



City of Alexandria, Virginia
Department of Planning & Zoning

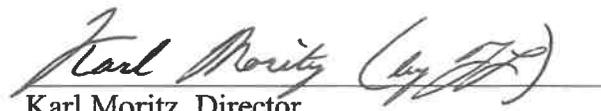
SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit SUP #2018-0089
Approved by Planning and Zoning: October 15, 2018
Permission is hereby granted to: Fontaine Caffé, Inc.
to use the premises located at: 115 and 119 S. Royal Street
for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

October 15, 2018
Date


Karl Moritz, Director
Department of Planning and Zoning

DATE: October 15, 2018

TO: Tony LaColla, Division Chief
Department of Planning and Zoning

FROM: Katherine Carraway, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-0089
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Fontaine Caffe, Inc.
Location: 115 and 119 S. Royal Street
Zone: CD/Commercial Downtown

Request

Special Use Permit (SUP) #2018-0089 is a request to change the ownership of an existing French style restaurant. The change of ownership is proposed from Kyong Yi to Fontaine Caffe, Inc. No other changes to the restaurant are requested. The 55-seat restaurant would continue to operate as Fontaine Caffe, Inc. The hours of operation will remain as 7 a.m. to midnight, daily.

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.

On January 23, 2010, City Council approved SUP #2009-0069 to allow the current owner to expand the, then, existing restaurant at 119 S. Royal Street into the neighboring space at 115 S. Royal Street in order to operate a carry-out service to customers.

As part of this current SUP2018-0089 application process, a zoning inspector visited the site and determined that the business is in compliance with all conditions cited in SUP#2009-0069.

Parking

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

Community Outreach

Public notice was provided through eNews, via the City’s website, and by posting a placard at the site. In addition, the Old Town Civic Association received notification of the SUP request. Staff has not received any comments from residents during the noticing period.

Staff Action

Staff views the change of ownership as a reasonable request given that a restaurant has operated at this location for several years. All conditions have been carried forward and staff has amended or added conditions for compliance with updated standard conditions for restaurants as of October 2018. Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: October 15, 2018
Action: Approved


Tony LaColla, Division Chief

- Attachments: 1) Special Use Permit Conditions
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2018-0089

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

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. 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) (SUP2009-0069)
3. No food, beverages, or other material shall be stored outside. (P&Z) (SUP2532)
4. **CONDITION AMENDED BY STAFF:** ~~Trash and garbage shall be place in sealed eontainers which do not allow odors to escape and shall be stored inside or in closed eontainers which do not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of these containers.~~ Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES) (SUP2007-0025)
5. Trash and garbage shall be collected every day that service is available. (P&Z) (SUP2532)
6. The hours of operation shall be limited to 7am- midnight, daily. (P&Z) (SUP2007-0025)
7. Condition deleted. (P&Z) (SUP2008-0045)
8. The applicant shall require its employees who drive to use off-street parking. (P&Z)(SUP2007-0025)
9. Condition satisfied and deleted. (P&Z) (SUP2008-0045)
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)(SUP253B)
11. The applicant shall post the hours of operation at the entrance of the restaurant. (P&Z)(SUP#2532-B)

12. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. ~~(T&ES)(SUP2532-B)~~ (P&Z)
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. **CONDITION AMENDED BY STAFF:** The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. ~~(P&Z)(SUP2007-0025)~~
16. Condition deleted. (P&Z) (SUP2009-0069)
17. The applicant shall direct patrons to the availability of parking at nearby public garages through the provision of information about nearby garages on advertising and on the restaurant's website 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) ~~(SUP2009-0069)~~
18. Condition superseded by State law and deleted. (SUP2009-0069)
19. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)~~
20. **CONDITION SATISFIED AND DELETED 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)~~
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) (SUP2008-0045)

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) (~~SUP2009-0069~~)
25. No delivery service shall be available from the restaurant. (P&Z) (SUP2009-0069)
26. 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) (SUP2009-0069)
27. **CONDITION ADDED BY STAFF:** All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
28. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
29. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
30. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (P&Z)
31. **CONDITION ADDED BY STAFF:** All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (P&Z)
32. **CONDITION ADDED BY STAFF:** On and off premises alcohol sales are permitted. (P&Z)

33. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (P&Z)
34. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (P&Z)
35. **CONDITION ADDED BY STAFF:** The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0089. The undersigned also hereby agrees to obtain all applicable licenses and permits required for restaurant at 115 and 119 S. Royal Street.

Stacey Wharam
Applicant - Signature

10/25/18
Date

Stacey Wharam
Applicant - Printed

10/25/18
Date

