

EXHIBIT NO. 1

17
9-15-07

Docket Item #17
SPECIAL USE PERMIT #2007-0063

Planning Commission Meeting
September 6, 2007

ISSUE: Consideration of a request to amend a special use permit to increase the seating at a restaurant.

APPLICANT: Glenda Giovannoni

STAFF: Richard W. Bray
Richard.bray@alexandriava.gov

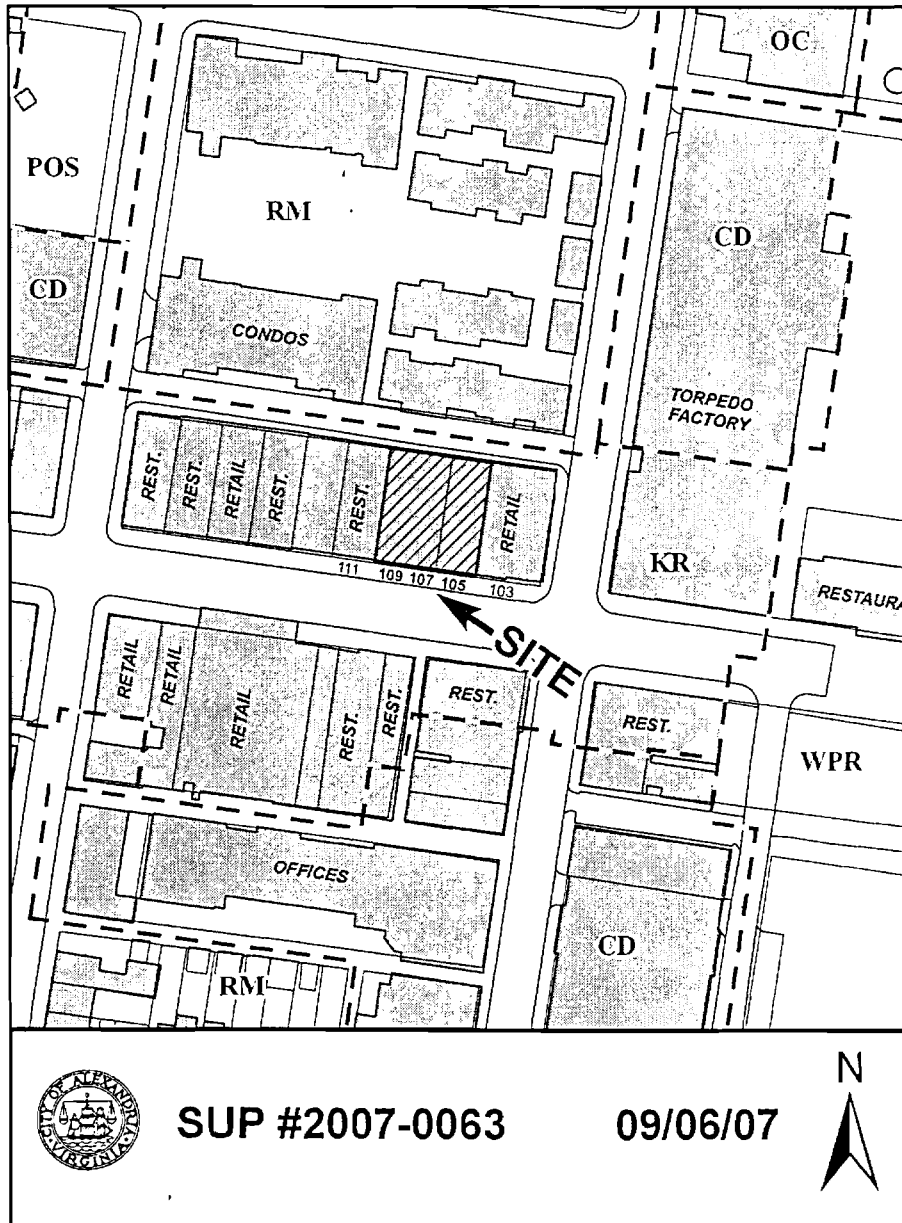
LOCATION: 105, 107 and 109 King Street
The Fish Market

ZONE: KR/King Street Urban Retail

PLANNING COMMISSION ACTION, SEPTEMBER 6, 2007: On a motion by Mr. Komoroske, and seconded by Mr. Jennings, the Planning Commission voted to recommend approval subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 7 to 0.

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.



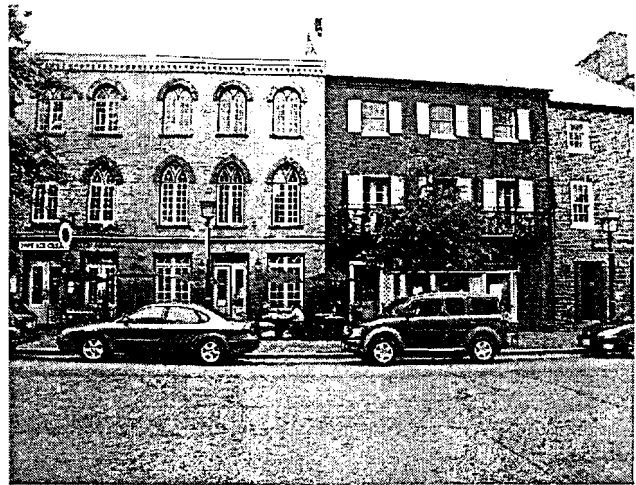
I. DISCUSSION

REQUEST

The applicant, Glenda Giovannoni, requests an amendment to a Special Use Permit for increased seating in a restaurant located at 105-109 King Street.

SITE DESCRIPTION

The subject property is three lots of record with approximately 74.3 feet of frontage on King Street, a depth of 81 feet and a total lot area of approximately 6,018 square feet. The site is developed by three buildings; 105, 107 and 109 King Street. 105 and 107 King Street are occupied with the Fish Market on both the first and second floors. 109 King Street is occupied with Pop's Ice Cream on the ground floor. The second floor of 109 is currently used as a banquet room for the Fish Market.



Surrounding the property is a mix of commercial uses. Immediately to the west is Bugsy's restaurant, to the south across King Street is What's the Scoop ice cream shop and Daniel O'Connell's Irish Restaurant. The subject site is bordered by Ramsey Alley to the north.

BACKGROUND

The portion of the Fish Market restaurant located in the building at 105 King Street was a grandfathered use. It has operated since it opened in 1976 without a Special Use Permit. The addition of the part of the restaurant in the 107 King Street building was approved as a Special Use Permit in 1985 (SUP #1820). On October 16, 2004, City Council approved SUP#2004-0072 which allowed the addition of a kitchen and a 100 seat banquet room to the second floor of 109 King Street. SUP2004-0072 also consolidated the operations of The Fish Market under one Special Use Permit. The Fish Market is approved to operate with the following characteristics:

- (A) The restaurant contains 384 seats, including a 100 seat banquet room, 38 bar seats and 10 seasonal outdoor dining seats. The restaurant operates with a maximum of 50 employees at any one time.
- (B) The restaurant provides a full-service menu, specializing in seafood.

- (C) The restaurant operates from 11:15 A.M. to 12:00 midnight on Sunday, and from 11:15 A.M. to 1:00 A.M., Monday through Saturday.
- (D) The restaurant provides entertainment in the form of piano players on the second floor.
- (E) The restaurant has an ABC license for the on-premise sale of mixed drinks, wine and beer.

Staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found that there were 160 seats in the section of the restaurant at 107 King Street. This portion of the restaurant was allowed 100 seats under SUP #1820. The applicant states that this section of the restaurant has always operated with 160 seats. The occupancy inspection performed after the approval of SUP #2004-0072 shows 100 seats.

PROPOSAL

The applicant proposes to add a total of 60 seats to two floors of the restaurant located at 107 King Street. All other aspects of the business are to remain the same.

Number of seats: 444, including 100 seats in a banquet room reserved for special events and 10 seasonal outdoor seats.

Noise: Historically, The Fish Market has not had any noise complaints.

Trash/Litter: The restaurant uses the City's commercial dumpster on Union Street, with City pick-up. Staff patrols for litter in compliance with their SUP.

PARKING

The subject property is located in the Central Business District where parking is not required for restaurants.

In response to additional parking needs based on expansion of the restaurant, the applicant states that customers have historically been local business, professional, and government workers during lunch hours and, nearby residents during dinner times, many of whom walk to the restaurant.

There are six public parking garages within three blocks of The Fish Market. Staff feels that there will be sufficient parking in these garages to accommodate the increased patronage at the restaurant. The applicant currently offers a parking discount in the amount of \$1.00 and has agreed to participate in a formal structured Old Town parking program.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the KR/King Street Urban Retail Zone. Section 6-702(A)(2)(k) of the Zoning Ordinance allows a restaurant on a ground floor 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 request for additional seating at The Fish Market. As a successful restaurant in Old Town, this restaurant is an important asset for the City. Successful destination restaurants are a key component to the prosperity of retail merchants in Old Town. Full service dining on lower King Street for residents as well as tourists is in keeping with the King Street Retail Strategy.

The applicant is requesting an amendment to the current Special Use Permit to allow the restaurant to operate with the same number of seats that it has had historically. Staff feels that restricting 107 King Street to 100 seats would be an underutilization of the space. Since the restaurant has been operating at the current level of service without any complaints, staff feels that the amendment is reasonable.

With regard to parking, the applicant's participation in a parking subsidy program is important in mitigating any impacts. With the number of parking garages in the vicinity, there is available off-street parking and the restaurant's subsidy promotes this use to customers. The Fish Market complies with the SUP condition that forbids employee parking on-street. Staff notes that The Fish Market has not had any noise complaints with their current operation.

With the following conditions, staff recommends approval of the special use permit amendment.

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) (SUP2004-0072)
2. **CONDITION AMENDED BY STAFF:** Indoor seating shall be provided for no more than ~~274~~ 334 patrons. An additional 100 seats are allowed only for banquets, special events (major city festivals and

parades) and tour groups, and an additional 10 seats are allowed only for seasonal outdoor dining. (PC)

3. Condition deleted. (P&Z) (SUP2004-0072)
4. The closing hour shall be no later than 12:00 midnight on Sunday, and 1:00 A.M. Monday through Saturday. (P&Z) (SUP2004-0072)
5. That no food, beverages, or other material be stored outside. (P&CD) (SUP#1820)
6. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP2004-0072)
7. Trash and garbage shall be collected daily when the business is open. (P&CD) (SUP#1820)
8. Condition deleted. (P&Z) (SUP2004-0072)
9. The applicant shall maintain a parking arrangement with area garages, by which the regular parking price at those garages is discounted by at least \$1 for customers. The applicant shall post information regarding the availability of parking at those garages for patrons at the restaurant. (PC)
10. Condition deleted. (PC) (SUP2004-0072)
11. Prior to a banquet or special event, the applicant shall provide to the guests information regarding the location, hours and fees at area parking garages. (P&Z) (SUP2004-0072)
12. The applicant shall require that its employees who drive to work use off-street parking. (P&Z) (SUP2004-0072)
13. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (SUP2004-0072)
14. The applicant shall participate in any organized program to assist with both employee and customer parking for businesses, such as the Park Alexandria program, that is formed as a result of suggested parking strategies in the King Street Retail Study. (P&Z) (SUP2004-0072)

15. **CONDITION DELETED – DUPLICATE OF #13:** ~~The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (SUP2004-0072)~~
16. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP2004-0072)
17. Meals ordered before the closing hour may be served, 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) (SUP2004-0072)
18. 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) (SUP2004-0072)
19. On-site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z) (SUP2004-0072)
20. In order to breach the existing fire wall between 107 and 109 King Street, each parcel must be combined and recorded as one single parcel or the parcels shall comply with the fire separation requirements of the USBC and shall be maintained subject to the approval of the Director of Code Enforcement. (Code Enforcement) (P&Z) (SUP2004-0072)
21. 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) (SUP2004-0072)
22. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES) (SUP2004-0072)
23. All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line. (T&ES) (SUP2004-0072)

24. 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) (SUP2004-0072)
25. No delivery service shall be permitted. (P&Z) (SUP2004-0072)
26. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police) (SUP2004-0072)
27. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department. (Health) (SUP2004-0072)
28. The applicant shall conduct employee training session on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, as well as ongoing training for sales of alcohol to minors. (P&Z) (SUP2004-0072)
29. 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)
30. The applicant shall ensure that buses park in designated spaces. (PC) (SUP2004-0072)
31. **CONDITION ADDED BY STAFF:** Applicant shall contribute \$500.00 to the Litter Control 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)

32. **CONDITION ADDED BY STAFF:** The applicant shall comply with any requirements adopted as a part of a smoke-free restaurant ordinance. (P&Z)

STAFF: Richard Josephson, Deputy Director, Department of Planning and Zoning;
Richard Bray, 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.
- 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 containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- 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.
- R-6 Applicant shall contribute \$500.00 to the Litter Control 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 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.

- 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:

- F-1 No Comment

Health Department:

- F-1 No Comment

Parks and Recreation:

- F-1 No Comment

Police Department:

- F-1 The Police Department has no objections or comments to the request for increased seating.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0063

PROPERTY LOCATION: 109 King Street
TAX MAP REFERENCE: 075.01 03 08 ZONE: CD / Commercial Downtown

APPLICANT
Name: Old Town Food Service Corp. VA. Corporation
Address: 105 King Street, Alexandria, VA. 22314

PROPERTY OWNER
Name: Fish Market Real Estate, LLC, Virginia Limited Liability Co
Address: 105 King Street

PROPOSED USE: Amendment to existing SUP conditions. To expand seating on 109 King Street

[] **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.

Glenda Giannoni
Print Name of Applicant or Agent
105 King Street
Mailing/Street Address
Alexandria, VA 22314
City and State Zip Code

[Signature]
Signature
703-8865676 703-684-9424
Telephone # Fax #
Fishmarket @ Starpower.net
Email address
MAY 3, 2007
Date

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

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

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

+12

SUP # 2007-0063

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.

Glenda GIOVANNONI

Niam Mousa

Michael HARMON

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. N/A

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.)

Applicant is requesting Amendment of special use permit 1820, which governs that portion of the restaurant located in 107 King Street, Alexandria VA.

Applicant is requesting the expansion of 107 King Street, from 100 seats to 160 seats. It seems the original number of seats should have been 160 instead of 100 given the 2900 sq. feet of space.

Certificate of occupancy dated Aug 2nd, 2006 states that 109 ± 107 combined have 284 seats.

*see Attached C/O.

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).
NO Change from present use.

- B. How many employees, staff and other personnel do you expect?
Specify time period (i.e., day, hour, or shift).
NO Change from present use

6. Please describe the proposed hours and days of operation of the proposed use:
- Day: NO Change from established Grandfather
use AND SUP 1820 AS TO 107
King Street
- Hours: _____

7. Please describe any potential noise emanating from the proposed use.
- A. Describe the noise levels anticipated from all mechanical equipment and patrons.
NO Change from established Grandfather
use AND SUP 1820 AS TO 107.
- B. How will the noise from patrons be controlled?
NO Change from established Grandfather
use AND SUP 1820 AS TO 107

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

NO CHANGE

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?

NO CHANGE

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

NO CHANGE

C. How often will trash be collected?

NO CHANGE

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

NO CHANGE

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:

NO CHANGE

SUP # 20070063

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:

No Change

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

No Change

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.

No Change

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?

0

SUP # 2007-0063

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?

Will participate in the Park Alexandria Program

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?

NONE

B. How many loading spaces are available for the use? NO CHANGE

C. Where are off-street loading facilities located? NO CHANGE

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

NO CHANGE

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

NO CHANGE

SUP # 2007-0063

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

NO Change

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? N/A square feet.

18. What will the total area occupied by the proposed use be?
2900 sq. ft. (existing) + _____ sq. ft. (addition if any) = 2900 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: Mixed use, down commercial street

SUP #

2007-0063



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: 360

Outdoors: _____

Total number proposed: 360

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:

SAME AS EXISTING SUP 1820

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:

SAME AS EXISTING SUP 1820

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:
+ Maximum number of patron dining seats
+ Maximum number of patron bar seats
+ Maximum number of standing patrons
= Maximum number of patrons

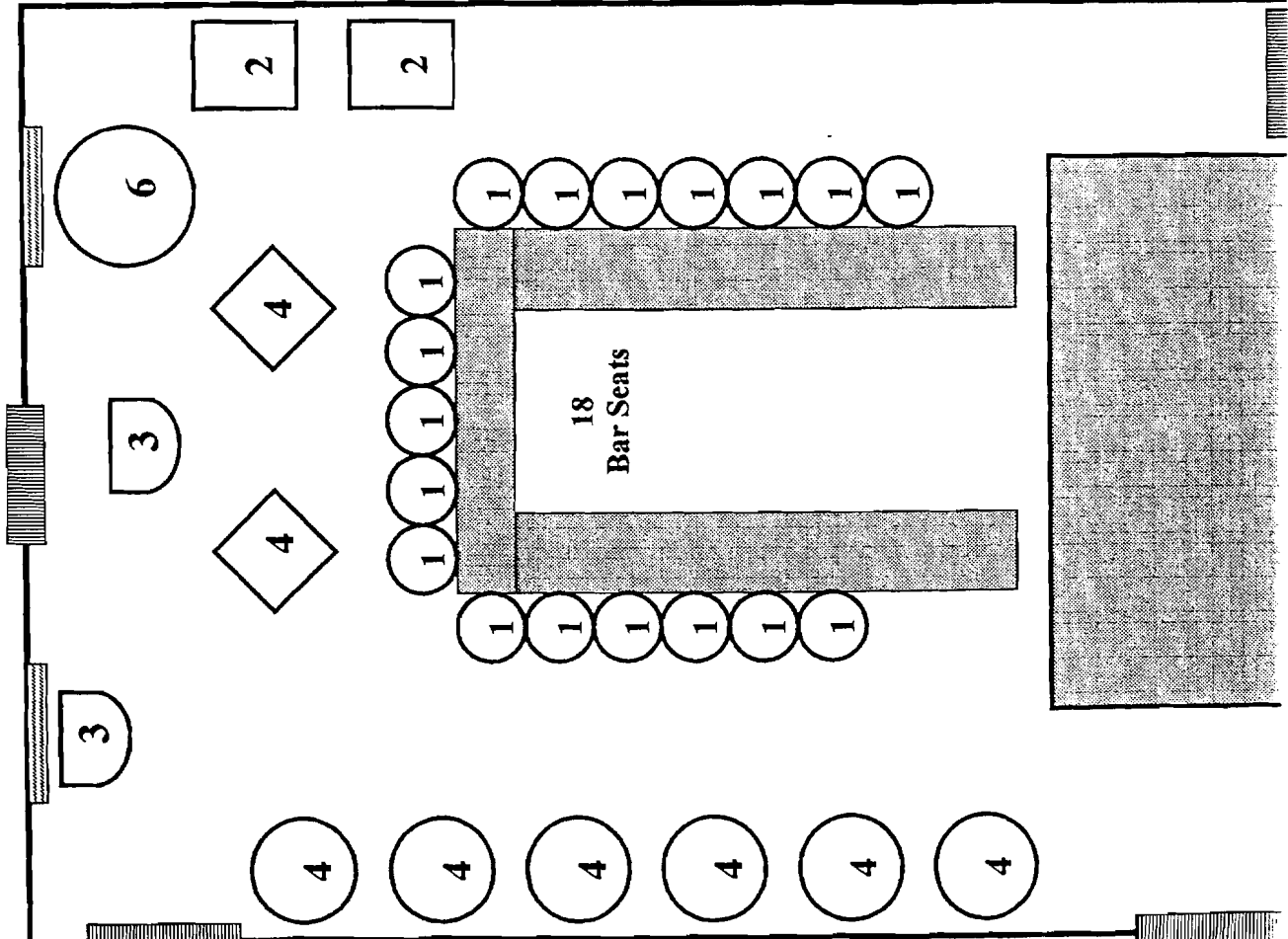
2. Maximum number of employees by hour at any one time

3. Hours of operation. Closing time means when the restaurant is empty of patrons. (check one)
 Closing by 8:00 PM *same as SUP 1220*
 Closing after 8:00 PM but by 10:00 PM
 Closing after 10:00 PM but by Midnight
 Closing after Midnight

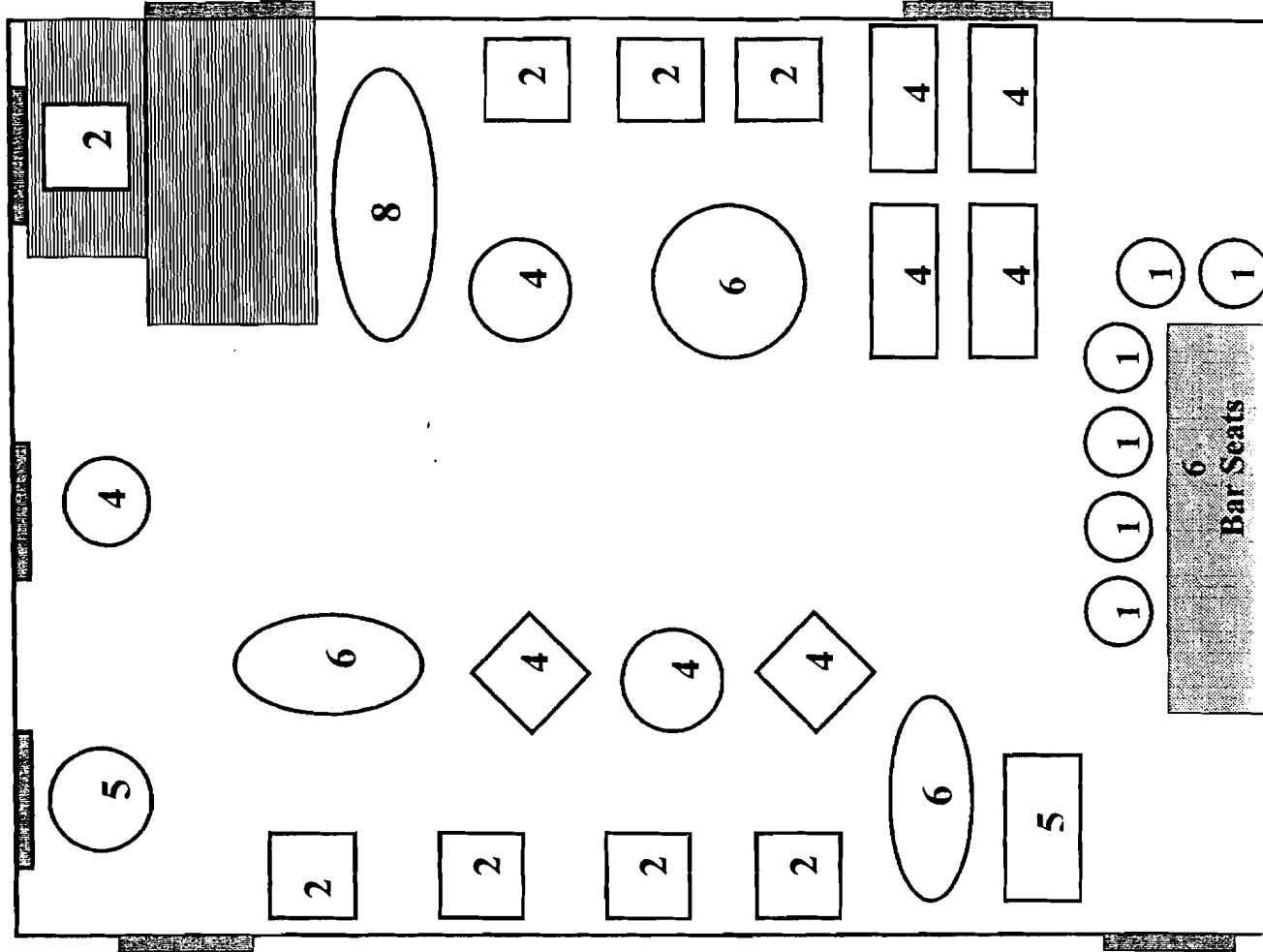
4. Alcohol Consumption (check one)
 High ratio of alcohol to food
 Balance between alcohol and food
 Low ratio of alcohol to food

The Fish Market Restaurant
 107 King Street Seating Plan with 160 Seats
 July 2007

107 King-- First Floor with 66 seats



107 King--- Second Floor with 94 seats





APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0003

PROPERTY LOCATION: 109 King Street
TAX MAP REFERENCE: 075.01 03 08 ZONE: CD / Commercial Downtown

APPLICANT
Name: Old Town Food Service Corp. VA. Corporation
Address: 105 King Street, Alexandria, VA. 22314

PROPERTY OWNER
Name: Fish Market Real Estate, LLC, Virginia Limited Liability Co
Address: 105 King Street

PROPOSED USE: Amendment to existing SUP conditions. To expand seating on 109 King Street

[] **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.

Stenda Giovanni
Print Name of Applicant or Agent
105 King Street
Mailing/Street Address
Alexandria, VA 22314
City and State Zip Code

[Signature]
Signature
703-8865676 703-684-9424
Telephone # Fax #
FishMarket@Starpower.net
Email address
MAY 3 - 2007
Date

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

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

ACTION - PLANNING COMMISSION: Recommended approval 7-0 9-6-07
ACTION - CITY COUNCIL: 9/15/07 - CC approved the PC recommendation 7-0