



DOCKET ITEM #8 A & B

Special Use Permit #2010-0010 (A)
City Charter Section 9.06 #2010-0002(B)
106 South Union Street – Restaurant

Application	General Data	
Request: Consideration of a request to operate a restaurant and request for approval of a change of use for Wales Alley under Section 9.06 of the City Charter	Planning Commission Hearing:	May 4, 2010
	City Council Hearing:	May 15, 2010
Address: 106 South Union Street	Zone:	CD/Commercial Downtown
Applicant: 106 Union Dublin, LLC by Duncan Blair, Attorney	Small Area Plan:	Old Town

Staff Recommendation: A) approval of the SUP subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report; and B) approval of a change of use under Section 9.06 of the City Charter (Planning Commission approval only).

Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov

PLANNING COMMISSION ACTION, MAY 4, 2010: On a motion by Mr. Wagner, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the Special Use Permit request, subject to compliance with all applicable codes, ordinances, and staff recommendations. On a motion by Mr. Wagner seconded by Ms. Fossum, the Planning Commission approved the City Charter Section 9.06 request, finding that it is consistent with the Master Plan. The motions carried on a vote of 6 to 1, with Mr. Dunn voting against.

In a prior motion by Mr. Dunn, seconded by Mr. Robinson, the Planning Commission voted to defer the request until the Waterfront Plan is complete. The motion failed on a vote of 2 to 5, with Mr. Dunn and Mr. Robinson voting in favor of deferral.

Reason: The Planning Commission agreed with staff analysis, though some Commissioners expressed concern with the proposal coming forward prior to completion of the Waterfront Plan.

Speakers:

Duncan Blair, representing the applicant, spoke in favor of the request and noted the City's ownership of the alley.

Van Van Fleet, Old Town resident and member of Waterfront Plan Committee, expressed opposition to the proposal. He stated that a diversity of uses is important and noted traffic and congestion in the area on weekends.

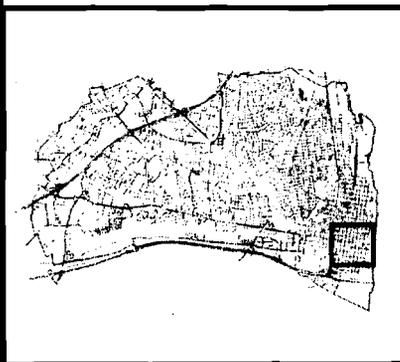
Poul Hertel, Old Town Civic Association president, outlined the concerns of the OTCA Board, including that restaurants are replacing independent retail businesses. The OTCA Board requested that the Commission defer its decision on the matter until the Waterfront Plan is complete.

Harry Hart, attorney representing the Old Dominion Boat Club, opposed the part of the application requesting the use of Wales Alley. He stated that the City does not own the alley and that the Boat Club has a court-ordered right to use it without any obstructions.

Katie Cannady, citizen, opposed the use of the alley for outdoor dining. She stressed the importance of keeping remaining alleys open in order to preserve Alexandria's seaport history.



KEY MAP



SUP #2010-0010

05/04/10



I. DISCUSSION

REQUEST

The applicant, 106 Union Dublin, LLC by Duncan Blair, Attorney, requests special use permit approval for the operation of a restaurant located at 106 South Union Street.

SITE DESCRIPTION

The subject site involves one lot of record plus a portion of a public alley. The lot of record has 34.6 feet of frontage on South Union Street, 114.1 feet of depth and a total lot area of 4,324 square feet. The property is developed with a two-story brick building built between 1912 and 1921. The public alley, known as Wales Alley, is located immediately to the north of the property and connects South Union Street to The Strand.



The surrounding area is occupied by a mix of commercial and office uses. To the north are offices, retail, and two restaurants, Starbucks and Mai Thai. The Old Dominion Boat Club parking lot and Waterfront Park are located to the east. The Strand Building and its parking garage are located to the south. The 115 South Union office building, Firehook Bakery and a barber shop are located across South Union Street to the west.



BACKGROUND

This location is the former site of Olsson's Bookstore, which closed in 2008. A small tea room/restaurant had been located inside the bookstore from 1981 until it closed in 1988. On April 13, 1996, City Council approved SUP#96-0019 for a coffee bar within the store. The coffee bar changed ownership several times over the years and the SUP was amended to increase seating in 2002. A Special Use Permit for a restaurant and amusement enterprise at this location was applied for in 2009 but later withdrawn.

PROPOSAL

The applicant proposes to operate a restaurant featuring moderately-priced "comfort food" and a wide selection of specialty "craft" beers. The restaurant will occupy the entire two-story, 7,900-square foot building as well as approximately half of the adjacent Wales Alley. The application has been amended by letter dated March 30, 2010 to request approval of 300 indoor seats, and 50 outdoors, for a total of 350 seats. The outdoor seating is proposed to be located in Wales Alley

on a newly-constructed platform measuring approximately 73 feet long by 11 feet wide. An overhead canopy structure will be located above the outdoor dining area and will extend forward toward South Union Street. Further details about the applicant's restaurant proposal are as follows:

- Hours: 11:00am – 1:00pm seven days/week
- Number of seats: 300 indoor seats
50 outdoor seats in Wales Alley
350 total seats
- Type of Service: Table and bar service only
- Alcohol: On-premises alcohol service only
- Entertainment: No live entertainment is proposed, although several large-screen televisions will be placed near the bar area.
- Delivery: No delivery service is proposed
- Noise: Noise levels not anticipated to exceed levels permitted under Alexandria City Code
- Trash/Litter: Trash will be collected six days/week. Employees will monitor the vicinity for litter.

WALES ALLEY

The applicant's proposal includes the use of a portion of Wales Alley that is immediately north of 106 South Union Street. The applicant originally applied for an encroachment permit, but staff determined that was not an appropriate mechanism for the proposed use of the alley, and is not processing that application. This case does include a request to approve the use of the alley under section 9.06 of the City Charter; that request relates only to the question of whether the use of the alley by the restaurant is consistent with the City's Master Plan

Wales Alley is a public alley that currently functions as a thoroughfare for two way traffic between South Union Street and the Strand. The proposal is to develop an approximately 1000 square foot area with a raised deck and outdoor seating under a roof that extends from the building. The application also includes a proposal to resurface the entire alley with brick at the applicant's cost.

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.

In this case the applicant has submitted a parking plan which includes a number of mechanisms, including advertising, to encourage patrons to use public transportation and, if they drive, to park in nearby parking garages. The plan includes a specific arrangement that has been negotiated with the adjacent 62 space private garage whereby restaurant customers may park at significantly reduced rates.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CD/Commercial Downtown zone. Section 4-503 (W) of the Zoning Ordinance allows a restaurant in the CD 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. The Old Town Restaurant Policy is part of the Small Area Plan and is discussed on the following page.

II. STAFF ANALYSIS

Staff recommends approval of the proposed new restaurant, including its use of the adjacent alley, and the accompanying section 9.06 request. The new use will occupy a vacant historic building, and should add interest and texture to the waterfront area. While the restaurant is large, and features a bar and “craft” beers, it is a use that is consistent with existing and future city policies, as well as with the King Street Restaurant Policy.

Existing and Future City Plans and Policies

King Street Retail Strategy

The King Street Retail Strategy, the most recent adopted plan for the King Street area, supports a vibrant mix of retail and restaurant uses as a way to maintain an economically healthy commercial and tourist area. It encourages restaurants as being especially valuable for two reasons: particularly with outdoor dining, they promote an active pedestrian experience; they also extend that active experience into the evening and weekends so there is activity throughout the day and week. The Strategy cautions that restaurants have the potential to crowd out retail uses and that fast-food restaurants could damage the unique character of Old Town. However, in this case, the restaurant will not be serving fast-food and there is a mix of uses that will remain in the vicinity.

Waterfront Plan

The restaurant is also consistent with the upcoming Waterfront Plan, which celebrates the area at the foot of King Street and along the Strand and seeks generally to add interest and enliven the pedestrian experience along the Potomac River. Consistent with community desires expressed during several public planning meetings, the plan will specifically recommend increased dining opportunities with river views in the waterfront area. The proposed restaurant is close to the foot of King Street and the river and the proposed building design adds a significant window area on the rear of the second floor so that patrons can take advantage of their location. As with the second floor of Mai Thai, the river view should enhance the popularity of the restaurant and more generally of the waterfront, allowing more people to enjoy it.

To reinforce its location near the public areas along the river, the new restaurant proposes to use a portion of the adjacent alley for one level of ground-floor outdoor seating. The addition of visible activity at this location and new alley surface will attract King Street pedestrians to follow the path to the waterfront area, again consistent with the Waterfront Plan's attempts to make the waterfront area more visible and accessible.

Old Town Restaurant Policy

The Old Town Restaurant Policy requires a finding that any new or expanded restaurant in the neighborhood will not significantly impact nearby residential neighborhoods. More specifically it asks that that each restaurant be reviewed with regard to the following factors: the impact of the restaurant on parking in the adjacent neighborhood, late night hours, predominance of alcohol, litter, and diversity of uses.

A) Availability of Off-Street Parking

A large, 350 seat, restaurant has the obvious potential for competing with residents for on street parking in the area. The recent King Street Parking Study showed clearly that despite the popularity and consistent use at peak times of on-street parking in areas such as lower King Street, South Union Street, and nearby residential streets, the garages in the vicinity retain capacity. It therefore behooves the City, as well as businesses, to find mechanisms to attract customers to use available off street parking. Garages will be attractive to parkers if they are conveniently located, well-signed and not expensive.

The applicant has compiled a multi-strategy parking plan which relies heavily on advertising and Internet interactivity to direct patrons to garages as well as public transportation. Most importantly, the applicant has negotiated an arrangement with the adjacent private garage operated by Altman Company to allow restaurant customers to park for a \$4.00 flat fee, instead of the normal \$7.00 fee, for an evening. While the parking charge could be lower, staff welcomes the effort and believes it is sufficiently low that it should be attractive to restaurant customers. The applicant will also attempt to make similar arrangements with other nearby garages. Finally, the applicant is suggesting that signage be added to the building directing customers to the adjacent parking opportunity and, subject to BAR approval, staff supports that

idea. If the applicant's parking proposal is successful, it should benefit the nearby residential area by minimizing competition for parking spaces there.

Staff has added condition language which incorporates the applicant's parking efforts, acknowledging that components of the plan may change over time, and allowing changes with staff approval. The condition also references a potential overall parking program for restaurants in Old Town which could modify or supersede the applicant's plan. Staff suggests that the issue requires more policy discussion; it also needs time to determine if efforts such as proposed in this case and the new restaurant at 277 South Washington Street are successful. If new restaurants in the future are able to successfully direct patrons to existing garage capacity, through pricing, signage and valet services, that effort could become part of the ultimate Old Town parking policy for businesses.

B) Late-Night Hours and Alcohol

Staff acknowledges the potential for issues related to late night hours and alcohol. The restaurant features a bar and "craft beers," and proposes to close both the indoor and outdoor restaurant areas at 1:00 a.m. The timing, however, is comparable to other restaurants in Old Town. O'Connell's closes at 1:00am daily. The Fish Market closes at 1:00am Monday-Saturday and 12:00 midnight on Sunday. Jackson 20 is permitted to stay open until 1:30 daily, and Bugsy's is allowed to stay open until 1:30 am on Friday and Saturday. At least three grandfathered restaurants in the vicinity, including Union Street Public House, the Wharf, Red Curry (at 100 King Street) may stay open until 2:00 am. As to the indoor dining, staff supports continuing the 1:00 am closing time established in the Fish Market and O'Connell's cases

As to outdoor dining, the Old Town Outdoor Dining program requires that restaurant seating close at 11:00 p.m. This application is proceeding as a SUP, beyond that program's requirements, but staff does not support hours that are inconsistent with the norm for other outdoor dining in Old Town.

In addition to proposing hours consistent with other restaurants, staff notes that the applicant's concept, while including "craft beers," also includes a significant food menu and does not include entertainment. The potential for late night problems is reduced as compared to restaurants with later hours and entertainment attractions.

C) Extent of Litter Impact

Although restaurants generally have the potential to create litter, the potential is reduced at establishments, including the current proposal, that do not offer carry-out service. The standard conditions included in this report should sufficiently address litter concerns.

D) Diversity of Uses

The balance among uses in Old Town is an important ingredient in maintaining an active environment with suitable commercial offerings for a variety of residents and visitors. In this

case the restaurant will be located in a large space formerly occupied by a retail bookshop. Although a retail use would have been a good alternative to a restaurant here, Olsson's closed nearly two years ago, along with all of its other area locations, and the space has been vacant since then. In addition, this portion of South Union Street will retain a lively mix of uses including two coffee shops, a barber shop, significant office space, the Union Street Public House, two gift shops and a shoe store. Within a block of the restaurant there is the Torpedo Factory and additional retail uses on lower King Street.

Staff met recently with representatives of the Old Town Civic Association and discussed the question of the desired diversity of uses in Old Town generally. The group recognizes that the issue is not one appropriately shouldered by any single applicant or commercial space. Instead, the question should be how best to determine when and if Old Town reaches a saturation point such that sufficient restaurant use is obtained. Parking capacity, the market rental rates, large vs. small operators and spaces, and the benefits of specific retail and restaurant uses are points to research both historically and for the future. Staff intends to continue its discussions over the next several months in the hope that additional information can inform this important issue.

Wales Alley

The proposal to use Wales Alley for outdoor seating questions whether the conversion of public space for private use provides a sufficient public benefit that it should be approved. Staff supports the proposal for several reasons. First, staff finds benefit in the lively addition of people and activity to this area of Old Town consistent with the objectives of the anticipated Waterfront Plan. In addition, most of the alley will remain open and useable by the public, although traffic will be limited to a one-way direction. The design proposed in the application for the building alterations and the alley improvements are handsome, understated, and, according to historic preservation staff, consistent with the historic and architectural integrity of the building. The improvements proposed for the alley seating, including the decking and roof, are reversible. The new brick surface will be installed over the entire alley at the applicant's cost and will improve the current relatively desolate condition of the alley.

As a section 9.06 matter, staff finds the proposal to be consistent with the existing and anticipated plans for Old Town and for the waterfront, as discussed above.

If this SUP and the 9.06 case are approved, the City and the applicant will enter into a license agreement for the applicant's use of the alley. The license will run for five years, and require payment of a license fee, calculated with reference to the market value of commercial floor space. Under the terms of the agreement, the City retains ownership of the land but the applicant has permission to use it consistent with the SUP approval. The proposed license agreement is scheduled to be reviewed and approved by City Council on May 25, 2010.

Deliveries/Loading

The applicant has indicated a willingness and ability to limit deliveries to the restaurant to trucks that will park and unload at the rear of the alley, immediately beyond the outdoor seating area. Staff has added a condition to reflect this suitable arrangement.

Trash Storage

The City maintains a large waste disposal facility within Fayette Alley, immediately behind the Fishmarket Restaurant, which allows nearby restaurants to use it for a fee. Many businesses in the lower King Street area utilize it for trash disposal. The applicant will use this communal dumpster, walking its trash the one block distance, and avoiding the significant problems of maintaining trash dumpsters and trash pick up on The Strand. This arrangement is consistent with the hopes for the future of the waterfront that The Strand be a more attractive, focal area.

Design Issues

Staff has added a series of conditions requiring design of the outdoor seating elements and the improvements to the alley, from both an aesthetic and engineering perspective. The BAR is required to approve all building alterations and signage.

Conclusion

The proposed restaurant, with the outdoor seating in Wales Alley, is a welcome addition to the waterfront, and begins the City's effort to celebrate its location on the Potomac River. While any large restaurant has the potential to impact residents in Old Town, this one should complement the other uses on the street and, with staff's conditions, and the applicant's ability to direct patron parking to garages, become a good neighbor.

Therefore, Staff recommends approval of the change to the use of the alley under Section 9.06 and approval of the SUP subject to the conditions contained in this report.

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 for indoor dining at the restaurant shall be limited to between 10:00am and 1:00pm seven days/week. (P&Z)
3. For indoor seating, 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)
4. The hours of operation for the outdoor dining area shall be limited to between 10:00 a.m. to 11:00 p.m., daily. The outdoor dining area shall be cleared of all diners by 11:00pm and shall be cleaned and washed at the close of each business day that it is in use.
5. The applicant shall post the hours of operation at the entrance of the business. (P&Z)

SUP #2010-0010
City Charter, Section 9.06 #2010-0002
106 South Union Street

6. The maximum number of seats at the restaurant shall be 350, which may be located either inside or on the outdoor platform to be located in Wales Alley. (P&Z)
7. The design of alterations to the building and improvements in the alley shall be substantially as shown on the plans submitted with application. (P&Z)
8. The design of the outdoor dining area and all its components must comply with the King Street Outdoor Dining guidelines or have separate BAR approval. The applicant shall submit illustrations and specifications to the Director of Planning & Zoning or, if required, the Board of Architectural Review, for review and approval. (P&Z)
9. A conceptual design plan for the improvements in Wales Alley, including without limitation the alley surface, curbing, grading profile, drainage detail features, any decking, raised platforms, railings, canopy, landscaping, and lighting shall be submitted for review and approval by the Director of Planning & Zoning in addition to any review required by the Board of Architectural Review. (P&Z)
10. The final design of the brick alley is subject to approval of the Director of Transportation and Environmental Services. The applicant shall post bond for public improvements prior to starting work. (T&ES)
11. A signed and approved license agreement with the City shall be required before the applicant may begin the use of Wales Alley. (P&Z)
12. No live entertainment shall be permitted either inside the restaurant or in any outdoor dining area. (P&Z)
13. No delivery service shall be available from the restaurant. (P&Z)
14. On-premises alcohol service may be permitted, but no off-premises sales shall be allowed. (P&Z)
15. 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)
16. No food, beverages, or other material shall be stored outside. (P&Z)
17. 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)
18. The applicant shall use the communal City waste disposal facility located in Fayette Alley. (T&ES)

19. The applicant shall comply with the submitted Parking Management Plan dated April 15, 2010, which is hereby incorporated into this Special Use Permit. Modifications to the Parking Management Plan as required shall be made to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. At such time as a revised parking policy for businesses in Old Town is adopted by City Council, this condition may be modified or superseded by such policy. (T&ES)(P&Z)
20. The applicant shall be responsible for repairs to the adjacent City right-of-way if damaged during construction activity. (T&ES)
21. All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
22. No permanent structure may be constructed over any existing private and/or public utility easements. (T&ES)
23. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
24. 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)
25. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
26. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. Such activities shall take place in Wales Alley adjacent to the subject property behind the proposed outdoor seating area and shall not block access through Wales Alley at any time. (T&ES)
27. 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)
28. 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)
29. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery readiness training for all employees. (Police)

30. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
31. 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 The applicant shall comply with the submitted Parking Management Plan dated April 15, 2010, which is hereby incorporated into this Special Use Permit. Modifications to the Parking Management Plan as required shall be made to the satisfaction of the Directors of P&Z and T&ES. At such time as a revised parking policy for businesses in Old Town is adopted by City Council, this condition may be modified or superseded by such policy. (T&ES)
- R-2 Final design of brick alley subject to approval of the Director of Transportation and Environmental Services. Bond for public improvements shall be posted prior to starting work. (T&ES)
- R-3 Applicant shall be responsible for repairs to the adjacent City right-of-way if damaged during construction activity. (T&ES)
- R-4 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R-5 No permanent structure may be constructed over any existing private and/or public utility easements. (T&ES)
- R-6 The applicant shall use the communal waste disposal facility located in Fayette Alley. (T&ES)
- R-7 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-8 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-9 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-10 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. Such activities shall take place in Wales Alley adjacent to the subject property behind proposed outdoor seating area and shall not block access through Wales Alley at any time. (T&ES)

- R-11 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-12 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). (T&ES)

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.

- 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 The height of the porch above grade is not shown. If > 30" above finished grade porches must have guardrails on open sides. Guardrails and intermediate rails must comply with USBC 1012.1.
- C-2 The drawings do not show steps or stairs. Stairs must comply with USBC. Stairways of 3 or more risers require handrails.
- C-3 The new handrails must comply with USBC for a minimum/maximum height of 30 to 34 inches. The ends must extend 12" beyond the top and bottom risers. The handgrip position must not be more than 2-1/4" in cross-sectional dimension, or the shape must provide an equivalent gripping surface. The handgrip portion must have a smooth surface with no sharp corners. The space between the wall and handrail must not be less than 1-1/2".
- C-4 The most restrictive type of construction shall apply to the structure for height and area limitations for nonseparated uses (USBC 508).
- C-5 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11. Handicapped accessible bathrooms shall also be provided.

- C-6 The restaurant is on two levels . Required exits and accessibility for persons with disabilities must be provided on both levels, including, but not limited to, code requirements for toilet rooms, seating, and accessibility to the building. (USBC 1114.4).
- C-7 Toilet Rooms for Persons with Disabilities:
 - (a) Water closet heights must comply with USBC 1109.2.2
 - (b) Door hardware must comply with USBC 1109.13
- C-8 Toilet Facilities for Persons with Disabilities: Larger, detailed, dimensioned drawings are required to clarify space layout and mounting heights of affected accessories. Information on door hardware for the toilet stall is required (USBC 1109.2.2).
- C-9 The applicant shall comply with the applicable accessible signage requirements of USBC 1110.
- C-10 Two means of egress are required from each level of the restaurant (USBC 1018.1).
- C-11 A seating/table layout (indoor and outdoor) complete with dimensions showing all aisle and passageway clearances will be required for review and approval prior to occupancy (USBC 1004.2).
- C-12 A dimensioned floor layout showing the current live entertainment and dancing floor area, aisle access ways, exit passageways, and aisles for seating/tables is required (USBC 1004.2, 1005.1, 1006.1, 1008.1)
- C-13 A 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-14 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-15 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.

Health Department:

- 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.

Parks and Recreation:

- F-1 No comment

Historic Preservation/BAR:

- F-1 106 S. Union Street is within the Old and Historic Alexandria District and within the Potomac River Height District. Alterations within the Height District must also comply with the additional design standards listed under Zoning Ordinance sec. 10-105(4) as part of the Certificate of Appropriateness approval.

The present two story brick warehouse at 106 S. Union Street appears on the Sanborn Insurance Maps between 1912 and 1921. It is identified as a Feed Warehouse on the 1941 Sanborn map and there are remnants of a sign for "Walter Roberts, Hay Grain Flour, Office" painted on the east end of the south wall that should be preserved as a reminder of the industrial/commercial era on the Alexandria waterfront. The exterior walls of the simple commercial structure have been altered several times and this is reflected in the variety of sizes and locations of the current windows.

The public right-of-way identified as Wales Alley is a historic alley and should remain functionally and visually open to reflect the rhythm and scale of the warehouse buildings on the Alexandria Waterfront in the 18th and 19th centuries. BAR staff believes the applicant's proposal maintains this openness.

Alterations to the exterior of the structure, signs and lighting will require approval of a Certificate of Appropriateness from the Old and Historic Alexandria District BAR. The outdoor dining area and all its components must comply with the King Street Outdoor Dining guidelines or have separate BAR approval. Staff has no objections to the

alterations shown in the conceptual sketches and believes the simple materials and forms proposed are appropriate to recall the previous commercial uses.

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 restaurant.
- 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 seeking an "ABC On" license only. The Police Department has no objections.

APPLICATION for SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2010-CC10

PROPERTY LOCATION: 106 South Union Street, Alexandria, Virginia

TAX MAP REFERENCE: 75.01 05 05 ZONED: CD/Commercial Downtown
KR King Street Urban Retail Zone

APPLICANT Name: 106 Union Dublin, LLC
Address: 1305 Leslie Avenue, Alexandria Virginia 22201

PROPERTY OWNER Name: SEE ATTACHED.

PROPOSED USE: Special Use Permit to operate a 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.

[X] 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.

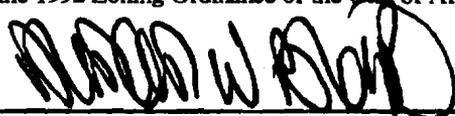
[X] THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[X] 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 Commission 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.

Land, Clark, Carroll, Mendelson & Blair, P.C.

Duncan W. Blair, Esquire

Print Name of Applicant or Agent



Signature

524 King Street

Mailing/Street Address

(703) 836-1000

Telephone #

(703) 549-3335

Fax #

dblair@landclark.com

Alexandria, Virginia 22314

City and State Zip Code

February 23, 2010

Date

=====**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**=====

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

ACTION - PLANNING COMMISSION: _____ DATE: _____

ACTION - CITY COUNCIL: _____ DATE: _____

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. 106 Union Dublin, LLC a Virginia limited liability company	1305 Leslie Avenue Alexandria, VA 22301	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 106 South Union Street (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.		
2.		
3.		

3. Business or Financial Relationship. 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.

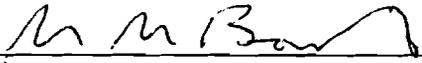
Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. 106 Union Dublin, LLC a Virginia limited liability company	See Attached.	Planning Commission, City Council, Board of Architectural Review (OHAD)
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.

February 22, 2010
Date

Murray Bonitt
Printed Name


Signature

34D-2010-0010

106 SOUTH UNION DUBLIN, LLC

Relationship as defined by Section 11-350 of the Alexandria Zoning Ordinance:

NONE

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. Murray Bonitt	1305 Leslie Avenue Alexandria, VA 22301	33 1/3%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 106 South Union Street (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.		
2.		
3.		

3. Business or Financial Relationship. 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.

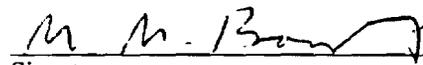
Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Murray Bonitt	See Attached.	Planning Commission, City Council, Board of Architectural Review (OHAD)
2.		
3.		

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.

February 22, 2010
Date

Murray Bonitt
Printed Name


Signature

SEP 2010 - 2010

MURRAY BONITT

Relationship as defined by Section 11-350 of the Alexandria Zoning Ordinance:

Campaign donation to Kerry Donley dated January 11, 2009 in the amount of \$\$500.00

Campaign donation to William Euille dated March 27, 2009 in the amount of \$500.00

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. Walter R. "Trip" Howell, III	106 South Union Street, Alexandria, VA 22304 106 South Union Street, Alexandria, VA 22304	33% 33%
2.	415 Timber Branch Pkwy	
3.	Alexandria, VA 22302	

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 106 South Union Street (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.		
2.		
3.		

3. Business or Financial Relationship. 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. Walter R. "Trip" Howell, III	See Attached.	Planning Commission, City Council, Board of Architectural Review (OHAD)
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.

February 22, 2010
Date

Walter R. Howell, III
Printed Name

Walter R. Howell, III
Signature

SLP 2010-0010

Relationship as defined by Section 11-350 of the Alexandria Zoning Ordinance:

Campaign donation to Kerry Donley dated 3/09 in the amount of \$ 500

Campaign donation to William Euille dated 3/09 in the amount of \$ 500

SUP # 2010-0010

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. Ryan Katz	1608 North Frost Street Alexandria, VA 22304	33 1/3%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 106 South Union Street (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.		
2.		
3.		

3. Business or Financial Relationship. 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.

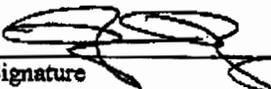
Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Ryan Katz	None	Planning Commission, City Council, Board of Architectural Review (OHAD)
2.		
3.		

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.

February 22, 2010
Date

Ryan Katz
Printed Name


Signature

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. Grosvenor Atlantic Limited a Nevada corporation	1701 Pennsylvania Avenue, Suite 1050, Washington, D.C. 20006	24%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 106 South Union Street (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. Grosvenor Atlantic Limited a Nevada corporation	1701 Pennsylvania Avenue, Suite 1050, Washington, D.C. 20006	24%
2.		
3.		

3. Business or Financial Relationship. 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.

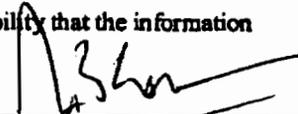
Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Grosvenor Atlantic Limited a Nevada corporation	See Attached. <i>NONE</i>	Planning Commission, City Council, Board of Architectural Review (OHAD)
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.

February 22, 2010
Date

ANDREW B GALBRAITH
Printed Name


Signature


D.J. SLOCORSLUK
ASSISTANT SECRETARY

26

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. B.B.C.A.F., Inc. a Nevada corporation	1701 Pennsylvania Avenue, Suite 1050, Washington, D.C. 20006	75%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 106 South Union Street (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. B.B.C.A.F., Inc. a Nevada corporation	1701 Pennsylvania Avenue, Suite 1050, Washington, D.C. 20006	75%
2.		
3.		

3. Business or Financial Relationship. 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.

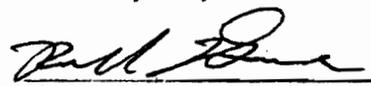
Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. B.B.C.A.F., Inc. a Nevada corporation	See Attached NONE	Planning Commission, City Council, Board of Architectural Review (OHAD)
2.		
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.

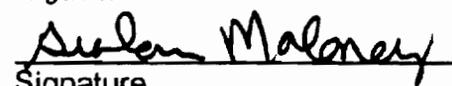
As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

February 22, 2010
Date

Richard L. Greene
Printed Name


Signature

Graham Maloney
Printed Name


Signature

Property's Owner's Authorization

On behalf of property owner of 106 South Union Street, I hereby grant the applicant authorization to apply for the Special Use Permit to operate the Restaurant as described in the application.

Name: Grosvenor GP Limited, LLC
a Delaware limited liability company

By:  ANDREW B. GALBRAITH, CIO.

 D.J. SWOBODA, ASSISTANT SECRETARY

Date: February 22, 2010

Address:

Phone:

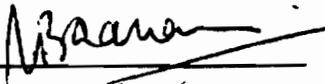
E-Mail:

34P 2010-0010

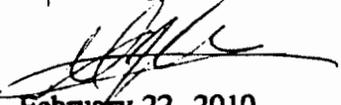
Property's Owner's Authorization

On behalf of property owner of 106 South Union Street, I hereby grant the applicant authorization to apply for the Special Use Permit to operate the Restaurant as described in the application.

Name: Grosvenor Atlantic Limited
a Nevada corporation

By: 

ANDREW B CALBRATH. CIO.


Date: February 22, 2010

J.J. SZYMONUK, ASSISTANT SECRETARY

Address:

Phone:

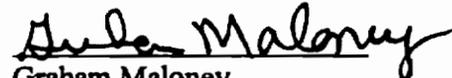
E-Mail:

Property's Owner's Authorization

On behalf of property owner of 106 South Union Street, I hereby grant the applicant authorization to apply for the Special Use Permit to operate the Restaurant as described in the application.

Name: B.B.C.A.F., Inc.

By: 
Name: Richard L. Greene
Its: Secretary

By: 
Name: Graham Maloney
Its: Assistant Secretary

Date: February 22, 2010

Address:

Four Embarcadero Center, Suite 4000
San Francisco, CA 94111

Tel: (415) 981-1400

E-mail:

rgreene@greeneradovsky.com
gmaloney@greeneradovsky.com

- 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*)

the Owner

Contract Purchaser of the building

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.

106 Union Dublin, LLC is a Virginia limited liability company. The members of the limited liability company are Murray Bonitt, Ryan Katz and Walter R. "Trip" Howell, III. The mailing address is: 1305 Leslie Avenue, Alexandria, Virginia 22301. It is anticipated that additional individuals or entities will become members of the limited liability company.

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, including 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)

106 Union Dublin, LLC, a Virginia limited liability company (the "Applicant") is requesting a special use permit to operate a full service restaurant in the Old Walter Roberts warehouse building at 106 South Union Street.

Cathal and Meshelle Armstrong, co-owners of Restaurant Eve, Eamonns Dublin's Chipper and The Majestic, will convert this antique historic structure into a "gastro" pub type restaurant. This chef driven, American bred restaurant will offer high quality, moderately priced "comfort" food and will also offer a world class selection of specialty "craft" beers. The restaurant will have 316 seats inside located on two floors and 60 outdoor seats on the elevated deck on Wales Alley.

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).

While the floor plan and layout has a total of 376 seats (includes outdoor), the Applicant anticipates the restaurant will have approximately a maximum of 275 dining patrons at 'one given time' and 175 during the week. Dining patrons will consist primarily of nearby residents, employees of nearby businesses, shoppers and visitors to the Old and Historic District of Alexandria.

LAND, CLARK, CARROLL, MENDELSON AND BLAIR, P.C.

Attorneys & Counsellors at Law

524 KING ST.

ALEXANDRIA, VA 22314-3104

H. CARTER LAND, III
JAMES C. CLARK
F. ANDREW CARROLL, III
RICHARD S. MENDELSON
DUNCAN W. BLAIR

March 30, 2010

.....
(703) 836-1000

FACSIMILE
(703)549-3335

Barbara Ross
Deputy Director
Department of Planning & Zoning
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

DELIVERED BY HAND AND BY PDF

In re: Special Use Permit No. 2010-0010 - 106 South Union Street, Alexandria, Virginia

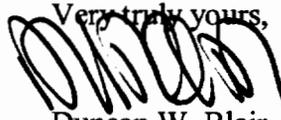
Dear Barbara:

I am writing on behalf of our client, 106 Union Dublin, LLC, in connection with its application for a special use permit to operate a restaurant at 106 South Union Street.

As we have discussed, the applicant is requesting that its application be amended as follows:

1. Amend the hours of operation as requested in the original application to seven days a week, 11:00 a.m. to 1:00 a.m.
2. Amend the number of permitted total seats to 350, of which 300 will be indoors and 50 will be outdoors.
3. Please note, the applicant is not requesting off premises sales of beer and wine.

If you have any questions concerning these changes, please do not hesitate to call.

Very truly yours,

Duncan W. Blair

DWB:k\lRoss-106SouthUnion 0310

cc: Murray Bonitt, by PDF only
Walter R. "Trip" Howell, III, by PDF only
Ryan Katz, by PDF only
Meshelle Armstrong, by PDF only
Cathal Armstrong, by PDF only
Nathan Randall, by PDF only

33

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

Approximately a total of 50 individuals will be employed on a full or part time basis. The anticipated maximum number of employees on site at any one time is 16 (week days) and 25 (weekends).

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

Day:	Hours:
Monday - Thursday	11:30 a.m. – 10:30 p.m. everyone out by 12:00 a.m.
Friday – Saturday	11:30 a.m. – 11:30 p.m. everyone out by 1:30 a.m.
Sunday	11:30 a.m. – 9:30 p.m. everyone out by 11:00 p.m.

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

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

It is not anticipated that noise levels will exceed permitted levels under the Alexandria City Code.

- B. How will the noise from patrons be controlled?

It is not anticipated that patron noise will be a source of complaints; as such, no extraordinary noise mitigation and control measures are warranted.

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

It is not anticipated that offensive odors will emanate from the use of the property as a restaurant.

- 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 space, food wrappers)

The type of volume of trash and garbage generated by the restaurant will be mainly refuse from products received (i.e. cardboard delivery boxes) and from general restaurant operations (product remnants). Trash and garbage will be deposited and stored in the enclosed, refrigerated dumpster in the back loading area.

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

The restaurant will generate approximately two (2) dumpsters per day.

- C. How often will trash be collected?

Trash and garbage will be collected by a commercial collector six (6) days a week.

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

Litter is not an anticipated problem; however, the restaurant's staff will self-police the adjacent right-of-way.

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:

Small quantities of organic compounds, generally recognized to be appropriate for use by restaurants in the operation of the business, will be stored, used as solvents, and disposed of in accordance with applicable regulations.

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:

Small quantities of organic compounds, generally recognized to be appropriate for use by restaurants in the operation of the business, will be stored, used as solvents, and disposed of in accordance with applicable regulations.

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

The location in the central business district and the proposed hours of operations of the restaurant should provide a safe environment for its patrons and staff. It is not anticipated that extraordinary security measures will be required.

ALCOHOL SALES

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

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.

On-premise consumption of beer, wine and spirits.

PARKING AND ACCESS REQUIREMENTS

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

None. The property is located in the Downtown Central Business District.

 -0- Standard spaces.

 -0- Compact spaces.

 -0- Handicapped accessible spaces.

 -0- Other.

Planning and Zoning Staff Only
Required number of spaces for use per Zoning Ordinance Section 8-200A
Does the application meet the requirement?
<input type="checkbox"/> Yes <input type="checkbox"/> No

B. Where is required parking located? (*check one*)

Not Applicable. The property is located in the Downtown Central Business District.

on-site

off-site (*check one*)

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

36

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?

None, per Alexandria Zoning Code Section 8-200(B)(5), the building was constructed prior to June 25, 1963.

Planning and Zoning Staff Only
Required number of loading spaces for use per Zoning Ordinance Section 8-200
Does the application meet the requirement?
<input type="checkbox"/> Yes <input type="checkbox"/> No

- B. Where are off-street loading facilities located?

Deliveries vehicles will be directed to use Wales Alley.

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

It is anticipated that loading and unloading activities will occur Monday – Saturday 9:00 a.m. – 3:00 p.m.

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

It is anticipated that there will be 2 – 4 deliveries per day Monday – Saturday.

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 property is adequate.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be?

*** The Applicant is requesting the Alexandria City Council to adopt an encroachment ordinance to permit the construction of an elevated deck on a portion of the Wales Alley public right-of way to be used for ingress and egress and outdoor dining.**

18. What will the total area occupied by the proposed use be?

7908 sq. ft. (existing) + _____ sq. ft. (addition if any) = 7908 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:

RESTAURANT SUPPLEMENTAL APPLICATION

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: 316 Outdoor: 60 Total numbers proposed: 376

The Outdoor dining is not in the King Street Outdoor Dining area and is not eligible for administrative approval under the Alexandria zoning Ordinance. A separate application requesting adoption of an encroachment ordinance has been filed as a companion to the Special Use Permit.

2. Will the restaurant offer any of the following?

Alcoholic beverages (SUP only) X Yes No.

Beer and wine - on-premises X Yes No.

Beer and wine - off-premises X Yes No.

3. Please describe the type of food that will be served:

Gastro pub influenced cuisine - Comfort food made with quality ingredients set in a comfortable, unpretentious setting.

4. The restaurant will offer the following service (check items that apply):

X table service X 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)? X Yes. No.

If yes, please describe:

Large screen TVs will be placed behind the bar for guests to enjoy cooking programs, sports and news.

Parking impacts. Please answer the following:

- A. What percent of patron parking can be accommodated off-street?
 (Check one)
 100% **Existing Public and Private off-street parking facilities within walking distance of the restaurant have sufficient capacity to serve patrons of the restaurant.**
 75-99%
 50-74%
 1-49%
 No parking can be accommodated off-street
- B. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends?
 (Check one)
 All **Existing Public and Private off-street parking facilities, specifically the Court House Parking Garage within walking distance of the restaurant have sufficient capacity to provide parking for those employees of the restaurant that drive to work.**
 75-99%
 50-74%
 1-49%
 None
- C. 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:

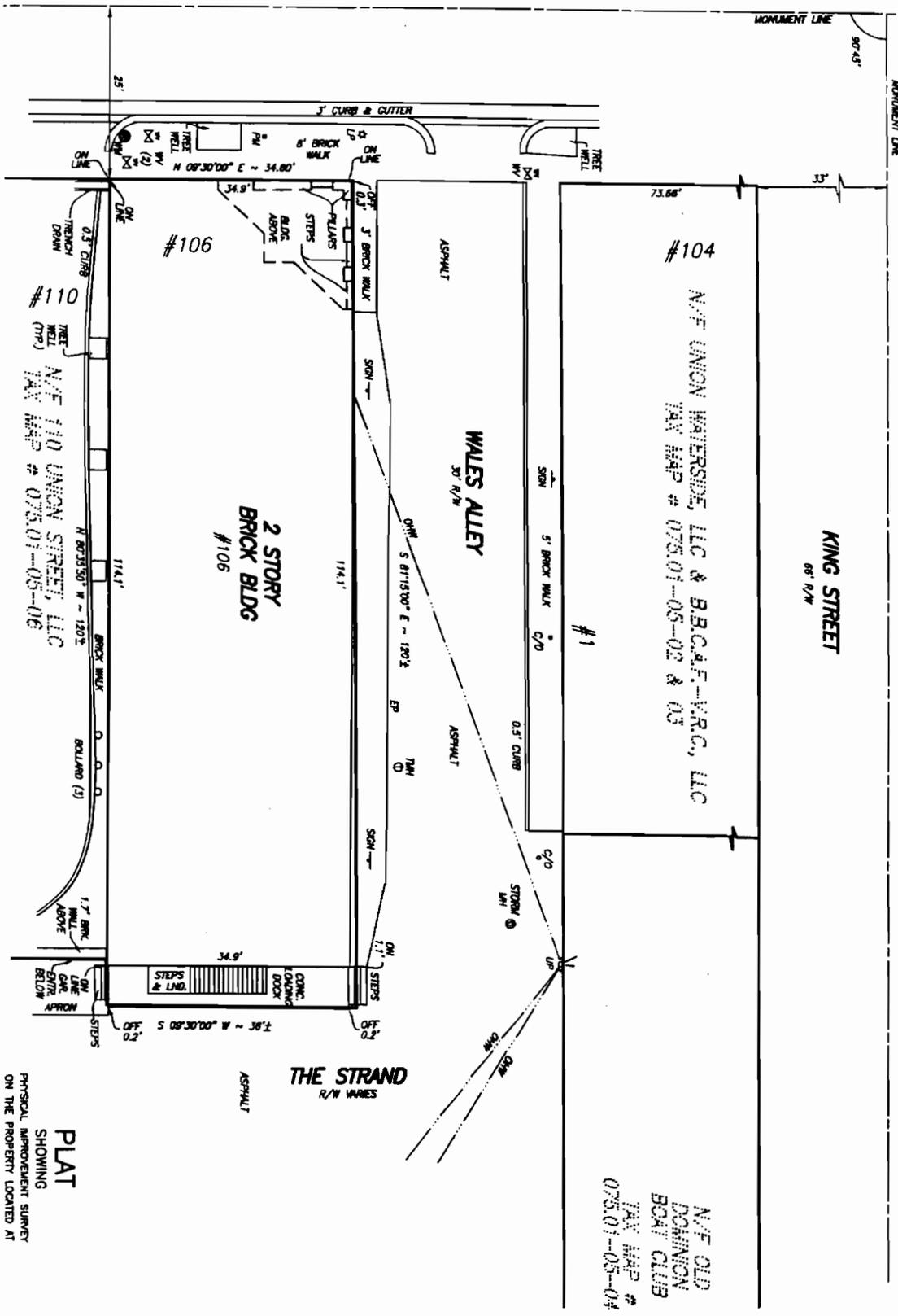
312	Maximum number of patron dining seats
64	Maximum number of patron bar seats
	Maximum number of standing patrons
376	Maximum number of patrons
- 28 Maximum number of employees by hour at any one time
- Hours of operation. Closing time means when the restaurant is empty of patrons. (check one)

	Closes by 8:00 P.M.
	Closes after 8:00 P.M. but by 10:00 P.M.
	Closes after 10:00 P.M. but by Midnight
X	Closes after Midnight
- Alcohol Consumption (check one)

	High ratio of alcohol to food
X	Balance between alcohol and food
	Low ratio of alcohol to food

S. UNION STREET
50' R/W

CITY NORTH



- GENERAL NOTES**
- TAX ASSESSMENT MAP # 075.01-05-05
 - OWNER: B.C.C.A.F., INC. ET AL.
1701 PENNSYLVANIA AVE NW, STE #1050
WASHINGTON, DC 20008
(INSTRUMENT #08022987)
CLIENT: BONNET BUILDERS
 - PLAT SUBJECT TO RESTRICTIONS OF RECORD.
 - TITLE REPORT NOT FURNISHED, THUS ALL EASEMENTS MAY NOT BE SHOWN.

- LOT AREA = 4,234 SQ. FT. ±
- 1 HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRAVELING TAPE SURVEY AND/OR WITH CALIBRATED ELECTRONIC DISTANCE MEASURING EQUIPMENT AND, UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS.

PLAT
PHYSICAL IMPROVEMENT SURVEY
ON THE PROPERTY LOCATED AT
106 S. UNION ST.
(INSTRUMENT #08022987)
CITY OF ALEXANDRIA, VIRGINIA

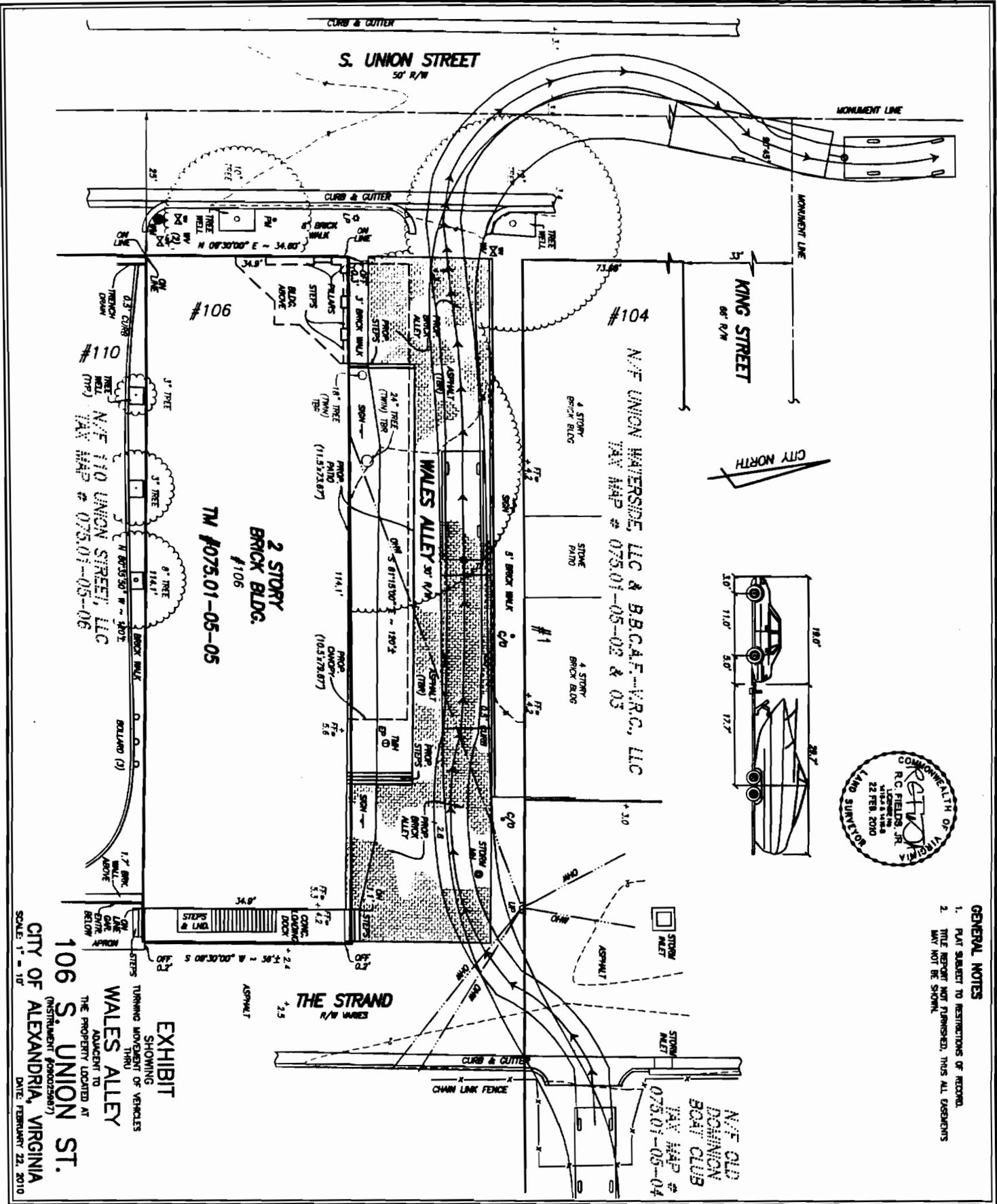
SCALE: 1" = 10'
DATE: FEBRUARY 22, 2010

R.C. FIELDS, JR. & ASSOCIATES
A PROFESSIONAL CORPORATION

● LAND SURVEYING ● SITE PLANNING ● SUBDIVISION DESIGN
730 S. Washington St. Alexandria, Virginia 22314 (703) 549-6422

FILE NO. 10-05	COMP. T.G.
SHEET 1 OF 1	DRAWN T.G.
	CHECKED R.C.F.

ENC 2010-0002



- GENERAL NOTES**
1. PLAN SUBJECT TO REVISIONS OF RECORD.
 2. THIS REPORT NOT FURNISHED, THIS ALL DIMENSIONS WILL NOT BE SHOWN.

EXHIBIT
SHOWING
TURNING MOVEMENT OF VEHICLES
THRU
WALES ALLEY
ADJACENT TO
THE PROPERTY LOCATED AT
106 S. UNION ST.
(INSTRUMENT #0002887)
CITY OF ALEXANDRIA, VIRGINIA
DATE: FEBRUARY 22, 2010
SCALE: 1" = 10'

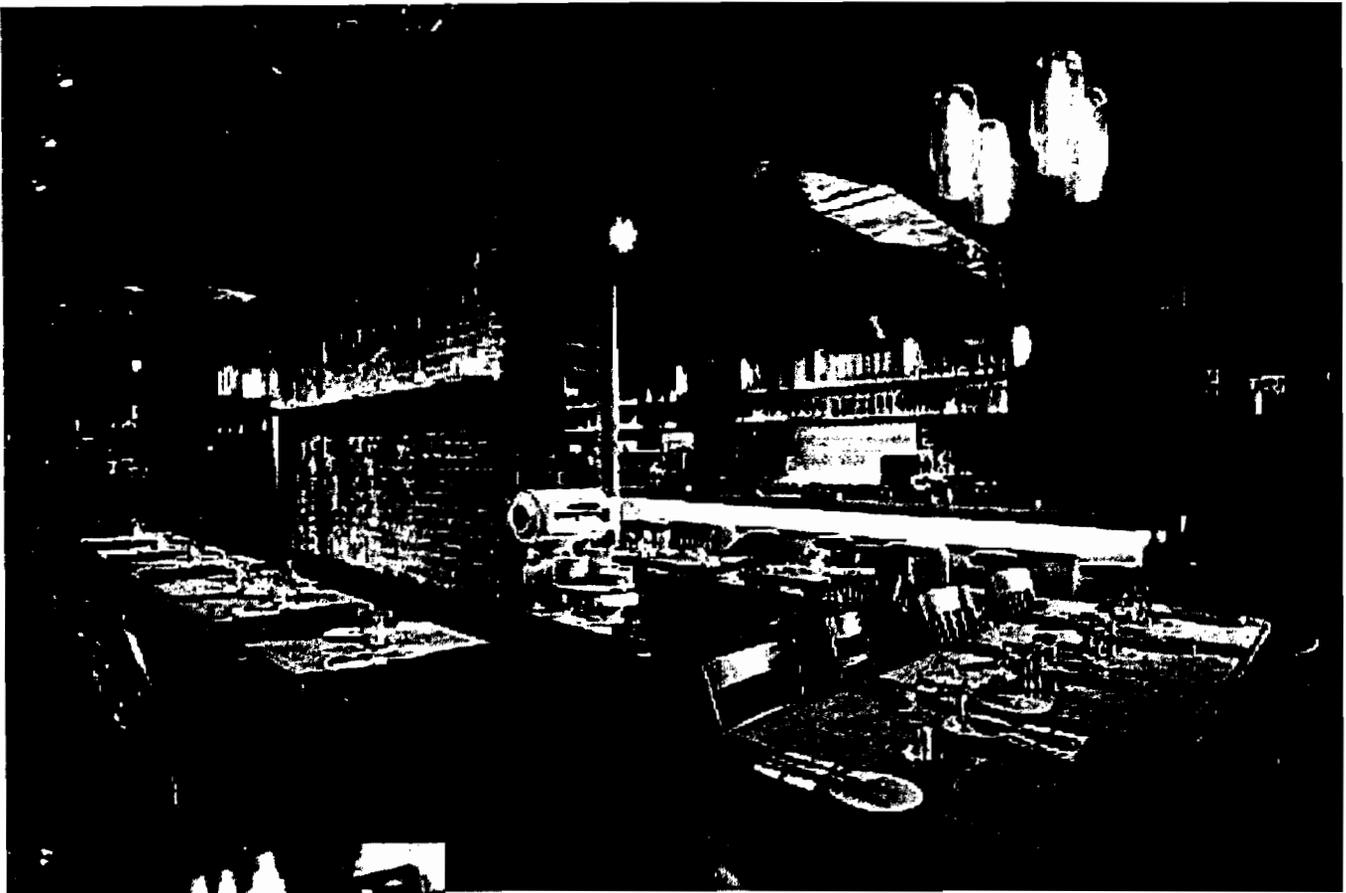
RC FIELDS, JR. & ASSOCIATES
A PROFESSIONAL CORPORATION

● LAND SURVEYING ● SITE PLANNING ● SUBDIVISION DESIGN
730 S. Washington St. Alexandria, Virginia 22314 (703) 549-6422

FILE NO. 10-05
SHEET 1 OF 1

COMP.	T.G.
DRAWN	T.G.
CHECKED	R.C.F.

42



Gastro Pub Name to Be Determined

Brought to you by the creators of Restaurant Eve

The kitchen, by chef Cathal Armstrong will turn out haute comfort food and snacks.

Starters & Bar Snacks

- Pigs in A Blanket
- Salad of the Day
- Caesar Salad
- Homemade Chicken Wings with various dips and rubs
- Shrimp Cocktail
- Scotch Egg
- Quiche Lorraine
- Smoked Haddock Soup
- Potato and Leek Soup
- Oysters on the Half Shell
- Deviled Eggs
- Smoked Salmon Platter
- Cockles and Mussels
- Chicken Liver Pate
- Fried Mushrooms

Main Course

- Steak and Chips
- 1/2 Roast Chicken and Chips
- Roast Pork Belly with Carrots
- Roast Leg of Lamb with Roast Potatoes
- Irish Breakfast
- Steak and Kidney Pie
- Steamed Lobster with Drawn Butter
- Shepherds Pie
- Hamburger
- Toasties (Grilled Sandwiches)
- Corned Beef Sandwich
- Salmon with Leek Butter and New Potatoes
- Chicken Pot Pie
- Seafood Bake
- Pasta of the Day

Dessert

- Apple Pie
- Bakewell Tart
- Rhubarb and Custard
- Bread and Butter Pudding
- Mixed Berry Crisp
- Chocolate Fudge Cake

PRINT



Pub Fare from Across the Pond

Oprah.com



Pub fare from across the pond brings cheer to the table.

Oh, sure, you can toss around a phrase like "traditional pub food" as if you know what you're talking about. You might even have some examples in mind—steak and kidney pie, perhaps, or fish and chips. But here's a tip: Don't say it in Great Britain or Ireland. Because there's no such thing.

Traditional food exists over there, of course, much of it quite wonderful. And the pub is practically a civic

institution. But until recently, finding the two of them together in one place was about as likely as getting Ossetra caviar on toast points at a drive-through in Kansas.

"Food never used to be part of pub culture," says Irish-born Cathal Armstrong, chef and co-owner of Restaurant Eve, Eamonn's Dublin Chipper, and the Majestic, all in Old Town Alexandria, Virginia. One thing that changed was the passage of strict drunk driving laws, in 1967 in Britain and in 1994 in Ireland. Suddenly, people no longer sat around for hours downing pints of Guinness—they drank at home instead. So pubs started serving food to bring in new customers and give them a reason to stick around longer without getting utterly pickled on ale. Thirty years ago, fewer than 10 percent of London pubs served hot food; now about 90 percent do.

These days so-called gastropubs—establishments offering British-style comfort food and drinks in an unpretentious atmosphere—are a bona fide culinary movement gaining traction here in the United States, according to Entrepreneur.com. It's easy to understand why the pub part of this trend is catching on: When times are tough, people long to feel rooted in their communities, and these convivial local hangouts have always offered an unconditional welcome to whoever came through their doors. "By far the most important aspect of pubs has always been their social function," says Armstrong.

The gastro aspect of the movement is a bit more perplexing, however. Who would have thought you could build a chic cuisine out of the sodden remnants of British and Irish cooking, long renowned for overboiled vegetables and boarding school puddings with names like spotted dick? But it turns out that these countries have dazzling culinary traditions, tucked away in storefront butcher shops where simple savory pies were baked fresh daily, down cobblestone lanes in Dublin and Aberdeen where fish and chips were fried to order and served in newspaper cones to soak up the grease, and in those drafty country kitchens where a big pot of stew would always be simmering on the cast-iron stove and a loaf of oat bread baking in the oven.

The secret ingredient in pub food, plus recipes from Cathal Armstrong

The ingredients, too, are a revelation. Britain and Ireland don't have the homegrown bounty to draw on that Italy and Spain do, but what they've got is fresh and profoundly flavorful: sweet, tender seafood harvested right off the rugged, chilly coastline; fat berries tangled up in miles of hedgerows; lush gardens popping with sweet peas, carrots, potatoes, and parsnips; and some of the best beef and lamb in the world. Perhaps the region's most precious assets of all are its dairy products—rich butter, thick cream, and a multitude of cheeses, all from animals traditionally grazed on that tender, emerald grass. (Thankfully, many of these items are increasingly available in American grocery stores.)

45

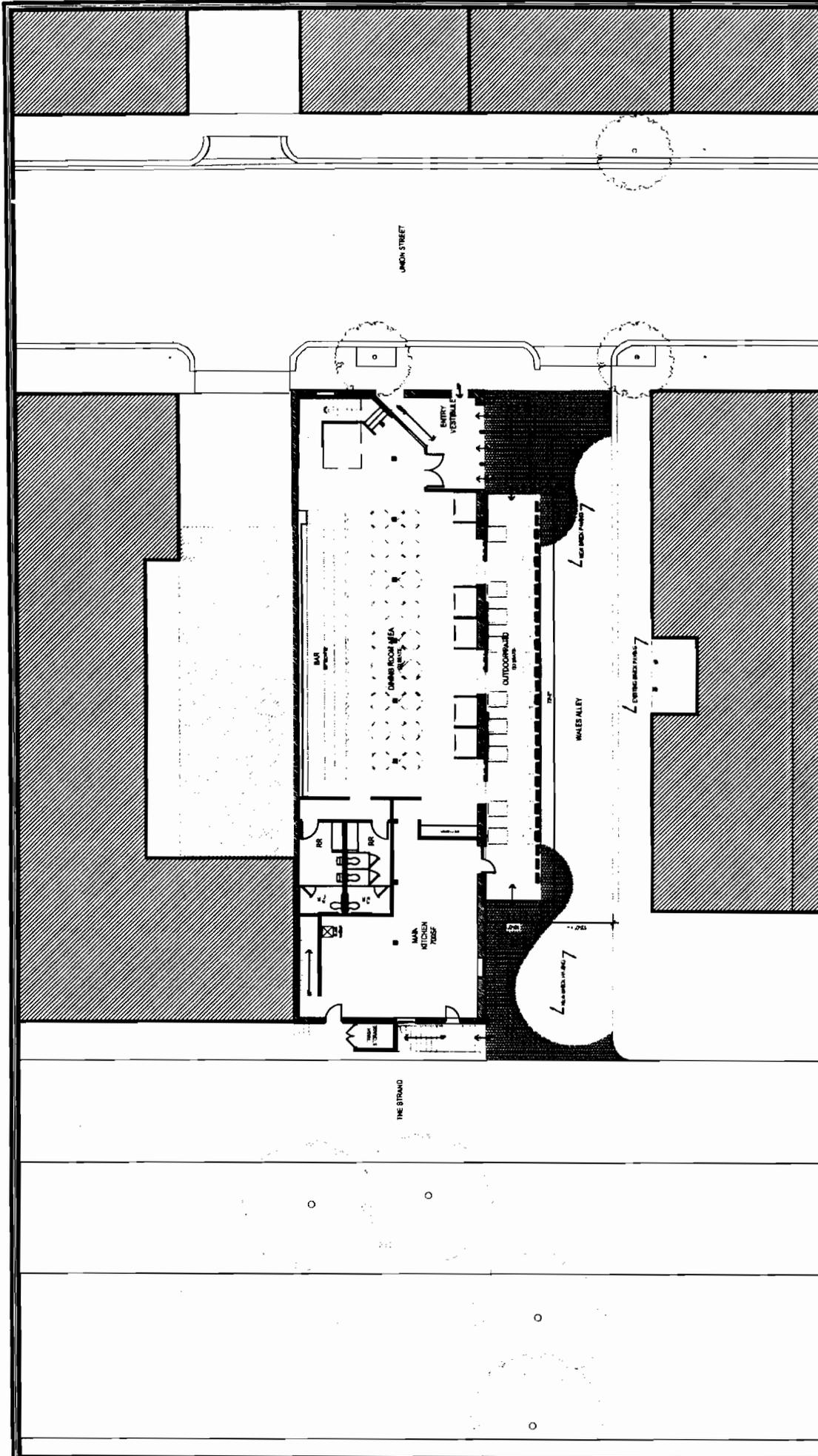
Pub food is all about transforming these marvelous ingredients into simple, nourishing stews, soups, casseroles, and pies that bring people together. According to Colman Andrews, a founding editor of *Saveur* magazine and author of *The Country Cooking of Ireland*, "These foods are not something you eat by yourself standing over the kitchen sink. They almost demand that you sit down and share a meal."

So it makes sense that while other chefs are expanding their empires with franchises in Vegas and Dubai, Cathal Armstrong and his wife, Meshelle, are planning to open a fourth restaurant in 2010 right in Old Town. For them, food, drink, and neighbors to share them with are wound together like the loops of a Celtic cross. "Food creates a network," says Armstrong. And a good meal and a couple of pints strengthen the bonds that keep a community alive.

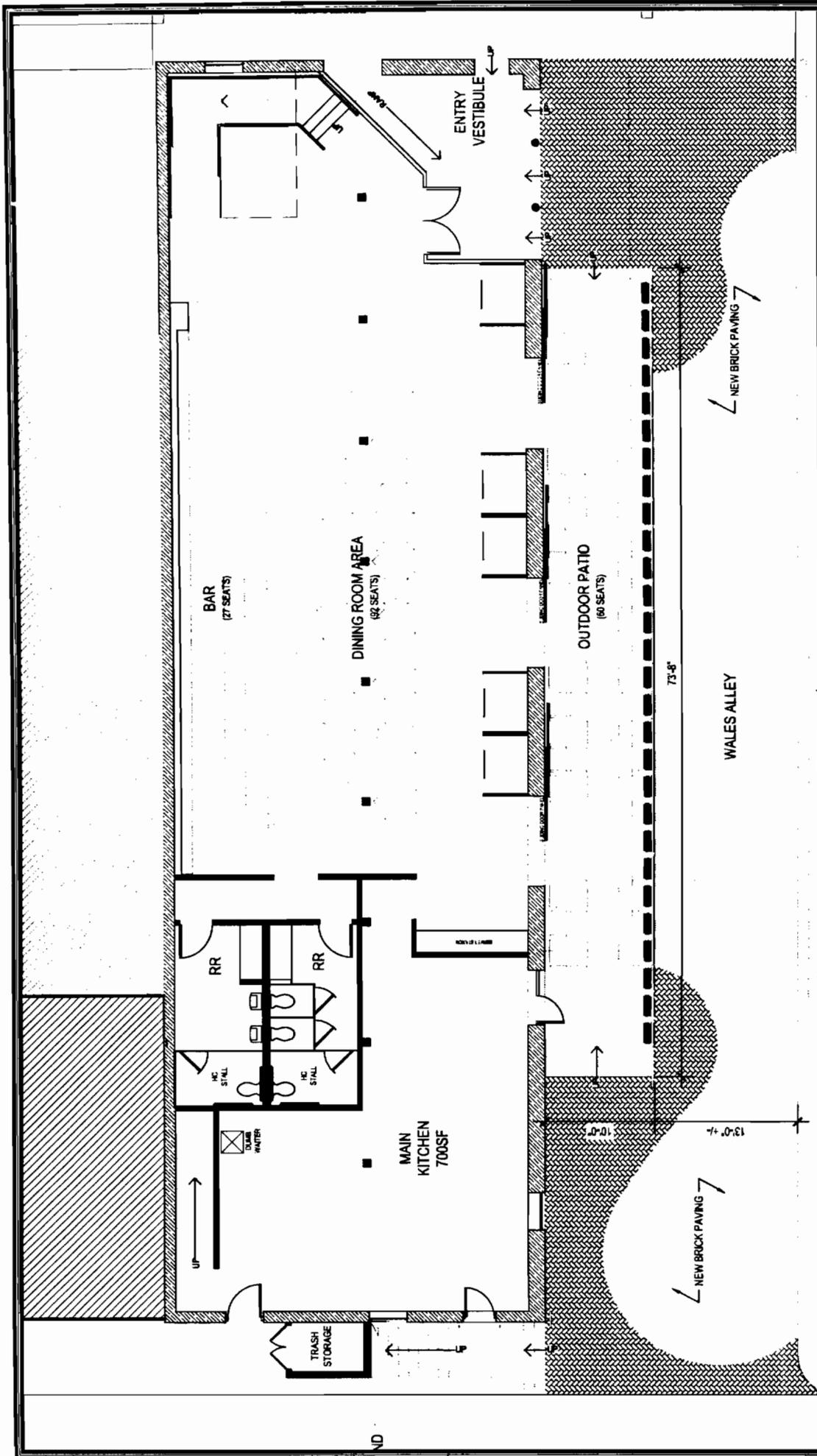
And that, in the end, is the secret ingredient in pub food. For there isn't a finer condiment in the world than the warmth and laughter of people gathered gratefully around your table.



Get the recipes:
Pub Fare Menu

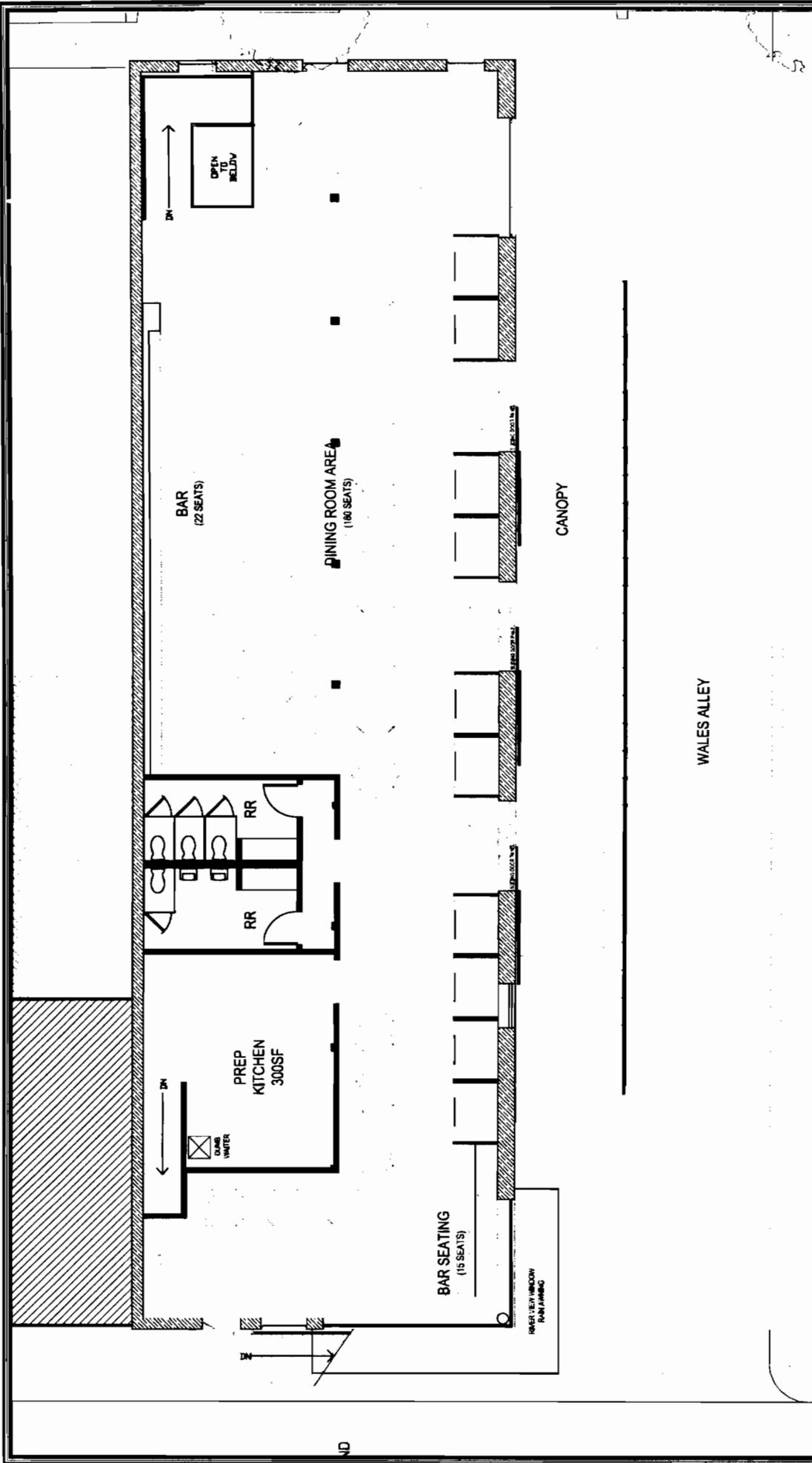


hartzel + hall	
SHEET NUMBER A2.1	PROJECT NUMBER XXXX
PROJECT TITLE 106 SOUTH UNION ST.	DATE 2-22-2010
SHEET TITLE FIRST FLOOR CONCEPT PLAN	
SCALE: 1"=16'-0"	



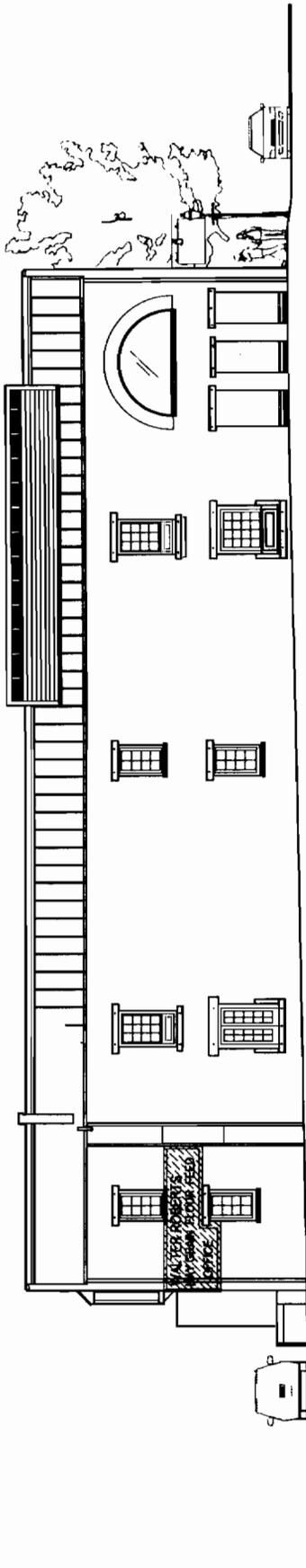
SHEET NUMBER A2.3		PROJECT NUMBER XXXX	PROJECT TITLE 106 SOUTH UNION ST.	hartzten + ball
		DATE 2-22-2010	SHEET TITLE FIRST FLOOR CONCEPT PLAN	SCALE: 1"=8'-0"

49

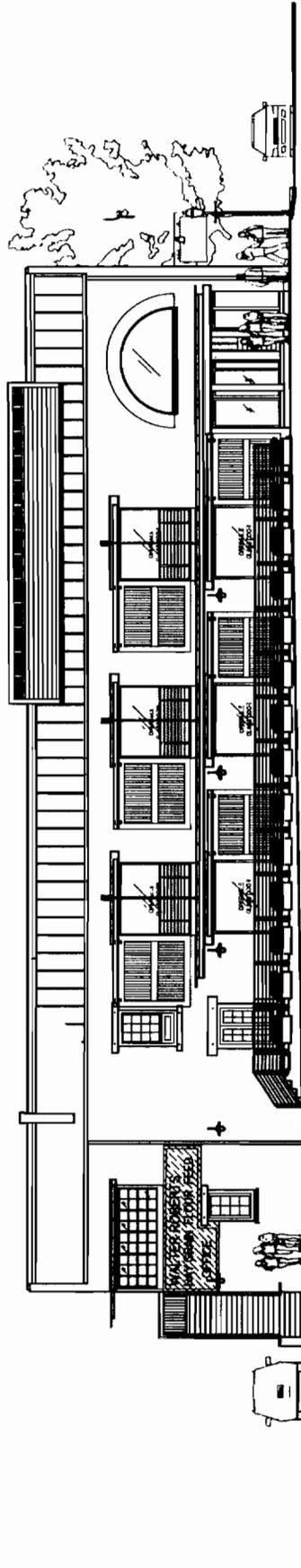


PROJECT TITLE 106 SOUTH UNION ST.		bartzen + ball	
PROJECT NUMBER XXXX		SHEET TITLE SECOND FLOOR CONCEPT PLAN	
DATE 2-22-2010		SCALE: 1"=8'-0"	
SHEET NUMBER A2.4			

50

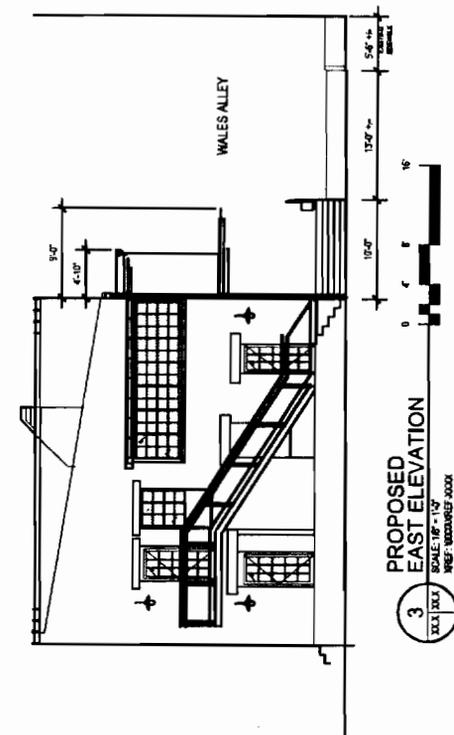
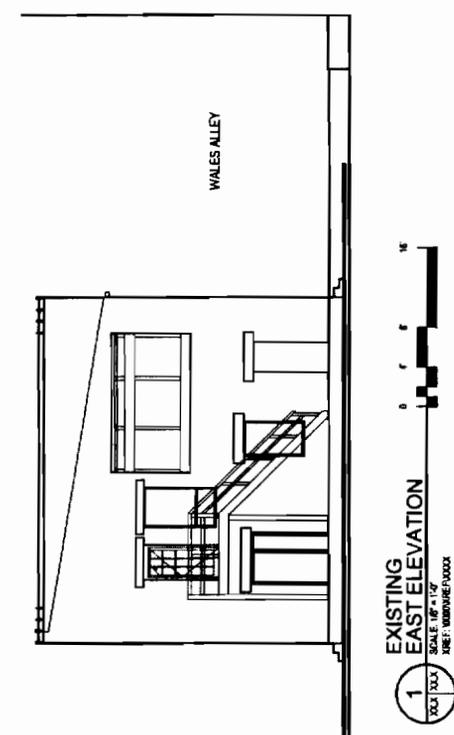
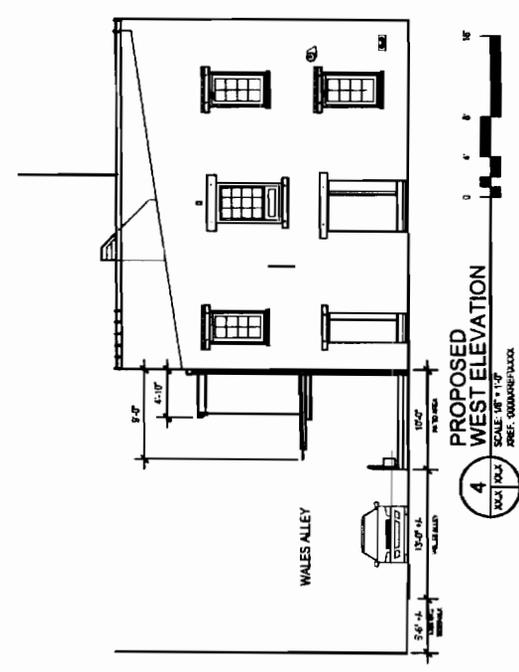
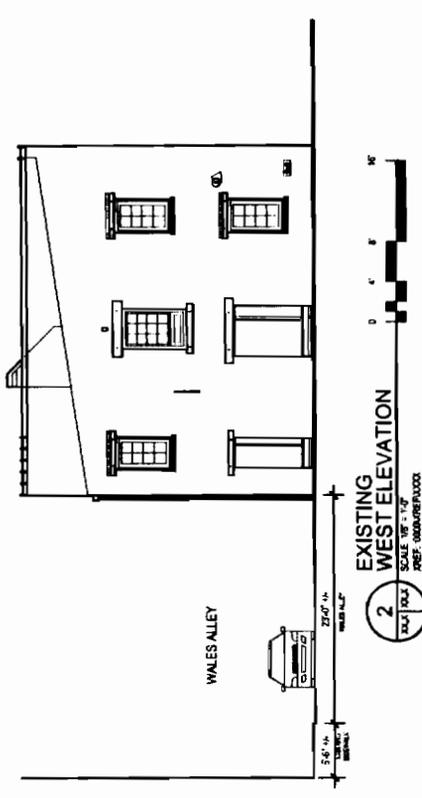


1
EXISTING
NORTH ELEVATION
SCALE 1/8" = 1'-0"
REF. MANUFACTURE



2
PROPOSED
NORTH ELEVATION
SCALE 1/8" = 1'-0"
REF. MANUFACTURE

SHEET NUMBER A3.1	PROJECT NUMBER XXXX	PROJECT TITLE 106 SOUTH UNION ST.	hartzen + ball
	DATE 2-22-2010	SHEET TITLE CONCEPT ELEVATIONS	



PROJECT TITLE 106 SOUTH UNION ST.		PROJECT NUMBER XXXX		SHEET NUMBER A3.2	
SHEET TITLE CONCEPT ELEVATIONS		DATE 2-22-2010		SHEET NUMBER A3.2	

hartzen + ball

52





54





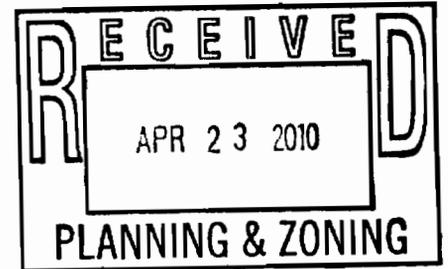
City Hall
Alexandria, Virginia

Alexandria Waterfront Committee
Department of Recreations, Parks and Cultural Activities
1108 Jefferson Street
Alexandria Virginia 22314



April 22, 2010

Mr. John Komoroske, Chair
Alexandria Planning Commission
City Hall
301 King Street, Room 2100
Alexandria, VA 22314



Dear Mr. Komoroske:

This letter summarizes the position of the Alexandria Waterfront Committee on the proposed Special Use Permit for 106 South Union Street, scheduled to be considered by the Alexandria Planning Commission at its May 4, 2010 meeting.

The purpose of the Alexandria Waterfront Committee is to study and deal with issues relating to private and commercial uses of the waterfront. Within that scope, the Committee received a presentation on the proposed Special Use Permit for 106 South Union Street from Ms. Barbara Ross of the Department of Planning and Zoning at its April 20, 2010 meeting.

In general, the Waterfront Committee is encouraged by the proposed re-use of this site as an upscale restaurant with outdoor dining. The Committee believes that this is an appropriate use of a historic structure adjacent to the Waterfront, and is consistent with the Committee's vision for the City's Potomac Waterfront that it adopted in 2009 in advance of the City's Waterfront Planning process, which is now underway.

We are encouraged by the creative proposal to apply a short-term, renewable license agreement rather than a permanent encroachment to permit street-side, outdoor dining on Wales Alley, a public right-of-way. We are concerned, however, that the present proposal for the alleyway may impede access to The Strand and the waterfront. We would request that the Planning Commission and its staff in the Department of Planning and Zoning consider methods to ensure the remaining alleyway maximizes access. This may involve reconsidering the dimensions of the proposed dining porch at this site.

The Waterfront Committee would also like to request an update from Department of Planning and Zoning staff on the resolution of access issues before the Special Use Permit is fully adopted by the City. The

Mr. John Komoroske
April 22, 2010
Page 2

Waterfront Committee's next meeting will be Tuesday, May 18, 2010 at 7:30 a.m. in the Gold Rooms of the Lee Center, 1108 Jefferson Street.

If you should have further questions regarding this matter, please contact me at 202/365-2927 (mobile) or natemacek@hotmail.com. On behalf of the Alexandria Waterfront Committee, thank you for your consideration of this matter.

Sincerely,



Nathan M. Macek, Chair
Alexandria Waterfront Committee

CC: James K. Hartmann, City Manager
Faroll Hamer, Director, Department of Planning and Zoning
Richard Baier, PE, Director, Department of Transportation and Environmental Services
Barbara Ross, Department of Planning and Zoning
Nancy Williams, Department of Planning and Zoning
Roger Blakeley, Department of Recreation Parks and Cultural Activities
Laura Seidler, Department of Recreation Parks and Cultural Activities
Alexandria Waterfront Committee

PC Docket Item # 8A
SEP 2010-0010

106 South Union Street, Alexandria Virginia,
Special Use Permit 2010-0010

GUEST - EMPLOYEE PARKING STRATEGY

THE OWNERS AND OPERATORS OF THE PROPOSED GASTROPUB AT 106 S. UNION STREET ARE COMMITTED TO IMPLEMENTING A PROACTIVE AND INTERACTIVE PROGRAM TO DIRECT PATRONS TO THE AVAILABLE PUBLIC AND PRIVATE OFF-STREET PARKING FACILITIES LOCATED WITHIN A THREE BLOCK AREA OF 106 S. UNION STREET. ATTACHMENT A IS A LIST OF THE PARKING FACILITIES WITHIN THE THREE BLOCK AREA.

THE CORNERSTONE OF THE PROGRAM IS TO INSURE THAT THOSE THAT WISH TO PATRONIZE THE GASTROPUB ARE WELL INFORMED ABOUT THE AVAILABILITY OF THE AMPLE AFFORDABLE PARKING IN THE IDENTIFIED GARAGES WITHIN THE THREE BLOCK AREA OF 106 S. UNION. THE GOAL OF THE PROGRAM IS TO PROVIDE: **"TOO MUCH KNOWLEDGE"** IN ORDER TO INSURE THAT THOSE WHO WISH TO PATRONIZE KNOW WHERE PARKING IS LOCATED, ITS CONVENIENCE AND COST.

INITIAL COMPONENTS OF THE PROGRAM TO ENCOURAGE THE USES OF AVAILABLE OFF-STREET PARKING INCLUDES:

- NEGOTIATING A 75% DISCOUNTED RATE FOR GASTROPUB PATRONS WITH ALTMAN PARKING, WHICH OPERATES THE 62 CAR GARAGE DIRECTLY ADJACENT TO THE SOUTH OF 106 S. UNION STREET IN EXCHANGE FOR DIRECTING PATRONS TO THAT FACILITY. ALTMAN PARKING HAS AGREED TO PARK OUR PATRONS AT NIGHT FOR \$4.00 FOR THE EVENING, REDUCED FROM \$7.00. (SEE ATTACHED LETTER). THE OWNERS AND OPERATORS OF THE GASTROPUB WILL EXPLORE THE ESTABLISHMENT OF SIMILAR RELATIONSHIPS WITH OTHER GARAGES.
- THE GASTROPUB WILL HAVE A STATE OF THE ART INTERACTIVE WEBSITE WHICH WILL, LIMITED ONLY BY AVAILABLE TECHNOLOGY, LIST IN REAL TIME PARKING GARAGE LOCATIONS, AVAILABILITY, AND PRICES.
- THE USE OF PUBLIC TRANSIT WILL BE ENCOURAGED. THE WEBSITE WILL PROVIDE INFORMATION ABOUT BOTH THE FREE OLD TOWN TROLLEY AS BOTH A MEANS OF TRANSIT ALONG KING STREET CORRIDOR FOR OLD TOWN RESIDENTS, BUT ALSO A CONVENIENT

CONNECTION BETWEEN THE GASTROPUB AND THE KING STREET METRO STATION.

- **THE WEBSITE WILL PROVIDE INFORMATION TO ENCOURAGE THE USE OF METRO AND THE OLD TOWN TROLLEY.**
- **THE GASTROPUB WILL MAKE IT CONVENIENT FOR PATRONS TO USE THE SERVICES OF LOCAL CAB COMPANIES, BY HAVING A CONVENIENT "CHECKOUT AND CALL A CAB" POLICY.**
- **BIKE RACKS AND STROLLER AREAS WILL BE INSTALLED ADJACENT TO GASTROPUB TO ENCOURAGE LOCALS TO LEAVE THE CAR AT HOME AND BIKE DOWN FOR LUNCH OR DINNER.**
- **THE GASTROPUB STAFF WILL BE TRAINED TO RESPOND TO EVERY CALL INQUIRING ABOUT RESERVATIONS, HOURS, OR OUR CUISINE, BY INFORMING THE CALLERS OF THE AVAILABILITY OF OFF-STREET PARKING.**
- **THE GASTROPUB WILL SEEK APPROVAL TO POST A DIRECTIONAL SIGN ON THE FRONT OF THE BUILDING DIRECTING PATRONS TO LOCAL GARAGES.**
- **ALL PRINT ADVERTISING WILL DIRECT PEOPLE TO THE WEBSITE AND TO THE RESERVATION NUMBER TO OBTAIN INFORMATION ON THE AVAILABILITY AND LOCATION OF PARKING.**
- **THE GASTROPUB WILL ADHERE TO EXISTING CITY POLICIES REGARDING EMPLOYEE PARKING.**

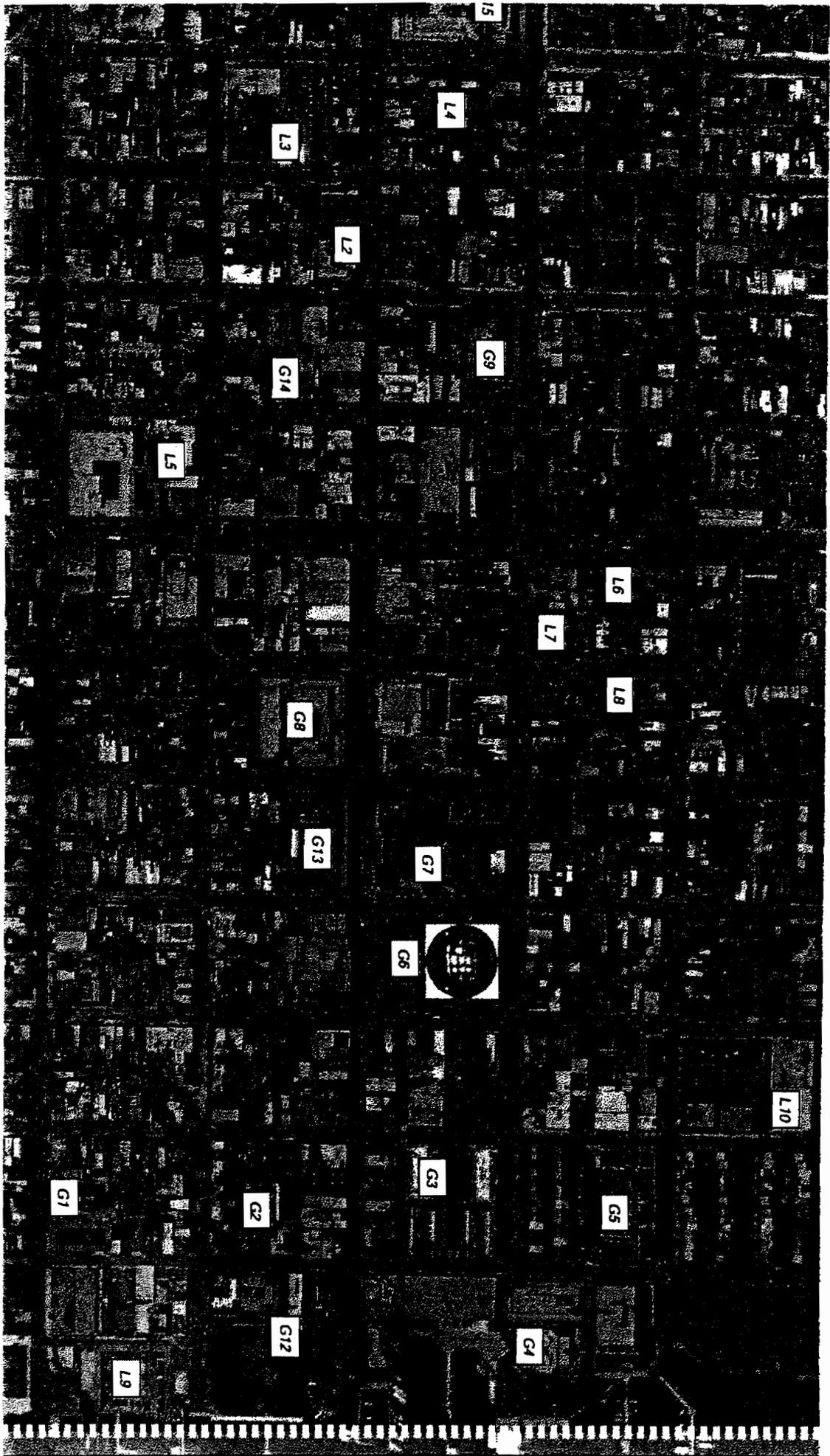
ATTACHMENT A

THE PARKING FACILITIES WITHIN THE THREE BLOCK AREA OF 106 SOUTH UNION STREET.

- THE STRAND SURFACE DESIGNATED L-9 ON THE ATTACHED MAP OF AVAILABLE PARKING FACILITIES (THE "MAP").
- THE SOLO GARAGE DESIGNATED G-1 ON THE MAP.
- THE 115 UNION GARAGE DESIGNATED G-2 ON THE MAP.
- THE TORPEDO PLANT GARAGE DESIGNATED G-3 ON THE MAP.
- THE THOMPSON'S ALLEY GARAGE DESIGNATED G-4 ON THE MAP.
- THE NORTH UNION STREET GARAGE DESIGNATED G-5 ON THE MAP.
- THE MARKET SQUARE GARAGE DESIGNATED G-6 ON THE MAP.
- THE ALTMAN'S GARAGE DESIGNATED G-12 ON THE MAP.

NOTE: THE FOLLOWING GARAGES ARE LOCATED WITHIN FOUR BLOCKS FROM 106 SOUTH UNION STREET AND ARE ALL SERVICED BY THE KING STREET TROLLEY.

- THE ALTMAN'S LOT DESIGNATED L-10 ON THE MAP.
- THE TAVERN SQUARE GARAGE DESIGNATED G-7 ON THE MAP.
- THE COURTHOUSE SQUARE GARAGE DESIGNATED G-8 ON THE MAP.
- THE HOTEL MONACO GARAGE DESIGNATED G-13 ON THE MAP.



61

PC Document LHM # 31A
SUP 2010-0010

April 23, 2010

Mr. John Komoroske
Alexandria Planning commission
City Hall
301 King Street, Room 2100
Alexandria, VA 22314

Dear Mr. Komoroske and Members of the Planning Commission:

This letter summarizes my minority position as a member of the Alexandria Waterfront Committee regarding the proposed Special Use Permit (SUP) at 106 South Union Street.

I would submit that converting all of our vacant retail properties into restaurants in the Old and Historic District is an extremely bad practice. Currently there are 82 eating establishments along a one mile strip on King Street, running from the Potomac River to the King Street Metro. In other words there is no shortage of restaurants, but there is a shortage of individually owned retail shops. As alluded to in the Small Area Plan, the Commission must find a reasonable mix of diverse uses when deciding the merits of each SUP request. At one time Alexandria had a policy to disallow no new restaurants east of Washington Street; however this policy has been altered over the years. This might be the time to reinstate that policy. However, you are currently obliged under the amended '92 Small Area Plan to maintain diversity. It cites that "The City should do whatever possible to retain a mix of restaurants and shops providing a diversity of goods and services in the King Street area."

The streets in the Union-Strand-King-Wales Alley traffic hub are a total traffic disaster especially on the weekends. This is caused by tour buses dropping off sightseers at Union and King; buses dropping boat goers off on the Strand; trolleys trafficking on Union, the Strand and King streets; pedestrians making their way helter skelter; buses sometimes unloading in the middle of the 100 block of King Street; ODBC members trying to go through Wales Alley in order to get into their parking lot; cyclists continually running through stop signs; not to mention the hundreds of drivers looking for places to park either on the street or in one of parking lots. In other words it is a traffic nightmare in that part of the city on a Friday or Saturday night. All this is going on while your local police enforcement representatives at the corner of Union and King do absolutely nothing to alleviate these bad situations. When Olsen's bookstore was the tenant at 106 S. Union, they obviously did not generate a lot of car traffic. However, with a 350 seat restaurant (300 inside and 50 in Wales Alley) plus the 130 seats in the other new restaurant Pizza Paradisio in the middle of the 100 block of King Street you end up with roughly 500 additional people who would in turn generate about 300 cars. There are insufficient places to park these additional cars.

TC District Item # 3A
Sup 2010-2011

The city concocting a licensing scheme that allows the potential restaurant tenant to seat 50 patrons in Wales Alley is ludicrous. Taking away half of the alley to further economic development is tantamount to the city using eminent domain. This is really no different than the Kelo verses New London case wherein the Supreme Court allowed the city of New London to take away Ms Susette Kelo's home so that a Pfizer plant could be built. This is considered by many to be the worst Supreme Court decision ever. Of course, the taking in the Wales Alley case is a taking of public property from the citizen's access. Mayor Riley of Charleston, South Carolina would say that it is your job to protect the public domain not give it away.

Recommend that the Planning Commission disapprove the SUP Request for 106 S. Union Street.

**Townsend A. Van Fleet
Member, Alexandria Waterfront Committee**

**CC: James Hartmann
Faroll Hamer
Richard Bair
Roger Blakeley
Laura Seidler
Alexandria Waterfront Committee**

PC Docket Items

Old Town Civic Association, Inc.

P.O. Box 1213

Alexandria, Virginia 22313

#6 D&P 2010-0002

#7A SLP 2010-0009

#7B EPC 2010-0013

#8A SLP 2010-0017

#8B CC Sec 9.06 #2010-0002

Dear Chairman Komoroske and Members of the Planning Commission :

The Old Town Civic Association wishes to address the Restaurant Special Use Permits on the Docket in context of the 1992 Small Area Plan as amended in 1993 (commonly referred to as the Old Town Restaurant Policy). We will start out by proposing a unified longer-term perspective and then address the individual applications on the immediate term.

DISCUSSION WITH PLANNING DEPARTMENT (Medium Long term)

We thank the City Staff for taking time to discuss the overwhelming interest in converting retail space into restaurant space that is potentially altering the balance between the residential, restaurants, retail and commercial in Old Town.

The 1992 Small Area Plan was very specific in curtailing the proliferation of the restaurants by not allowing any new ones. This was reasonably amended by allowing for new ones under the condition that the City takes into consideration, not only parking, drunkenness, trash but also diversity. Furthermore, the amended plan accentuates this further by requiring that the City Council separately adopt criteria for determining the extent to which each criterion is met. This was set in place to ensure that the vision of Old Town would prevail, namely a criterion that was included in the King Street Retail Strategy that was adopted in 2004.

POLICIES FOR OLD TOWN

Old Town is unique in that it maintains a very fine residential area in close proximity to the commercial establishments on King and Washington Streets. While both the residential and the commercial areas are currently strong, there is a fragile balance which must be preserved if both are to remain strong and if the ambience of Old Town is to be preserved. Further, the commercial areas contain a mix of activities that is unique within the metropolitan area, and that mix needs to be protected if the character of Old Town is to be preserved.

Since being adopted in 1993, there have been no attempts at quantifying how each group has evolved over the years. As a result, assumptions as to whether or not the diversity and balance has been compromised rests on anecdotal evidence. (The Parking Study is a good beginning to understand the availability of such, but we will get back to that later). What is not in dispute is the economic and social benefit of the small retailers that inhabit Old Town as has been demonstrated in

numerous studies across the country.

Keep in mind that Old Town became "Old Town" only after King Street was reinvented and populated by the small retailer. By adopting the King Street Retail Strategy, the City embarked on a restaurant-friendly policy, first by encouraging the apportionment of the public realm to the restaurants by allowing them to increase in size through administrative Special Use Permit (SUP), and second, by adopting the Small Business Facilitation Plan that encouraged the increase in the interior size through administrative SUPs. However, we do recognize and appreciate that Old Town did retain an SUP for new restaurants, and in so doing, is allowing us to have this conversation.

While the City might have embarked on a "vibrancy quest" that under current market conditions strongly favors restaurateurs, it has set in motion a process that discards the market mechanism by discouraging the pricing component from clearing the rental market. Instead, the policy encourages restaurants to take over valuable retail space in favor of restaurants as witnessed by the plethora of SUP applications for just that purpose. Moreover, once it is gone, retail space has a hard time coming back.

A speculative bubble in restaurant usage is not inconceivable. It is likely to be taking place already. Although ultimately it will lead to cannibalism among the group, in the long term, it will also diminishes the vitality of the retail segment if it has not already done so by crowding them out both physically and economically.

The Parking Study is a good beginning, but it is too narrowly focused on the restaurant hours and geographically diffuse to provide a realistic appraisal of how much activity can reasonably be handled in specific areas of King Street in order to maintain a balance between the users. If Old Town is to remain the heart and soul of the City, we must not only respect the public realm, but also ensure that do not become just a restaurant destination, but keep the diversity alive.

Five points were brought up at the meeting with the City Staff that are well suited to gauge the evolution In Old Town and could serve as guide for adhering to the 1992 Small Area Plan as amended in 1993.

1. Inventory of conditions
2. Information
3. Metric system
4. Restaurant Frontage guide
5. Policy discussion group

During the discussion, it became clear that the City does not have an inventory except for the bottom two blocks of King Street, which they agreed to forward to us

(point #2). However, even there, they do not know the evolutionary trajectory. Therefore, while they work at figuring that out, we urged them to follow the following points, such as:

Use of simple industry standards for parking requirements in conjunction with the knowledge of available parking, which could set the stage for understanding just how much of each grouping can reasonably be handled in any one area.

Furthermore, that this should be tied to the use of the simple concept of measuring the percent of restaurant frontage and comparing the result to a goal that can be easily quantified by asking the following question; if you could develop from scratch how much restaurant frontage would be reasonable for the Old Town King Street area. (Some jurisdictions actually codify the amount of restaurant frontage allowed).

The City should also form a policy discussion group to look at the overarching issues emanating from the market conditions or departure from the rudimentary matrix evaluations from the parking Matrix or the restaurant frontage rule.

IMMEDIATE Short term

OTCA has taken a pragmatic approach that recognizes the different locations character and needs in framing its position on these three restaurants.

Item 6:

SPECIAL USE PERMIT #2010-0002 - (DEVELOPMENT)

923 KING STREET- (THE KING BUILDING AT 923)

OTCA Board supports the application to expand the building because of the potential benefit the development can provide by filling a hole on Patrick Street and thereby improve the streetscape. The Board did not have an issue with the restaurant SUP, since the location already an approved restaurant SUP.

Items 7A/7B:

(A) SPECIAL USE PERMIT #2010-0009 (ENCROACHMENT)

(B) SPECIAL USE PERMIT #2010-0003 - 277 SOUTH WASHINGTON STREET (SOCIETY FAIR RESTAURANT)

The OTCA Board supports the application with two recommendations that we encourage you to adopt. However, we must first express our deep gratitude to the City Staff for setting the stage for the potential tenant using the parking garage connected to the building. Furthermore, the application will restore retail use in the building.

While the parking arrangement is commendable, the temptation for patrons to use the Lyceum parking lot will be overwhelming. We therefore request that the applicant be required to get a Lyceum Parking Only sign for the lot that is approved by the BAR and satisfactory to the Office of Historic Alexandria, in the hopes that the Lyceum staff will not be forced to become parking enforcers.

The encroachment leaves only 6 feet for pedestrians in certain spots. Given the large area, OTCA must reiterate the need for sidewalks to be of a reasonable width; notably that two people should be able to walk side by side while a person travelling the opposite direction can pass by as well, which is 7 feet. The OTCA Board does not see that this will affect the applicant's ability to fit the same numbers of seats in the encroachment area, but does see it as a test of the City's ability to respect the public realm.

Items 8A/8B:

SPECIAL USE PERMIT #2010-0010

(A) CITY CHARTER SECTION 9.06

(B) CASE #2010-0002 106 SOUTH UNION STREET

This case severely tests the restaurant policy. While the City Staff again deserves kudos for their parking approaches, the fact that the lot is open to anyone makes it a less attractive solution. However, the OTCA Board is also very concerned about the loss of an important retail location to another restaurant in a section of Old Town that is not underserved. Furthermore, the Wales Alley seating works counter to our desire to the Waterfront being more accessible.

There was very little support for the proposal, but we nevertheless request that you defer this item until such time that it can be properly be assessed in the context of the Waterfront Plan.

Furthermore, the solution being sought in order to accommodate the Boat Club concerns, could irrevocably harm the ability to create a continuous walkway along the Strand. Either way, OTCA having had neither the opportunity to see the "Waterfront" nor the Boat Club solution, would be most appreciative if both could be reviewed prior to this application being heard. Finally, as the Mayor of Charleston, Joseph P. Riley, Jr. said at a recent speech at the Kennedy Center, "people always tell me that I need to do something with empty buildings....anything! But when I am sick, I do not go to the doctor and ask him to do any available surgery, do I? "

Poul Hertel

President , Old Town Civic Association

HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757
FAX (703) 548-5443
hcgk.law@verizon.net

HARRY P. HART
MARY CATHERINE H. GIBBS
HERBERT L. KARP

ASSOCIATE
DAVID L. CHAMOWITZ

OF COUNSEL
CONSTANCE H. PIERCE

RETIREE
ROBERT L. MURPHY, 2001
CYRIL D. CALLEY, 2005

LURAY OFFICE:

170 KIBLER DRIVE
LURAY, VA 22835

TELEPHONE: 540-743-2922
FAX: 540-743-2422

May 4, 2010

Mr. John Komoroske, Chairman
and Members of the Alexandria Planning Commission
c/o Ms. Faroll Hamer, Director, Planning & Zoning
301 King Street
Alexandria, VA 22314
VIA HAND DELIVERY

RE: Public Hearing of May 4, 2010
Docket Items #8A & 8B

Dear Chairman Komoroske and Members of the Planning Commission:

These docket items represent an application for Special Use Permit to operate a restaurant in the former Olsson's building and a request under City Charter Section 9.06 for permission to erect a raised patio across a portion of Wales Alley. As counsel for the Old Dominion Boat Club, we have been asked to object on behalf of its membership to those portions of the SUP and City Charter Section 9.06 applications that would utilize a portion of Wales Alley for a raised patio.

Such a patio would obstruct the Boat Club's use of the Alley to access its parking lot, especially as that access frequently involves towing boats on trailers to be launched from the ODBC's ramp into the Potomac.

The Boat Club is business-friendly, and takes no pleasure from objecting to this proposal. If the proposal did not involve a partial blockage of Wales Alley, ODBC would support it enthusiastically as a new restaurant and an invigoration of the waterfront area. In fact, at least one of the investors in the applicant is a Boat Club member; if there were any application they'd want to accommodate, it'd be this application.

Unfortunately, the essence of the Old Dominion Boat Club is boating and marine activities, and the Club must oppose interference with its members' ability to pursue these goals.

68

Chairman Komoroske
and Members of the Alexandria Planning Commission
May 4, 2010
Page 2 of 2

The standard for your consideration of a Special Use Permit is whether “the proposed use or structure will be designed and operated so as to avoid, minimize or mitigate any potentially adverse effects on . . . other properties in the vicinity.”

A raised patio or any other use which partially obstructs Wales Alley most definitely impacts the Old Dominion Boat Club’s property at the end of that alley.

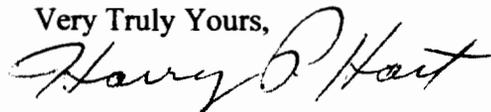
As we have pointed out to Planning Staff and the City Attorney, the Boat Club has an absolute right to use that alley for ingress and egress. Therefore, as a legal matter, the City is not *able* to grant the permission to obstruct the alley requested by the applicant. (In fact, for the same reason, we also do not believe the City has the right to limit the alley to one-way use.)

We have recently provided a letter from September 1988, received by then-City Attorney Phil Sunderland, in which we discussed at length the bases for this position. Briefly stated, Wales Alley was initially created as a private alley, and never dedicated to the City. It was ordered by the Alexandria Circuit Court in 1972 to remain open for the Boat Club’s use. Copies of the court’s order are publicly available and have been provided to the applicant and the City, and are enclosed with this letter for your consideration.

While the United States, the City of Alexandria, and the Boat Club remain in litigation (and, most importantly, settlement discussions) regarding the ownership and use of Boat Club land on the river, the Boat Club is simply not in a position to agree away any of its rights in Wales Alley.

For these reasons, we hereby object to the Special Use Permit as it relates to the use of Wales Alley, and to the City Charter Section 9.06.

Very Truly Yours,



Harry P. Haft

VIRGINIA:

IN THE CORPORATION COURT OF THE CITY OF ALEXANDRIA

OLD DOMINION BOAT CLUB,
a Virginia Corporation,

Complainant

vs.

IN CHANCERY NO. 16364

DOCKSIDE SALES, INCORPORATED,

Defendant

FINAL DECREE

THIS CAUSE came on the 17th day of March, 1972, upon the bill for injunction filed herein, the amended answer of the defendant, upon the evidence and testimony presented and was argued by counsel; and,

IT APPEARING TO THE COURT, after consideration of the evidence and argument of counsel, that the Complainant and Defendant are the owners of certain tracts of land located in the City of Alexandria, Virginia, and that the land owned respectively by the Complainant and the Defendant are adjacent and contiguous to a certain 10 ft. wide street or alley, known as Wales Alley, as the same was duly granted and established by an agreement dated July 10, 1789, and recorded in Deed Book Y, at Page 85, of the land records of Fairfax County, Virginia; and,

IT FURTHER APPEARING TO THE COURT, that Wales Alley is an established public way and that the Complainant, as an adjoining owner, has a vested easement or way in Wales Alley; and that the Defendant wrongfully, and without any right, obstructed a portion of Wales Alley by constructing a fence and wall across it, so that the Complainant is prevented from the use of Wales Alley; and,

HAZEL
BECHEM & HANSEN
Attorneys at Law
P. O. Box 547
Lynchburg, Virginia 22308

PLK 78-166

IT FURTHER APPEARING TO THE COURT that the equitable defense of "clean hands" raised by the Defendant is not applicable in this cause.

It is therefore ADJUDGED, ORDERED AND DECREED that the Defendant be and hereby is perpetually enjoined from closing or erecting any further fences, buildings, or other structures over Wales Alley, so as to interfere with the free use of it; and, that the Defendant be and hereby is ordered and directed to remove from Wales Alley the fence, wall and other structures now in existence and obstructing Wales Alley, within ninety (90) days from March 17, 1972.

To which ruling of the Court the Defendant, Dockside Sales, Inc., duly notes its exception.

AND THIS CAUSE IS FINAL.

Entered this 13th day of April, 1972.

George M. Giammittorio
George M. Giammittorio,
Judge

Entered April 13, 1972
Edwards 78-166, page 15

WE ASK FOR THIS:

HAZEL, BRICKHORN & HANES
P. O. Box 547
Fairfax, Virginia 22030

By: *Daniel H. Shaner*
Daniel H. Shaner, Esquire
Counsel for Complainant

SEEN, OBJECTED AND EXCEPTED TO:

By: *Robert L. Lainof*
Robert L. Lainof, Esquire
Counsel for Defendant

HAZEL,
BRICKHORN & HANES
Attorneys at Law
P. O. Box 547
Fairfax, Virginia 22030



City of Alexandria, Virginia



MEMORANDUM

DATE: May 14, 2010

TO: The Honorable Members of City of Alexandria City Council
James Hartmann, City Manager
James Banks, City Attorney
Faroll Hamer, Director, Department of Planning and Zoning

FROM: The Honorable William D. Euille, Mayor, City of Alexandria

SUBJECT: Saturday's Work Session/Public Hearing
Docket Items: SUP #2010-0009 - 277 S. Washington St. – Society Fair Restaurant
SUP #2010-0010 (A) – 106 S. Union St. – Restaurant
SUP #2010-0011 – 2312 Mt. Vernon Ave. HOG THAID t/a Pork Barrel BBQ

Colleagues,

Please be advised that I have a business relationship with the applicants for the above SUPs in that I am a minority partner/investor (less than 10% ownership) via my participation in a Limited Liability Corporation (LLC) or another business structure, for which I have no direct involvement in the day-to-day management or policy making decisions as follows:

- 1) Mango Mike's Restaurant, owned by Mike Anderson, General Partner via the Alexandria Restaurant Group.
- 2) The Majestic Restaurant, owned by the 711 King Street, LLC. The management/operator of the restaurant is Cathal and Meshelle Armstrong (The Restaurant Eve Group) who are not investors in the LLC.

The 106 Union Street restaurant and the 277 S. Washington Street- Society Fair Restaurant will be managed and operated by Cathal and Meshelle Armstrong.

The Pork Barrel BBQ Restaurant applicant is Mike Anderson and an ownership group that is unrelated to the ownership group for Mango Mike's Restaurant.

Thus, I have no potential conflict of interest involving these three SUPs and accordingly, I will be participating in the discussion and voting.

The City Attorney has concurred with my position on these matters.

SUP#2010-0010
City Charter Section 9.06
#2010-0002

Restaurant / Gastro Pub
106 South Union Street

- Request to operate 350-seat restaurant
- 50 outdoor seats in City-owned Wales Alley



Exterior Design Concept



Exterior Design Concept



Analysis

- Hours of operation
- Balance of uses
- Parking

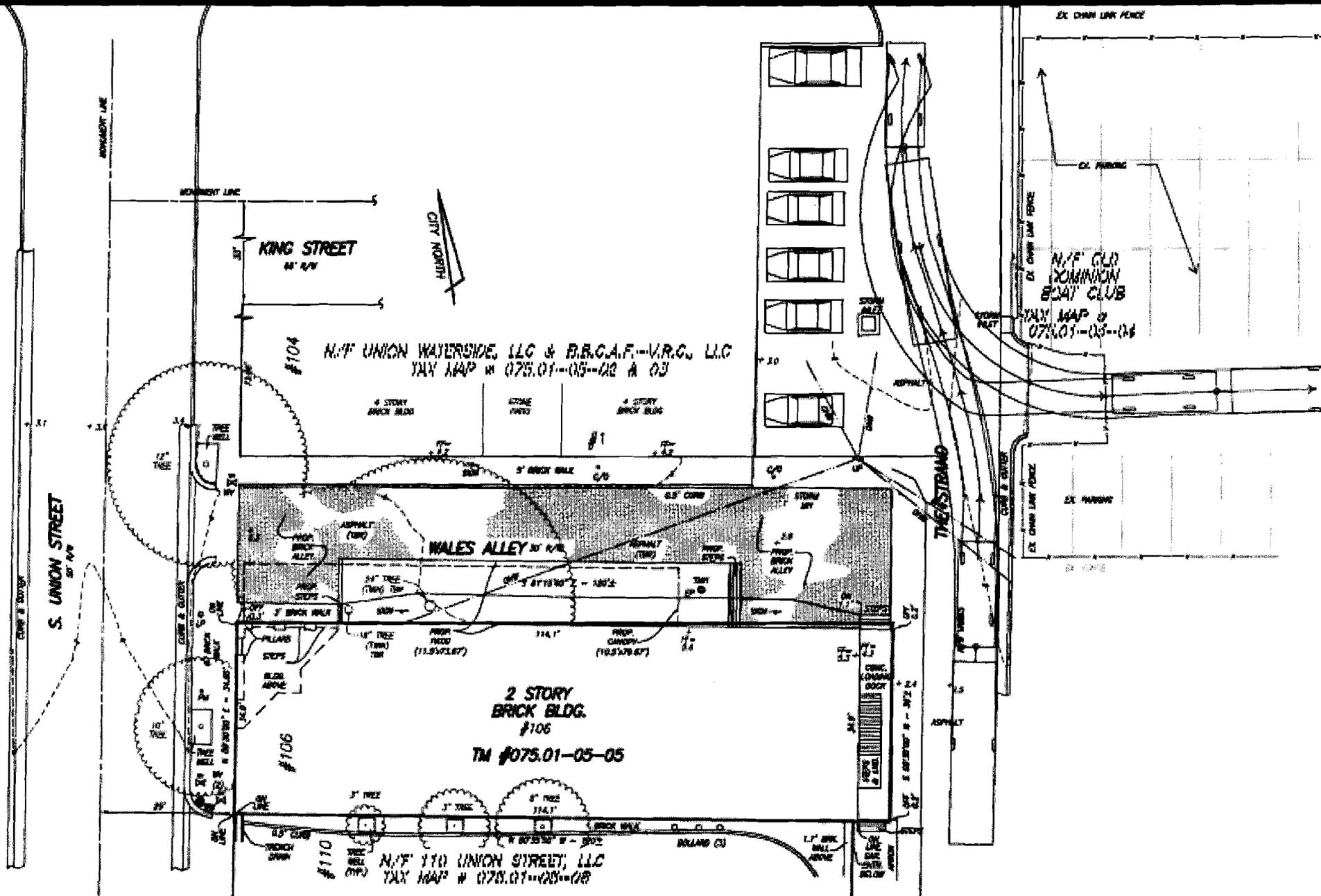


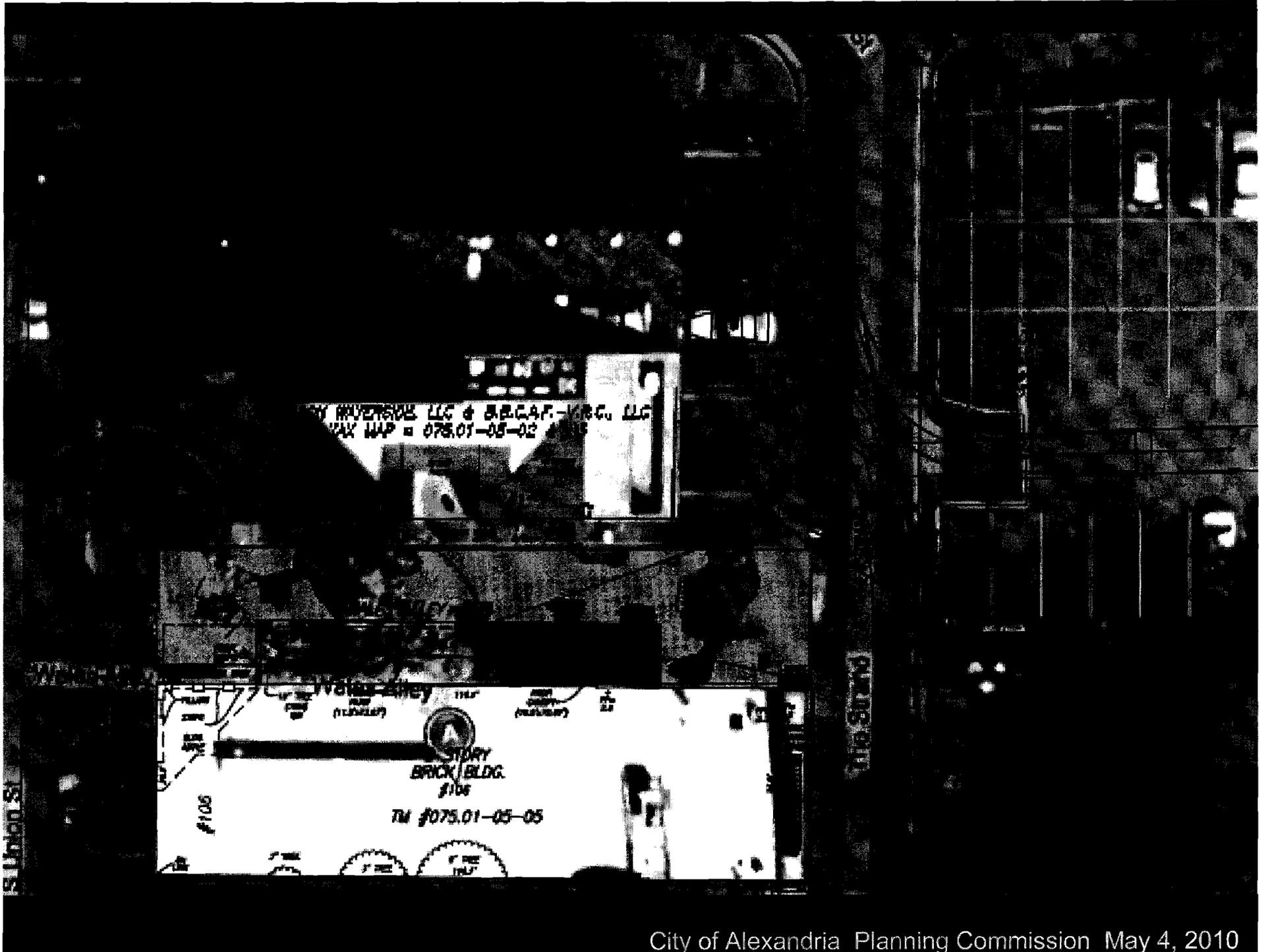
Analysis

- Wales Alley
 - Master Plan consistency
 - Alley remains open to traffic
 - Resurfacing
 - Old Dominion Boat Club

- Staff and Planning Commission recommend APPROVAL









City of Alexandria Planning Commission May 4, 2010

APPLICATION for SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2010-0010

PROPERTY LOCATION: **106 South Union Street, Alexandria, Virginia**

TAX MAP REFERENCE: **75.01 05 05** ZONED: **CD/Commercial Downtown
KR King Street Urban Retail Zone**

APPLICANT Name: **106 Union Dublin, LLC**
Address: **1305 Leslie Avenue, Alexandria Virginia 22201**

PROPERTY OWNER Name: **SEE ATTACHED.**

PROPOSED USE: **Special Use Permit to operate a restaurant.**

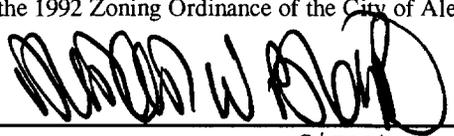
THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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 Commission 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.

Land, Clark, Carroll, Mendelson & Blair, P.C.
Duncan W. Blair, Esquire



Print Name of Applicant or Agent

Signature

524 King Street
Mailing/Street Address

(703) 836-1000
Telephone #
dblair@landclark.com

(703) 549-3335
Fax #

Alexandria, Virginia 22314
City and State Zip Code

February 23, 2010
Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

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

ACTION - PLANNING COMMISSION: Rec Approval 6-1 DATE: 5/14/10

ACTION - CITY COUNCIL: Approved PC recommendation 6-1 DATE: 5/15/10

Defer action on the restaurant application for 106 South Union; don't overload lower King Street with restaurants

Mr. Mayor and members of Council, I am Bert Ely, an Old Town resident and business owner since 1981, when I moved to Old Town so that I could live in, work in, and enjoy its historic ambiance and walkability

As kids, we all learned that there is such a thing as too much of a good thing. One piece of candy was great, a second piece was great, too, but the tenth piece would make us sick. The same is true of restaurants, particularly along lower King Street and the waterfront.

Lower King Street is not lacking for restaurants today. In fact, there are more than ever, but the limit on the number of restaurants in that area has been reached, for several reasons.

First, there simply is not enough parking supply during the peak hours of restaurant demand, notably Friday and Saturday evenings. While some parking garages are underutilized, the fact is that many people prefer to park on nearby residential streets, making it exceedingly difficult for taxpaying residents to find a parking place anywhere close to their homes on weekend evenings and at other times.

Attached to this statement is a map from the City's recent parking study showing the utilization of parking spaces – on-street and off-street – on a typical Friday evening. Note all the red lines along residential streets and the red color of the parking lot across from Chadwicks, indicating a utilization above 90%. Essentially full. Even many garages are colored yellow, showing 50% to 75% utilization. Given the darkness and depth of many garages, it is questionable how much higher their utilization rates can be pushed.

The simple fact is that central Old Town is at or close to parking capacity at the peak times of restaurant usage. Jamming more restaurant seats into the area when it is not practical to add more nearby parking is not only pure folly, but worse it will degrade Old Town's appeal to visitors and residents alike.

The just-released waterfront plan would eliminate a net of 150 parking spaces in the area bound by King, Union, and Duke, further worsening the parking situation for existing restaurants, much less any new ones. Moving the docks for the Dandy and Potomac River Boat Company boats will not increase parking availability if there is corresponding reduction in parking spaces.

Second is street and sidewalk congestion. While some might contend that more parking could be provided in central Old Town, its street and sidewalk capacity cannot be increased. As it now is, lower King Street and Union Street and the intersection of King and Lee are highly congested on Friday and Saturday evenings and often on nice Sundays, too. Sidewalk dining has worsened sidewalk crowding, forcing people at times to walk in the street.

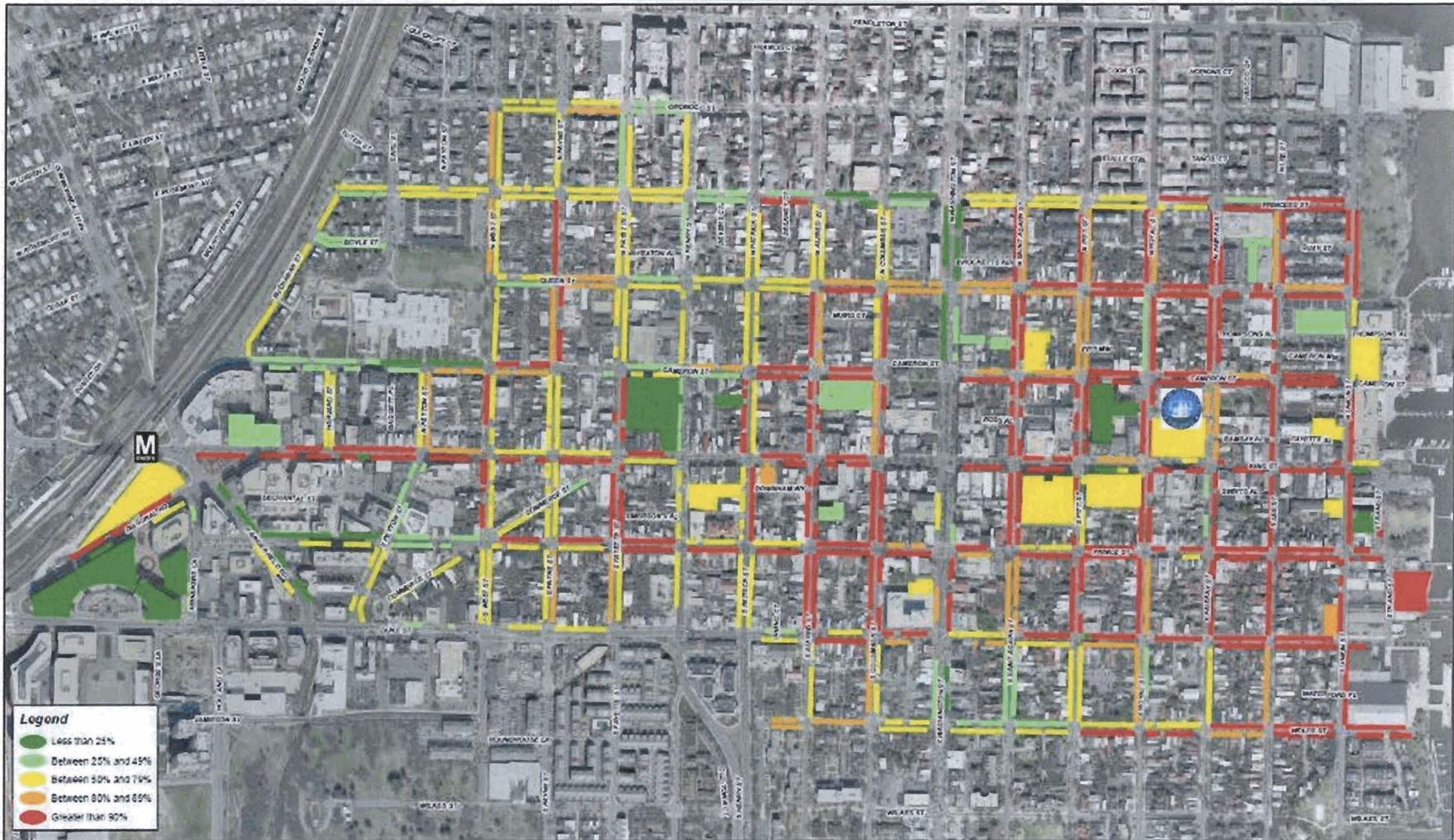
Third, there is more, much more, to Alexandria than its waterfront. Rather than trying to shoehorn more development, traffic, and parking into the waterfront area, the City needs to direct that development elsewhere, and especially to upper King Street and close to the Metro stations.

As counterintuitive as it might seem, trying to jam more activity into the Alexandria waterfront will hurt the waterfront as well as nearby residential areas while starving other parts of Alexandria of the development they need, and can handle.

Sometimes less is more. Now is one of those times along the Alexandria waterfront. Council can start by deferring action on the 106 South Union application and beginning a fundamental rethink of the City's waterfront planning.

Thank you for your time this morning. I welcome your questions.

Utilization: Friday evening



Legend

- Less than 25%
- Between 25% and 45%
- Between 50% and 75%
- Between 80% and 85%
- Greater than 90%



Figure 2-16:
Parking Utilization
During Friday Evening



9
5-15-10



COA Contact Us: SUP for 106 South Union Street

Marianne McInerney to: william.euille, frank.fannon, kerry.donley,
alicia.hughes, council, delpepper,
paulcsmedberg, rose.boyd, jackie.henderson,
elaine.scott, rob.krupicka

05/15/2010 09:36 AM

Please respond to Marianne McInerney

Time: [Sat May 15, 2010 09:36:55] Message ID: [21656]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Marianne
Last Name: McInerney
Street Address: 1403 Russell Road
City: Alexandria
State: VA
Zip: 22301
Phone: 703-683-2740
Email Address: mmacva@aol.com
Subject: SUP for 106 South Union Street

I am writing in regard to the Special Use Permit Request for 106 South Union Street. Specifically, I would strongly request that the Council NOT support the Planning Commission's approval for the following reasons.

The property in question is located within the planning area for the City's Waterfront Plan. Action at this time to approve the private use of Wales Alley for a for-profit business is premature as the Waterfront Plan has not been concluded and the public comment period is just beginning. Leap-frogging approval of this request prior to the conclusion of the Waterfront Plan could prove a later obstacle for the planning process as any approved outdoor use could be contrary to decisions that are later reached.

Also, all of the current outdoor seating at our restaurants does not rely on permanent structures. Approving the built out of a permanent structure seems counter-intuitive to the policies that have

already been set.

Comments:

Further, the Planning Commission's approval ignores the important fact that a Federal Court has determined ownership of Wale's Alley is rightful that of the Old Dominion Boat Club (ODBC). While the ODBC has consistently been a good neighbor to the City and wants the City's economy and businesses to thrive; asking the ODBC, or any landowner, to give up its ownership rights to support the built out of a deck is unreasonable and would set a long-term precedent on ownership rights within our City.

As a 20 plus year property owner in Alexandria, it is further troublesome, that the City's Planning Staff ignored any mention of Wale's Alley ownership in making their determination. Their report continually makes reference to Wale's Alley as a public alley. Does the Planning Commission staff not fully appreciate and understand the rights of ownership?

The addition of 50 outdoor seats does not seem a vital part of the business plan for the property and as such, it would be wise for the Council to defer any action until 1) the Planning Commission staff can revisit its decision in light of the ownership rights of the Old Dominion Boat Club and 2) defer any action until the Waterfront Planning process concludes.

Thank you,

Marianne McInerney
1403 Russell

Road
Alexandria, VA 22301



COA Contact Us: 106 S. Union Street

william.euille, frank.fannon, kerry.donley,

Amy Curry to: alicia.hughes, council, delpepper, paulcsmedberg,
rose.boyd, jackie.henderson, elaine.scott, rob.krupicka

05/13/2010 10:22 AM

Please respond to Amy Curry

9

5-15-10

Time: [Thu May 13, 2010 10:22:13] Message ID: [21578]

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: Amy

Last Name: Curry

Street Address: 5936 Mayflower Court

City: Alexandria

State: VA

Zip: 22312

Phone: 202-841-0156

Email Address: amyleighcurry@gmail.com

Subject: 106 S. Union Street
Alexandria City Council Members:

Please support the Planning

Commission's decision to allow the Restaurant Eve group to bring their new

concept to 106 S. Union Street. This will be a fantastic way to revitalize

Comments: the Old Town waterfront, just like they've done with other locations. Their

excellent reputation and proven track record of success will bring more

money into our city. I full support this endeavor and hope that you will

too!

- Amy Curry



COA Contact Us: 106 S. Union Street

william.euille, frank.fannon, kerry.donley,

Ed Donohue to: alicia.hughes, council, delpepper, paulcsmedberg,
rose.boyd, jackie.henderson, elaine.scott, rob.krupicka

Please respond to Ed Donohue

05/13/2010 01:51 PM

9

S-15-10

Time: [Thu May 13, 2010 13:51:05] Message ID: [21590]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Ed
Last Name: Donohue
Donohue & Stearns PLC
Street Address: 801 North Fairfax St. #209

City: Alexandria

State: VA

Zip: 22314

Phone: 703.549.1123

Email Address: Idoolan@donohuestearns.com

Subject: 106 S. Union Street
Dear City Council Members:

Comments:

I would like to support the Planning Commission's decision to allow the group behind Restaurant Eve to bring their exciting new project to our waterfront at 106 S. Union Street . This type of venture is a great reuse of this building and the alley, and it will enhance the waterfront in Old Town . As a resident of the City and nearby business owner, I urge approval of this project.

Thank

you.

Regards,

Ed Donohue
Donohue & Stearns, PLC



COA Contact Us: May 15 Public Hearing

Lawrence O'Connor to: william.euille, frank.fannon, kerry.donley,
alicia.hughes, council, delpepper,
paulcsmedberg, rose.boyd, jackie.henderson,
elaine.scott, rob.krupicka

05/13/2010 09:25 PM

Please respond to "Lawrence O'Connor"

9
5-15-10

Time: [Thu May 13, 2010 21:25:56] Message ID: [21612]

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: Lawrence

Last Name: O'Connor

Street Address: 207 South Lee Street

City: Alexandria

State: Va

Zip: 22314

Phone: 703-549-7727

Email Address: oconnorlaw1234@yahoo.com

Subject: May 15 Public Hearing

I want to express my concern over the proposed encroachment into the public right-of-way as part of the plan for 106 South Union Street. Wales Alley is a functioning alley that I use all the time, both by car and foot. This should not be taken over by more outdoor seating - even though the applicant will pay for the bricks. Please. This restaurant does not need to encroach into the alley. The City is being overrun with outdoor tables. It is impossible to walk up King street holding my wife's hand, because we can barely walk up single file as we dodge all the tables littering the sidewalks. The alley is the public's and I find it hard to allow one entity to use this for its own profit. The claim that this is for the good of the town is just not true. I agree that having the building used as a restaurant is good, but there is no added benefit to using the alley vs. not using the alley. Please do not allow the plan as proposed and do not let the applicant build out into the alley.

Comments:

Sincerely,

Lawrence

O'Connor



COA Contact Us: 106 South Union Street.

Robin Grover to: william.euille, frank.fannon, kerry.donley,
alicia.hughes, council, delpepper, paulcsmedberg,
rose.boyd, jackie.henderson, elaine.scott,
rob.krupicka

05/12/2010 09:19 PM

Please respond to Robin Grover

9

S-15-10

Time: [Wed May 12, 2010 21:19:19] Message ID: [21569]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Robin
Last Name: Grover
Street Address: 306 South Fairfax Street
City: Alexandria
State: VA
Zip: 22314
Phone: 703-684-2970
Email Address: RGrover716@aol.com
Subject: 106 South Union Street.
Kindly support the decision of the Planning Commission in favor of the group behind Restaurant Eve's plans to open a restaurant at the abandoned bookstore at 106 South Union Street. My reasons for this support are as follows: 1) the Armstrongs and Todd Thrasher have brought high-quality dining at "destination restaurants" to Old Town which brings out of towners to spend money and pay taxes here; 2) they will bring life to an empty building in the heart of the historic district; 3) they are good neighbors; 4) they will employ many locals in need of jobs; 5) as they have done with the Majestic, Restaurant Eve and Eamon's, it will be a top-notch building restoration and an ornament for the historic district; 6) they strongly encourage their employees to park in the nearby city garages; 7) we've got too many empty buildings in this town which gives the wrong impression to visitors.
Comments:
Thank you for your review,
Robin Grover



COA Contact Us: 106 S Union Street

william.euille, frank.fannon, kerry.donley,
Annee Gillett to: alicia.hughes, council, delpepper, paulcsmedberg,
rose.boyd, jackie.henderson, elaine.scott, rob.krupicka
Please respond to Annee Gillett

05/12/2010 07:33 PM

9

S-15-10

Time: [Wed May 12, 2010 19:33:56] Message ID: [21567]

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: Annee

Last Name: Gillett

Street Address: 301 North Beauregard St.

City: Alexandria

State: VA

Zip: 22312

Phone: 202 306 4738

Email Address: anne.gillett@kimptonhotels.com

Subject: 106 S Union Street
Dear City Council Members,

Comments: I am writing to express my support of the
new waterfront venture of the Restuarant Eve Group for 106 S Union Street.
This business will be a great attraction to the waterfront, and the press
this new concept will receive will also help promote Old Town for the great
dining / shopping / tourist destination that it is.

Thank you for your

consideration.

Sincerely,

Annee Gillett



COA Contact Us: New Armstrong Restaurant on Union Street

william.euille, frank.fannon, kerry.donley,
Andrea Viglione to: alicia.hughes, council, delpepper, paulcsmedberg,
rose.boyd, jackie.henderson, elaine.scott,
rob.krupicka

05/12/2010 07:03 PM

Please respond to Andrea Viglione

9

5-15-10

Time: [Wed May 12, 2010 19:03:57] Message ID: [21565]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Andrea
Last Name: Viglione
Street Address: 1337 Chetworth Court
City: Alexandria
State: va
Zip: 22314
Phone: 703-395-7995
Email Address: amviglione@yahoo.com
Subject: New Armstrong Restaurant on Union Street
I am writing in support of a new restaurant concept proposed by the
Armstrong Partnerships in Old Town. Their businesses provide high interest
Comments: and praise of our City of Alexandria. We truly hope they will be permitted
to proceed with their exciting new restaurant.



COA Contact Us: 106 South Union Street Proposed SUP

Van Van Fleet to: william.euille, frank.fannon, kerry.donley,
alicia.hughes, council, delpepper, paulcsmedberg,
rose.boyd, jackie.henderson, elaine.scott,
rob.krupicka

05/12/2010 10:39 AM

Please respond to Van Van Fleet

9
5-15-10

Time: [Wed May 12, 2010 10:39:09] Message ID: [21547]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Van
Last Name: Van Fleet
Street Address: 26 Wolfe Street
City: Alexandria
State: VA
Zip: 22314
Phone: 703-836-6402
Email Address: vmgthehill@aol.com
Subject: 106 South Union Street Proposed SUP
May 12, 2010

Mayor William Euille
City Hall
301 King Street, Room

2100
Alexandria, VA 22314

Dear Mayor Euille and Members of the
Alexandria City Council:

This letter summarizes my minority position as
a member of the Alexandria Waterfront Committee regarding the proposed
Special Use Permit (SUP) at 106 South Union Street.

I would submit that
converting all of our vacant retail properties into restaurants in the Old
and Historic District is an extremely bad practice. Currently there are 82
eating establishments along a one mile strip on King Street, running from
the Potomac River to the King Street Metro. In other words there is no

shortage of restaurants, but there is a shortage of individually owned retail shops. As alluded to in the Small Area Plan, the Commission must find a reasonable mix of diverse uses when deciding the merits of each SUP request. At one time Alexandria had a policy to disallow no new restaurants east of Washington Street; however this policy has been altered over the years. This might be the time to reinstate that policy. However, you are currently obliged under the amended '92 Small Area Plan to maintain diversity. It cites that "The City should do whatever possible to retain a mix of restaurants and shops providing a diversity of goods and services in the King Street area."

The streets in the Union-Strand-King-Wales Alley traffic hub are a total traffic disaster especially on the weekends. This is caused by tour buses dropping off sightseers at Union and King; buses dropping boat goers off on the Strand; trolleys trafficking on Union, the Strand and King streets; pedestrians making their way helter skelter; buses sometimes unloading in the middle of the 100 block of King Street; ODBC members trying to go through Wales Alley in order to get into their

Comments: parking lot; cyclists continually running through stop signs; produce and beer trucks trying to unload; not to mention the hundreds of drivers looking for places to park either on the street or in one of parking lots. In other words it is a traffic nightmare in that part of the city on a Friday or Saturday night. All this is going on while your local police enforcement representatives at the corner of Union and King do very little to alleviate these bad situations. When Olsen's bookstore was the tenant at 106 S. Union, they obviously did not generate a lot of car traffic.

However, with a 350 seat restaurant (300 inside and 50 in Wales Alley) plus the 130 seats in the other new restaurant Pizza Paradisio in the middle of the 100 block of King Street you end up with roughly 500 additional people who would in turn generate about 300 cars. To make matters even worse, the newly created Waterfront Plan turns the 90 vehicle parking lot across from Chadwicks into a park. There are insufficient places to park all these additional cars.

The city concocting a licensing scheme that allows the potential restaurant tenant to seat 50 patrons in Wales Alley is ludicrous. Taking away half of the alley to further economic development is tantamount to the city using eminent domain. This is really no different than the Kelo verses New London case wherein the Supreme Court allowed the city of New London to take away Ms Susette Kelo's home so that a Pfizer plant could be built. This is considered by many to be the worst Supreme Court decision ever. Of course, the taking in the Wales Alley case is a taking of public property from the citizen's access. Mayor Riley of Charleston, South Carolina would say that it is your job to protect the public domain not give it away.

Recommend that the Council disapprove the SUP Request for 106 S. Union Street.

Townsend A. "Van" Van Fleet
Member,

Alexandria Waterfront Committee



COA Contact Us: 106 S. Union Street

David Coleman to: william.euille, frank.fannon, kerry.donley,
alicia.hughes, council, delpepper, paulcsmedberg,
rose.boyd, jackie.henderson, elaine.scott,
rob.krupicka

Please respond to David Coleman

05/11/2010 09:37 PM

9

S-15-10

Time: [Tue May 11, 2010 21:37:38] Message ID: [21533]

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: David

Last Name: Coleman

Street Address:

City:

State:

Zip:

Phone:

Email Address: pxlar8@gmail.com

Subject: 106 S. Union Street
Dear City Council Members,

Comments:

Please support the Planning Commission's decision to allow Cathal and Meshelle Armstrong to bring their exciting new concept to our waterfront at 106 S. Union Street. This type of venture is a great adaptive reuse of this building and the alley, and it will enhance the waterfront in Old Town.

SPEAKER'S FORM

DOCKET ITEM NO. 9

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.**

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. **NAME:** Duncan W. Blair, Esquire

2. **ADDRESS:** 524 King Street, Alexandria, Virginia 22314
TELEPHONE NO. 703 836-1000 **E-MAIL:** dblair@landclark.com

3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**
106 Union Dublin, LLC

4. **WHAT IS YOUR POSITION ON THE ITEM?**
For

5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY,
LOBBYIST, CIVIC INTEREST, ETC.):**
Attorney

6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE
COUNCIL?**
Yes

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

SPEAKER'S FORM

DOCKET ITEM NO. ## 9

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Bert Ely

2. ADDRESS: 200 S. P. H.

TELEPHONE NO. 703 836 4101 E-MAIL ADDRESS: _____

3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? NO ONE

4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: _____ AGAINST: _____ OTHER: _____

5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):

6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES _____ NO

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

(a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.

(b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.

(c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.

(d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.

(e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.

SPEAKER'S FORM

DOCKET ITEM NO. 9

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.**

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. **NAME:** Harry P Hart
2. **ADDRESS:** Hart Calley Gibbs & Karp, 307 N Washington Street
TELEPHONE NO. 7038365757 **E-MAIL:** hcgk.law@verizon.net
3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**
Old Dominion Boat Club
4. **WHAT IS YOUR POSITION ON THE ITEM?**
Against
5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY,
LOBBYIST, CIVIC INTEREST, ETC.):**
Attorney for ODBC
6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE
COUNCIL?**
Yes

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

SPEAKER'S FORM

DOCKET ITEM NO. 9

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: VAN VAN Fleet
2. ADDRESS: 26 Wolfe Alex VA
TELEPHONE NO. 703-548-7906 E-MAIL ADDRESS: umgthehill@aol.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Self

4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: _____ AGAINST: X OTHER: _____

5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
Citizen Interest

6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES _____ NO X

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

(a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.

(b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.

(c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.

(d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.

(e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.

SPEAKER'S FORM

DOCKET ITEM NO. 9

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM**

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Pod Hertel

2. ADDRESS: 1217 Michigan Court

TELEPHONE NO. _____ E-MAIL ADDRESS: _____

3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? OTCA

4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: _____ AGAINST: _____ OTHER: 2

5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):

6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES _____ NO ✓

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

(a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.

(b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.

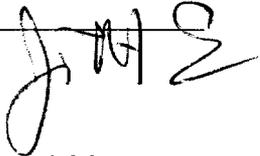
(c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.

(d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.

(e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: John ARIAK
2. ADDRESS: 607- CAMERON ST
- TELEPHONE NO. 703-362-0109 E-MAIL ADDRESS: john.ariak@verizon.net
member
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Bact Club ^{member} land lord
in numerous properties; I am potential investor in Olson's
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: AGAINST: _____ OTHER: _____
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
CIVIC
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES _____ NO
- 

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.

SPEAKER'S FORM

DOCKET ITEM NO. 9

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM**

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Amy SWACK

2. ADDRESS: 2307 E. Randolph Ave

TELEPHONE NO. 703 549 3412 E-MAIL ADDRESS: alsdmf@earthlink.net

3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? CIVIC

4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: _____ AGAINST: _____ OTHER: no petition

5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
CIVIC

6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES _____ NO

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

(a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.

(b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.

(c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.

(d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.

(e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.