (SUP#2008-0045)
24. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after ~~it~~ the expansion 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) (Police) (~~SUP#2008-0045~~)
25. **CONDITION ADDED BY STAFF:** No delivery service shall be available from the restaurant. (P&Z)
26. **CONDITION ADDED BY STAFF:** Meals ordered before the closing hour may be sold, but no new patrons may be admitted after the closing hour and all patrons must leave by one hour after the closing hour. (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 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) (SUP2008-0045)
- R-2 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) (SUP2008-0045)
- R-3 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES) (SUP2008-0045)
- R-4 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) (SUP2008-0045)
- R-5 All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (SUP2008-0045)
- R-6 Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2008-0045)
- R-7 **CONDITION DELETED 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 or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES) (SUP2007-0025)~~
- R-9 The applicant shall direct patrons to the availability of parking at nearby public garages and 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)

- 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:

- C-1 Building Code Analysis: The following minimum building code data is required on the drawings: a) use group, b) number of stories, c) construction type and d) tenant area.
- C-2 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.
- 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 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-6 Certification is required from the owners or owner's agent that the building has been inspected by a licensed asbestos inspector for the presence of asbestos (USBC 110.3).
- C-7 The applicant must obtain a Certificate of Occupancy prior to occupancy (use) of the structure (USBC 116.1).

BAR:

The location of the proposed restaurant is within the boundaries of the Old and Historic Alexandria District and is under the jurisdiction of the Old & Historic Alexandria Board of Architectural Review (BAR.) All exterior changes to the building that are visible from the public right-of-way will require the applicant to obtain approval from the Old and Historic Board of Architectural Review. Such exterior changes include, but are not limited to: the proposed signage, awnings, and lighting, and any new or replacement signage, lighting, window replacement, fencing, kitchen exhaust and/or new HVAC vents or fixtures, or other alterations visible from a public right-of-way.

Health Department:

- F-1 This facility is currently operating as Fontaine Caffe and Creperie under an Alexandria Health permit, issued to Fontaine, inc.
- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 This facility and all modifications must meet current Alexandria City Code requirements for food establishments
- C-3 Five sets of plans must be submitted to and approved by this department prior to construction/modifications. 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-4 Permits and/or approval must be obtained prior to operation.(\$100.00 Payable to VDH)
- C-5 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.

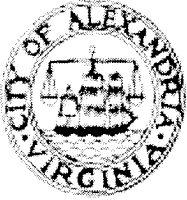
- C-6 Certified Food Managers must be on duty during all hours of operation.
- C-7 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- R-1 Provide a menu or list of foods and equipment to be handled at this facility 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:

- 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.
- F-1 The applicant is seeking an “ABC On” and “ABC Off” license. The Police Department has no objections to either license subject to the following conditions for alcohol sold off premise:
 - 1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
 - 2. That the SUP is reviewed after one year.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2009-00169

PROPERTY LOCATION: 1158 119 S. Royal street

TAX MAP REFERENCE: 074-02-07-02 **ZONE:** CD

APPLICANT:

Name: Fontaine Inc.

Address: 119 S. Royal street, Alexandria, VA 22314

PROPOSED USE: Requesting expansion of current business to next door, 115 S. Royal st.

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.

Kyong R. Yi
Print Name of Applicant or Agent

[Signature] Oct 20, 2009
Signature Date

423 S. Pitt St, #
Mailing/Street Address

(571)228-9290
Telephone # Fax #

Alexandria, VA 22314
City and State Zip Code

Kyong@FontaineCaffe.com
Email address

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

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 119 S. Royal street, I hereby
(Property Address)

grant the applicant authorization to apply for the expansion of current use use as
(use) to 115. S. Royal street
described in this application.

Name: Cecylee hollow faberton legal LLC Phone 703 327-9962
Please Print

Address: 6201 HillVale place, Alexandria Email: _____
VA 22307

Signature: [Signature] Date: 10/20/09

- 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.

Kyong R. Yi 100 % ownership
423 S. Pitt street, Alexandria, VA 22314

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? N/A

[] 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.)

We are requesting to expand to 115 S. Royal street for following:

- 1. To have office: (Move the office from 117 S. Royal to upstairs to current location)
- 2. For additional storage & Refrigeration
- 3. Offer gourmet fresh salads for carry out.
- 4. ~~5~~ additional seating

* It will have separate entrance from 115 S. Royal street for customers.

* No other changes to existing SUP

* Half of the space will be use for Administration purpose & storage.

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).
100 ~~50~~ 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 7 will operate on a daily basis.

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

Day: _____	Hours: _____
no changes	

119 S. Royal 7AM - Midnight 7 days / week
 115 S. Royal 11:30AM - 7PM 7 days / week

- 7. Please describe any potential noise emanating from the proposed use.
 - A. Describe the noise levels anticipated from all mechanical equipment and patrons.
no changes anticipated

- B. How will the noise be controlled?
N/A

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

no changes anticipated

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 changes anticipated

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

no major changes anticipated; minor increase in food waste

C. How often will trash be collected?

No changes, currently they are ~~not~~ collected daily while business is in operation

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

no changes anticipated to current situation
staff will monitor ~~area~~ vicinity for trash & litter.

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?

No major changes anticipated to current
Program.

ALCOHOL SALES

13.

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

[X] 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.

~~Existing~~ Existing on off premises license
will continue at 119 S. Royal St.

PARKING AND ACCESS REQUIREMENTS

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

- N/A Standard spaces *exempt from parking requirement*
- _____ 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) N/A
 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? N/A

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

SUP # 2009-0069

B. Where are off-street loading facilities located? N/A

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

N/A 9:30 AM - 10:30 AM

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

twice a week

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

street access to the subject property is adequate.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? [X] Yes [] No
Do you propose to construct an addition to the building? [] Yes [X] 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) + 505 sq. ft. (adjacent property) = 1740 sq. ft. (total)

19. The proposed use is located in: (check one)
[X] 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: _____

End of Application

SUP # 2009-0069

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:
 - 50 Maximum number of patron dining seats
 - + 5 Maximum number of patron bar seats
 - + 0 Maximum number of standing patrons
 - = 55 Maximum number of patrons

- 7 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

8 22

SUP # 2009-0069



APPLICATION

RESTAURANT

119. S. Royal Street

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: 6 Total number proposed: 61
Note: Approx written above outdoors

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

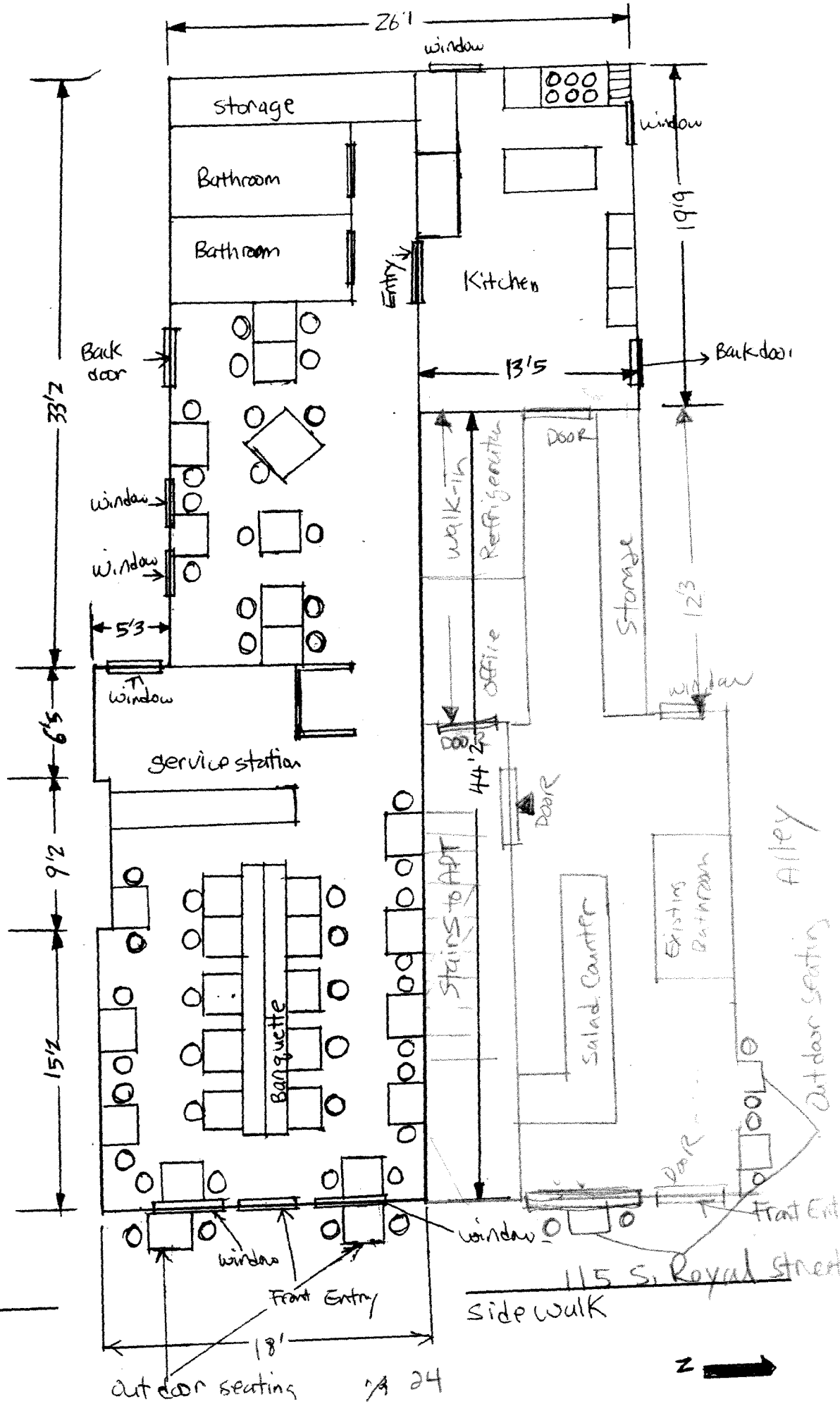
3. Please describe the type of food that will be served:
Crepes in an existing location, 119 S. Royal St.
Gourmet Salads
Expansion to offer salads for carry out

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:

With Expansion

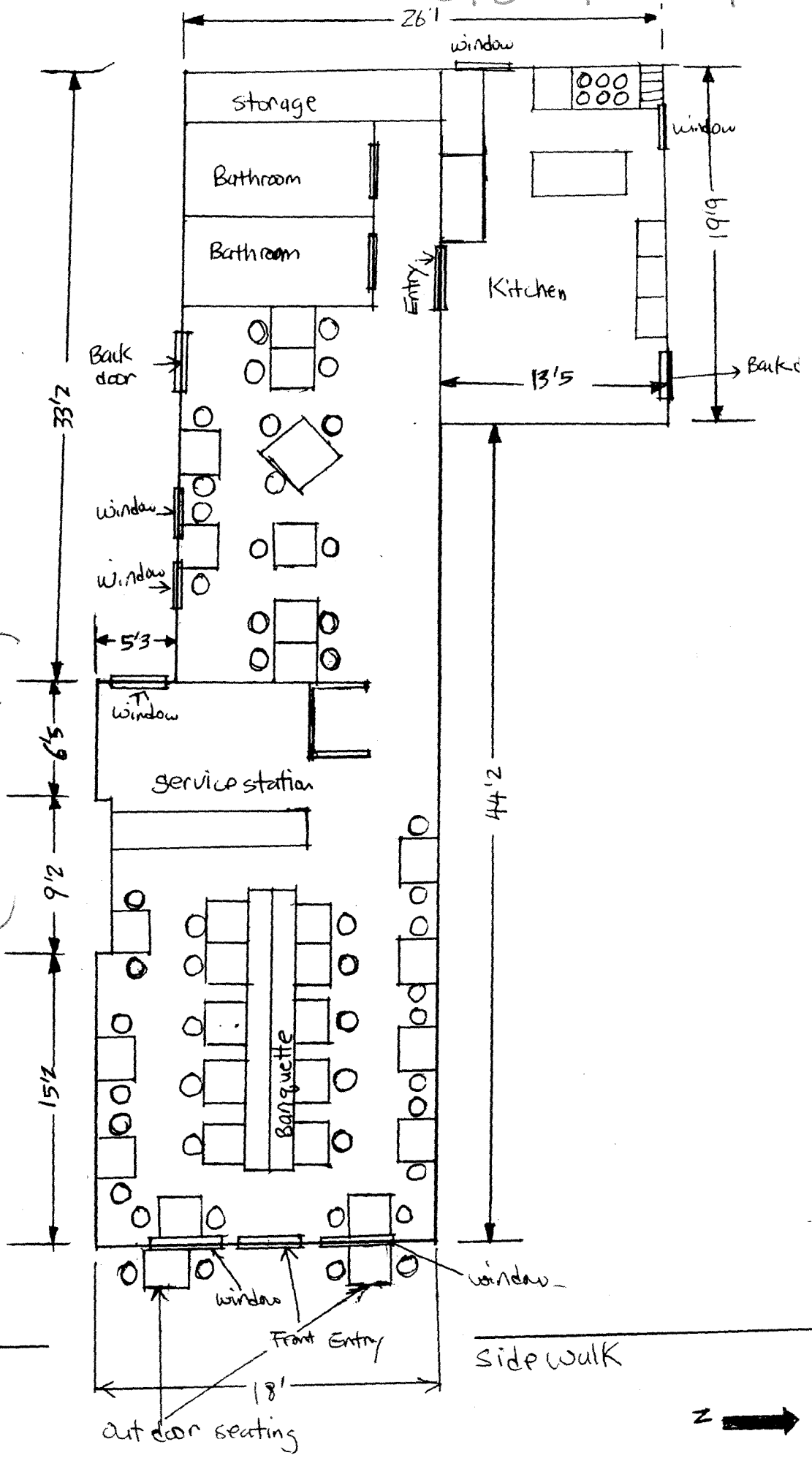


Denon floor Plan

115 S. Royal Street
side walk



Before Expansion
(Current)



Interior floor Plan