EXHIBIT NO. 1

DOCKET ITEM #7-A

Special Use Permit #2010-0009**277 South Washington Street-Society Fair Restaurant**8
S-15-10

Application	General Data	
Request: Consideration of a request to operate a restaurant with retail component.	Planning Commission Hearing:	May 4, 2010
	City Council Hearing:	May 15, 2010
Address: 277 South Washington Street	Zone:	CD/Commercial Downtown
Applicant: Cathal & Meshelle Armstrong by Duncan Blair, Attorney	Small Area Plan:	Old Town

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Mary Christesen mary.christesen@alexandriava.gov

PLANNING COMMISSION ACTION, MAY 4, 2010: On a motion by Mr. Dunn, seconded by Mr. Robinson, the Commission voted to recommend approval of the special use permit, subject to the staff conditions, with amendments to conditions #21, and #25 and a new condition #26. The motion carried on a vote of 7 to 0.

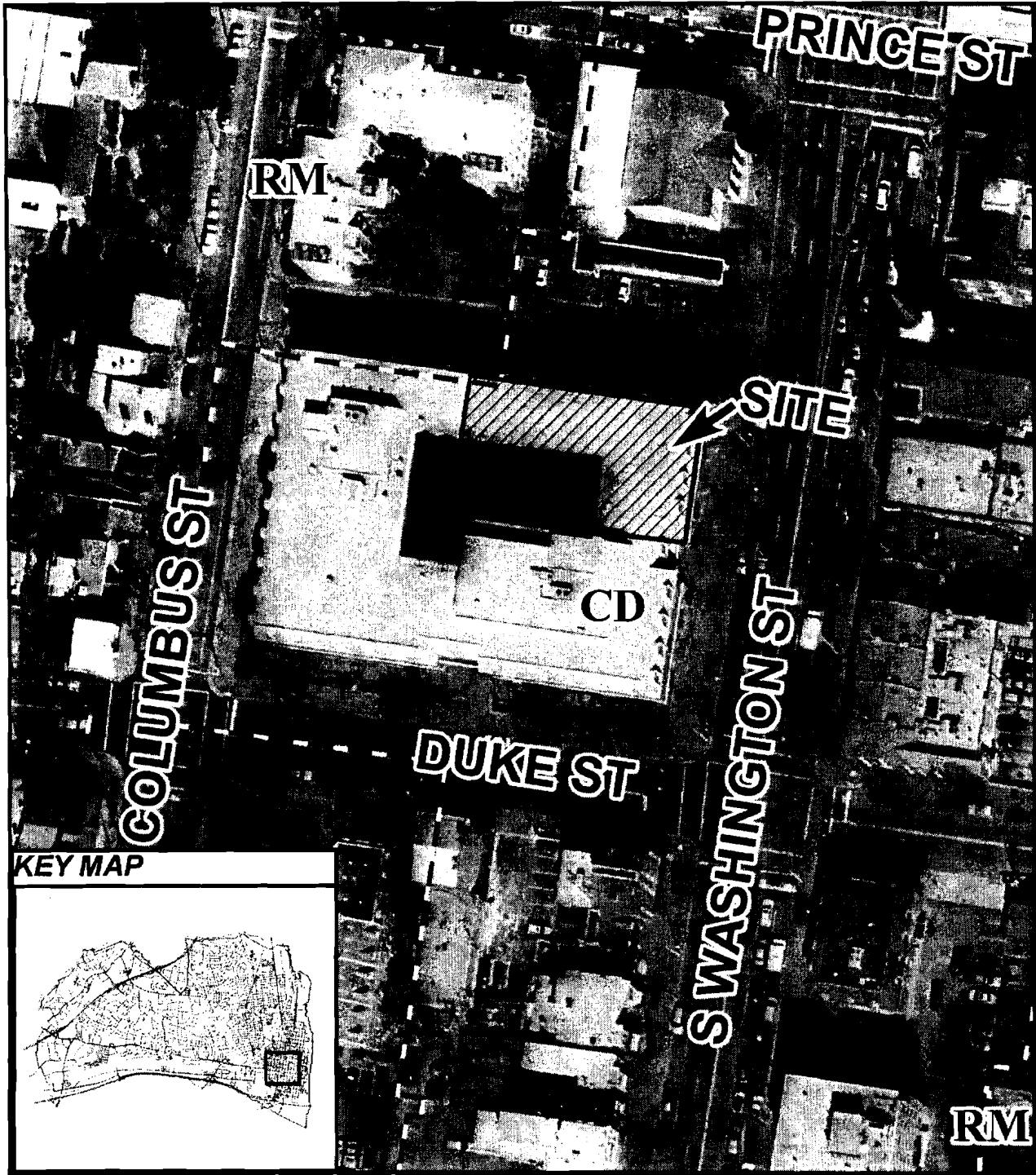
Reasons: The Commission agreed with the staff analysis, although there was discussion of the parking arrangement and an amendment to the review condition to address that concern. The Commission also added a condition to address parking at the Lyceum parking lot and amended a condition regarding pedestrian access.

Speakers:

Duncan Blair, representing the applicant, presented the application.

William Doying, 817 Duke Street, spoke about concerns with the proposal, chiefly related to parking in the area.

Poul Hertel, Old Town Civic Association, spoke in general support but asked for two new conditions regarding Lyceum parking and pedestrian sidewalk width, both of which were agreed to by the applicant.



KEY MAP



SUP #2010-0009

05/04/10



I. DISCUSSION

REQUEST

The applicants, Cathal and Meshelle Armstrong, request a special use permit to operate a restaurant with a retail market, butchery, bakery, and outdoor dining at 277 South Washington Street. A portion of the proposed outdoor dining area will be located on the public right-of-way. The applicant has requested an encroachment for that area under a separate application (ENC2010-0003).

SITE DESCRIPTION

The subject property is one lot of record with 178.43 feet of frontage on South Washington Street, 246.83 feet of frontage on Duke Street and 178.43 feet of frontage on South Columbus and a total lot area of 44,042 square feet. The site is developed according to Site Plan 75-0018, with the Atrium Building, formerly the headquarters of the Time-Life publishing group. The proposed use will occupy 7,222 square feet of retail and office space at the north end of the building.



The surrounding area is occupied by a mix of offices, churches, museums and residences. To the north of the Atrium Building are a parking lot and the Lycuem, both owned by the City, and the Swann Daingerfield Condominiums. Immediately to the south, within the Atrium Building, is the Ariana Rug Gallery which is currently advertising that is going out of business. To the east, across South Washington Street are the Downtown Baptist Church and a number of retail and office uses. To the west, across South Columbus Street, are residential dwellings.

PROPOSAL

The applicants propose to operate a gourmet retail market, butchery and bakery with a restaurant at the Atrium Building located at 277 South Washington Street. The restaurant will have 50 indoor seats and is applying for an encroachment to accommodate 30 outdoor seats. The applicants have indicated in their application that the business will operate according to the following:

Hours: 7:00 a.m. – 11:00 p.m., seven days/week

Number of seats: 50 indoor seats
30 outdoor seats
80 seats total

Customers: Approximately 300 customers per day

Type of Service: Table Service, bar service, carry-out

Alcohol: On and off premise alcohol is proposed

Noise: Noise levels will be in compliance with City Noise Ordinance

Entertainment: No entertainment is proposed

Delivery: No delivery service is proposed at this time. It is possible that delivery may be offered in the future.

Trash/Litter: Trash and garbage will be collected six days a week. Employees will monitor the vicinity for litter.

PARKING/ LOADING

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. Although the applicant has applied for the entire space as a restaurant, staff notes that the use is really a hybrid of uses, with a strong retail component.

Applicant's parking plan. The applicant has submitted a parking plan which takes advantage of the private garage facility within the building that is now used exclusively during the work day and week by daytime tenants in the building. It is now closed to parkers in the evenings and on weekends. The garage is accessed from South Columbus Street and contains 223 spaces. Access from the garage to the proposed restaurant and retail business is through elevators in the center atrium within the building.

Working with both the owner of the building and the separate operator of the private garage, the applicant has arranged to have the garage remain open for his customers at all hours the business is open. The applicant will advertise the location and availability of the parking garage and will provide its customers with a free first hour of parking. The parking garage will also be open to the public.

Parking Requirements. If the market, butchery and bakery component of the proposed business were considered a typical "retail" space, it would be required to provide one parking space for every 210 square feet of area, or, under this interpretation, 12 off-street parking spaces (2500 sf ÷ 210 sf = 12). Because the lot on which the Atrium Building is located is larger than 10,000 square feet, even though the property is within the CBD, the retail use is required to provide parking. Either way, the applicant has arranged for 14 reserved parking spaces in the garage below the building as part of its parking plan, which is ample to meet the need.

Loading. The Atrium Building has a designated off street loading space adjacent to the entrance of the parking garage off of South Columbus. Traffic will not be impacted by loading for these uses. All loading, including any vehicles used for delivery to customers will be required to use this designated loading area.

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. Section 4-502(M) permits retail establishments in the CD zone.

The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff recommends approval of the proposed restaurant and retail business. Staff finds that the unique blend of uses proposed with this restaurant will contribute to the mix of uses in the area and will promote a more active street-live for this portion of South Washington Street. Staff has analyzed the restaurant proposal for conformance with both the King Street Retail Strategy and the Old Town Restaurant Policy and found the restaurant to be consistent with those policies.

King Street Retail Strategy

This 2005 Plan promotes a mix of retail shops and restaurants on King Street and in Old Town, and encourages restaurants in particular because restaurants promote an active pedestrian experience and extend the activity into the evening hours. The Plan does caution that restaurants have the potential to crowd out retail and that fast-food restaurants are have the potential to damage the unique character of Old Town.

In this case, the restaurant includes a strong retail component, reflecting a mix of uses. It will extend activity into the evening, and is an independently owned, unique operation. These features respond well to the goals stated in the King Street Retail Strategy.

Old Town Restaurant Policy

The policy, adopted in 1993, requires restaurants to be analyzed for potential negative impacts on the surrounding residential area, especially with regard to the following factors: the availability of off-street parking, the impact of the restaurant on parking in the adjacent neighborhood, late night hours, predominance of alcohol, litter, and diversity of uses.

Parking

In what staff considers to be an important step in finding parking solutions for Old Town, this applicant has, precisely as recommended by the recent Old Town Parking Study, arranged to take advantage of capacity within a private garage within the very building that the restaurant will occupy. That garage capacity is currently not available to shoppers and diners in Old Town because the primary tenants of the building need the parking only during the daytime and work week hours. Thus, the applicant's arrangement with the landlord and garage operator, and the fact that the garage will be open to the applicant's customers as well as to the public, add significantly to the parking capacity in this part of Old Town.

The restaurant will advertise the location of the parking garage and will provide free one hour parking for restaurant patrons and retail shoppers. The applicants also propose to offer validation for restaurant patrons at Eamon's and the Majestic, which they also own. The extension of the hours of operation for the garage will provide patrons of other restaurants and visitors to Old Town with additional off-street parking in the evenings and on weekends.

Given this arrangement, it is unlikely that the proposed business will impose parking impacts on the adjacent residential uses. Although the entire garage will not be available during the day to the public or to customers, the main impacts from the restaurant and retail shop will be in the evenings and on weekends.

Late Hours

The restaurant proposes to stay open until 11:00 p.m. daily, which is earlier than many other restaurants in the Old Town area. Trattoria da Franco, at 305 South Washington Street for example, has an approved closing hour of 1:00 a.m. daily and The Burger Joint at 106 North Washington Street, is approved to close at 12, midnight, daily. The proposed hours are appropriate for the location of the restaurant, although staff has extended the allowed hours to midnight, consistent with other restaurants, for flexibility. The outdoor dining area must be closed by 11, with all customers leaving at that time. The later outdoor time is appropriate because of the distance to any residential uses.

Alcohol

The applicant is proposing to serve alcohol on site and to sell off-premises beer, wine, and premium ports and sherries from its retail store. Regarding the on-premise sales, staff does not expect alcohol consumption to predominate over food consumption. A wine bar is proposed within the restaurant, but there is no live entertainment nor late hours associated with this use. The proposed restaurant, with butchery, bakery and market is a destination primarily for food consumption and purchase, as opposed to primarily for alcohol consumption.

Litter

Although restaurants which offer carry-out and outdoor dining generally have the potential to create litter, staff believes that standard conditions contained in Section III of this report sufficiently address any litter concerns.

Diversity of Uses

Finally, staff believes that the addition of the proposed restaurant, bakery, butchery, market and outdoor dining will enliven this block of South Washington Street. The new uses will occupy spaces which were previously two antique shops and one office, all of which have been vacant for some time. This business in itself contains the variety of uses which the Old Town Restaurant Policy seeks to maintain, thus enhancing the diversity of the area and serving the nearby residents.

CONCLUSION

Staff believes that the proposed restaurant is appropriate for this location and is consistent with the Old Town Restaurant Policy. Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the restaurant shall be limited to between 7:00 a.m. and 12:00 a.m. daily. (P&Z)
3. The hours of operation for the outdoor dining area shall be limited to between 7:00 a.m. and 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. (P&Z)
4. The maximum number of indoor seats at the restaurant shall be 50. The maximum number of outdoor seats shall be 30. The applicant must submit a plan with specifications for proposed outdoor dining area and all its components in compliance with the King Street Outdoor Dining guidelines for approval by the Director of Planning and Zoning (P&Z). (P&Z)
5. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
6. No live entertainment shall be permitted either inside the restaurant or in any outdoor dining area. (P&Z)
7. Beer or wine coolers may be sold only in 4-packs, 6-packs, or bottles of more than 40 fluid ounces. Wine may be sold in bottles of at least 375 ml. Fortified wine (wine with an alcohol content of 14% or more by volume) in the form of dessert wines, premium ports and sherries, and similar wines may be sold. (P&Z)(Police)
8. Meals ordered before the closing hour may be sold, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour and all patrons must leave by one hour after the closing hour. (P&Z)
9. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)

10. No food, beverages, or other materials shall be stored outside. (P&Z)
11. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
12. All loading, including any vehicles used for customer deliveries, shall take place in the designated loading space adjacent to the parking garage entrance near South Columbus Street. No loading on South Washington Street, Duke Street or South Columbus Street is permitted. (P&Z)
13. 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)
14. 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. (P&Z)(T&ES)
15. The applicant shall comply with the submitted Parking Management Plan dated April 21, 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 Director's 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)
16. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
17. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
18. 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)
19. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

20. 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)
21. **CONDITION AMENDED BY PLANNING COMMISSION:** A minimum of 6 7 feet of unobstructed sidewalk shall be maintained. (T&ES)
22. 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. (Police)
23. 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. (Police)
24. Provide a menu or list of foods to be handled at this facility to the Health Department prior to hearing.
25. **CONDITION AMENDED BY PLANNING COMMISSION:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed, or (d) the present leasing arrangements for patron of the restaurant/ retail use are proposed to be changed. (P&Z)
26. **NEW CONDITION ADDED BY PLANNING COMMISSION:** The applicant shall work with the Lyceum Director to erect a sign prohibiting restaurant/ retail patrons from parking in the Lyceum parking lot at the applicant's expense. (P&Z)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Mary Christesen, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-6 The applicant shall 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)
- R-7 The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy. (T&ES)
- R-8 Maintain minimum 6' unobstructed sidewalk. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (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-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

Code Enforcement:

- C-1 The current use is classified as M- Mercantile; the proposed use is A-2 Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 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-5 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-6 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.
- C-7 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 508.
- C-8 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-9 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-10 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
- (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.
- C- 11 The proposed space used for outdoor seating with tables must provide a minimum of 15 square feet per person.
- C- 12 Any configuration of outdoor seating shall comply with the following conditions:
- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
 - Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
 - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
 - The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.
- C- 13 Any increase in occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code.
- C- 14 Any increase in occupancy will only be considered for the exterior of the structure and will not modify the approved interior approved occupant load. At no time shall any approved outdoor seating be incorporated inside due to foul weather or other situations.

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 \$135.00 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

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

Planning and Zoning-Board of Architectural Review

- F-1 277 South Washington Street is located in the Old and Historic Alexandria Historic District and is under the jurisdiction of the Old and Historic Alexandria Board of Architectural Review (BAR). The application is for a restaurant use at this location including approval of seasonal outdoor seating. To ensure compatibility with the surrounding neighborhood and the existing streetscape, the outdoor dining area and all its components shall comply with the King Street Outdoor Dining guidelines. While no exterior alterations to the building are discussed with this application, the applicant is reminded that any exterior changes to the buildings visible from a public-right-of-way, including but not limited to new signage, window replacements, roofing or siding materials replacement, fencing, exterior light fixtures, and any exterior demolition or encapsulation greater than 25 square feet requires approval by the Board of Architectural Review. It is the applicant’s responsibility to inform BAR Staff should such issues develop.

APPLICATION for SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2010-0009

PROPERTY LOCATION: **277 South Washington Street, Alexandria, Virginia**

TAX MAP REFERENCE: **74.02 13 03** ZONED: **CD/Commercial Downtown**

APPLICANT Name: **Cathal Armstrong and Meshelle Armstrong**
110 South Pitt Street, Alexandria, Virginia 22314

PROPERTY OWNER Name: **Atrium Building LLC, c/o Carr Properties**
1776 Eye Street, N.W., Suite 500, Washington, D.C. 20006

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

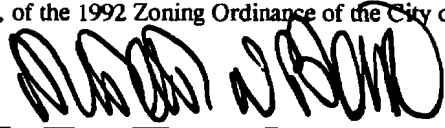
THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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 #

(703) 549-3335

Fax #

dclair@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: _____

14

SUP # 2010-0009

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 777 S Washington St, Alexandria, VA 22314, I hereby
(Property Address)

grant the applicant authorization to apply for the restaurant use as
(use)

described in this application.

Name: Atrium Building LLC, a Delaware limited liability company
By: Columbia Equity LP, its Manager
By: Carr Properties DC LLC, its general partner Phone 202-303-3080

Please Print
Address: 1776 Eye Street NW Ste 500 Email: N/A
Washington DC 20006

Signature: [Signature] Date: 2/16/10
Vice President

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. The applicant is the (check one):

- Owner
- Contract Purchaser
- Lessee or
- Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

Atrium Building, LLC 1776 Eye Street, Suite 500, Washington, DC 20006 100%

Property Owner:

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

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

Grosvenor GP Limited, LLC
a Delaware limited liability company
1701 Pennsylvania Avenue, Suite 1050
Washington, D. C. 20006

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. Cathal Armstrong	8325 Old Mount Vernon Road Alexandria, VA 22309	50%
2. Meshelle Armstrong	8325 Old Mount Vernon Road Alexandria, VA 22309	50%
3.		

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

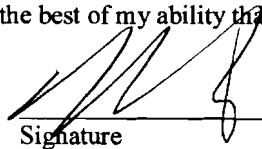
Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Cathal Armstrong	None	Planning Commission, City Council, Board of Architectural Review (OHAD)
2. Meshelle Armstrong	None	Planning Commission,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

Cathal Armstrong
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. Cathal Armstrong	8325 Old Mount Vernon Road Alexandria, VA 22309	50%
2. Meshelle Armstrong	8325 Old Mount Vernon Road Alexandria, VA 22309	50%
3.		

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

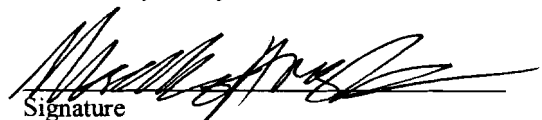
Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Cathal Armstrong	None	Planning Commission, City Council, Board of Architectural Review (OHAD)
2. Meshelle Armstrong	None	Planning Commission,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

Meshelle Armstrong
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.		
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 _____ (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. Atrium Building, LLC	1776 Eye Street, NW Suite 500. Washington DC 20006	100%
2.		
3.		

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

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. The Atrium Building, LLC ownership has no business or financial relationship with any of the people mentioned.		
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.

(See Name below)

Sup 2010-0009

Matthew T. Maccaroni, CCIM
Vice President
Carr Properties
202-303-3070 (p)
202-303-3088 (f)
mmaccaroni@carrprop.com

See signature in owner's authorization statement.

Date	Printed Name	Signature
<u>Alexandria City Council</u>		<u>Planning Commission</u>
	William Euille, Mayor	John Komoroske, Chair
	Kerry Donnelly, Vice Mayor	H. Steward Dunn, Vice Chair
	Frank Fannon IV	Donna Fossum
	Alicia Hughes	J. Lawrence Robinson
	Rob Krupicka	Mary Lyman
	Redella "Del" Pepper	Jesse Jennings
	Paul Smedberg	Eric Wagner
<u>Board of Zoning Appeals</u>		<u>Board of Architectural Review Old and Historic District</u>
	Harold Curry, Chair	Thomas Hulfish, Chair
	Mark Allen, Vice Chair	Oscar Fitzgerald
	Geoffrey Goodale	Arthur Keleher
	David Lantzy	Wayne Neale
	Jennifer Lewis	Peter Smeallie
	Eric Zander	James Spencer
	John Keegan	John Von Senden
<u>Board of Architectural Review Parker-Gray District</u>		
	Christina Kelley, Chair	
	William Conkey	
	H. Richard Lloyd, III	
	Thomas Marlow	
	Douglas Meick	
	Philip Moffat	
	Deborah Rankin	

Definition of business and financial relationship.

Section 11-305 of the Zoning Ordinance defines a business or financial relationship as any of the following:

- (1) a direct one;

- 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.

Cathal Armstrong's and Meshelle Armstrong's address for mailing purposes is 110 South Pitt Street, Alexandria, Virginia 22314. It is anticipated that a Virginia limited liability company will be formed which will own and operate the restaurant. Additionally individuals or business entities may have an ownership interest in the limited liability company to be formed.

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)

Cathal and Meshelle Armstrong are requesting a Special Use Permit to open and operate **Society Fair** in the Atrium Building at 277 South Washington Street in the Old Town area of Alexandria.

Society Fair is a gourmet butchery and bakery within a restaurant. It is similar to European food emporiums where patrons can enjoy a high-end food market or enjoy food and wine in a stylish setting. The menu will feature organic items from local farmers. The menu will change daily based on the seasonality of the markets. (See *proposed menu*) The décor will feature the charm of the old world architecture with a stylish interior, walk in wine cellar, comfortable couches and banquettes. (See *proposed design images*)

Society Fair will occupy 7000 square feet of space in the Atrium Building on the South Washington Street of which 5,500 square feet will be the actual market and restaurant. Society Fair will have 40-50 seats inside for dining with a wine bar and seasonal outdoor seating.

This is the Armstrong fifth culinary site in Alexandria.

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).

The Applicant anticipates the restaurant will have approximately three hundred (300) patrons. Patrons will consist primarily of nearby residents, employees of nearby businesses, shoppers and visitors to the Old and Historic District of Alexandria.

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

Approximately thirty (30) to forty (40) individuals will be employed on a full or part time basis. The anticipated maximum number of employees on site at any one time is fifteen (15).

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

Day:

Hours:

Monday – Sunday

7:00 a.m. – 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) and recyclables. Trash and garbage will be deposited and stored in the commercial dumpster in the loading area for the Atrium Building located off S. Columbus Street.

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 one (1) dumpster 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 materials defined as hazardous, 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 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.

8-24

On-premise consumption of beer, wine and spirits.

Off-premise sale of beer and wine.

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 and the use of a portion of the Property for a restaurant is exempt for the requirement to provide off street parking.

- _____ Standard spaces.
- _____ Compact spaces.
- _____ Handicapped accessible spaces.
- _____ Other.

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

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

- on-site**
- off-site (check one)

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

**** Parking for the Atrium Building is provided for in a below grade parking facility with 223 parking spaces. Access to the garage is located on South Columbus Street. The parking facility is commercially operated.**

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? **One**

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?

The loading area for tenants of the Atrium Building is located adjacent to the Parking Facility access ramps off South Columbus Street. There is an internal service corridor from the loading area to the restaurant.

- 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 5 -6 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? N/A

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

7,222 sq. ft. (existing) + _____ sq. ft. (addition if any) = 7,222 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: **The Atrium 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: 50 Outdoor: 30* Total numbers proposed: 80

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:

A restaurant and retail outlet providing cooking demonstrations, selling fresh baked breads, meats and gourmet food items.

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

X table service X bar X carry-out delivery

5. If delivery service is proposed, how many vehicles do you anticipate? **N/A**

Will delivery drivers use their own vehicles? Yes. No.

Where will delivery vehicles be parked when not in use?

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? Yes. X No.

If yes, please describe:

Parking impacts. Please answer the following:

- A. What percent of patron parking can be accommodated off-street?
(Check one)
- | | | |
|-------------------------------------|---|---|
| <input checked="" type="checkbox"/> | 100% | Existing Public and Private off-street parking facilities within walking distance of the restaurant have sufficient capacity to serve patrons of the restaurant. |
| <input type="checkbox"/> | 75-99% | |
| <input type="checkbox"/> | 50-74% | |
| <input type="checkbox"/> | 1-49% | |
| <input type="checkbox"/> | 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)
- | | | |
|-------------------------------------|--------|---|
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | 75-99% | |
| <input checked="" type="checkbox"/> | 50-74% | |
| <input type="checkbox"/> | 1-49% | |
| <input type="checkbox"/> | None | |
- C. What is the estimated peak evening impact upon neighborhoods?
(Check one)
- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | No parking impact predicted |
| <input type="checkbox"/> | Less than 20 additional cars in neighborhood |
| <input type="checkbox"/> | 20-40 additional cars |
| <input type="checkbox"/> | 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.

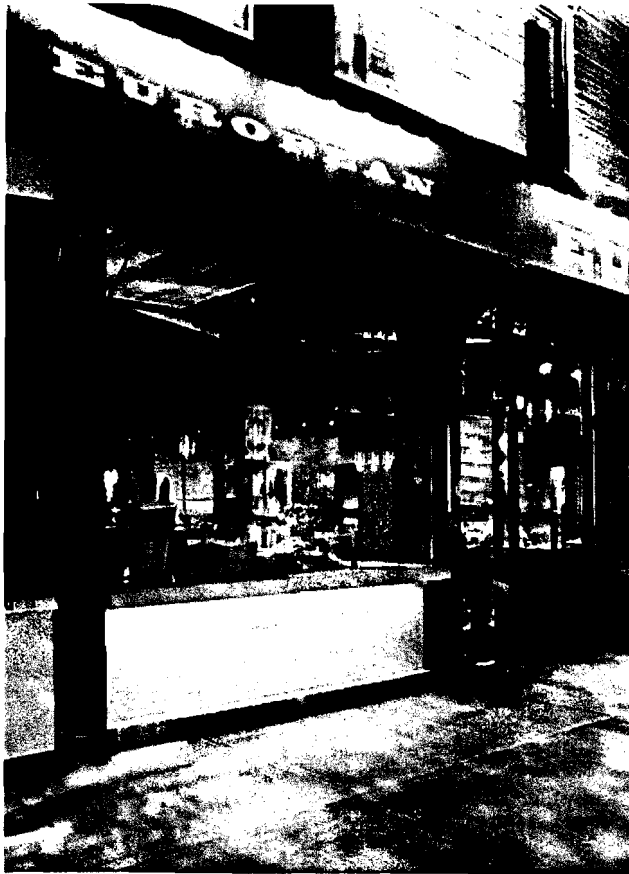
- Maximum number of patrons shall be determined by adding the following:

<u>36</u>	Maximum number of patron dining seats
<u>14</u>	Maximum number of patron bar seats
<u>-0-</u>	Maximum number of standing patrons
<u>50</u>	Maximum number of patrons
- 15 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)

<input type="checkbox"/>	Closes by 8:00 P.M.
<input type="checkbox"/>	Closes after 8:00 P.M. but by 10:00 P.M.
<input checked="" type="checkbox"/>	Closes after 10:00 P.M. but by Midnight
<input type="checkbox"/>	Closes after Midnight
- Alcohol Consumption (check one)

<input type="checkbox"/>	High ratio of alcohol to food
<input type="checkbox"/>	Balance between alcohol and food
<input checked="" type="checkbox"/>	Low ratio of alcohol to food

Functional Opulence

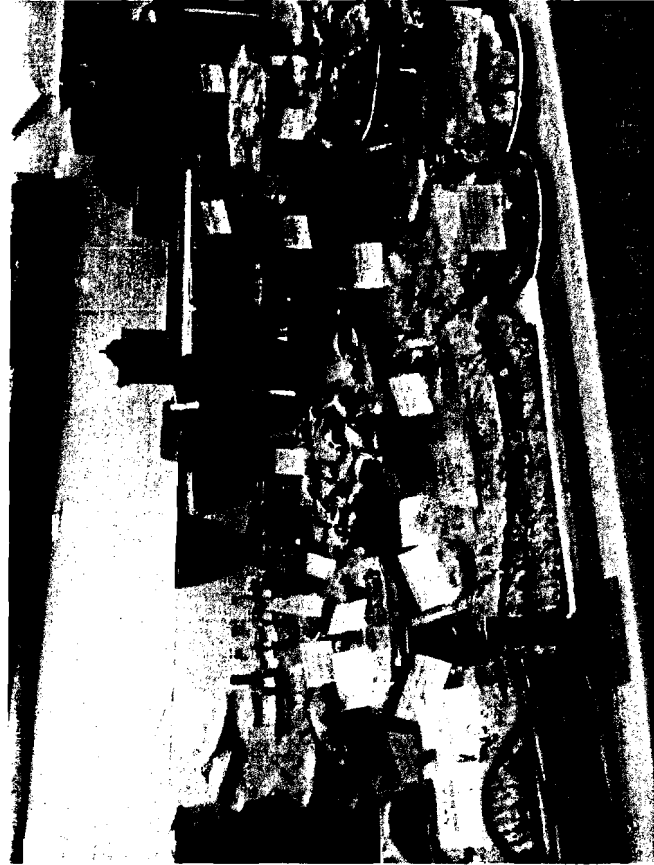


Society Fair

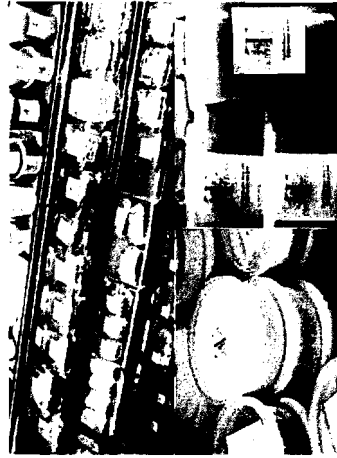
Devoted to Food TM

Combine images for the idea and mood of the space. 'Society'- One end of the bar is dedicated to wine and cocktails, the other is the open kitchen 'Studio' where guests will play a part of the dine and demo. Each evening presents a different dinner. Example: Monday is Roast Lamb, Tuesday is-Porterhouse etc. The 'Fair' is the market portion of the dual concept; highlighting gourmet items: wine, specialty meats, spices, artisanal breads, coffee etc. The concept is a very social and interactive lounge, bar, restaurant and market all under one roof.

Functional Opulence

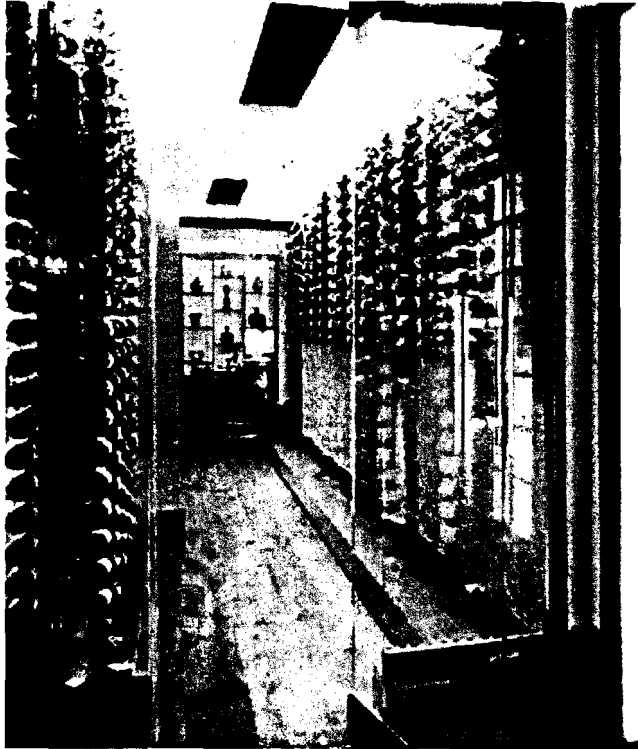


Customers will see the baker making the bread through the glass window.



The bar/lounge and market will be separated via sliding, barn doors. We will combine contemporary and rustic design elements. Each area can be opened or closed unto each other.

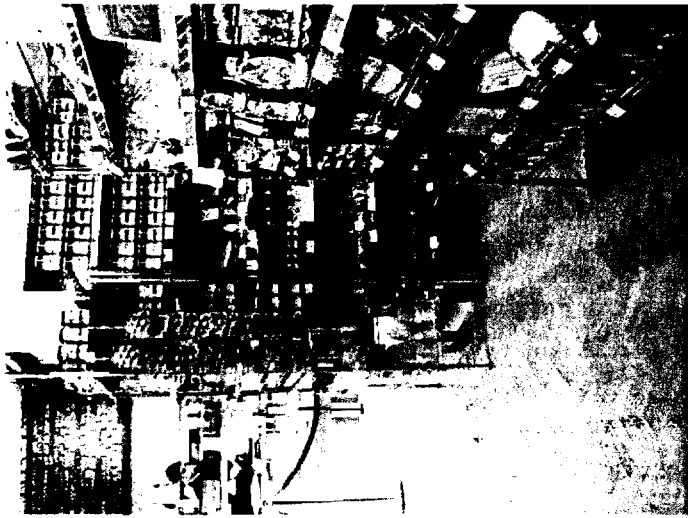
Functional Opulence



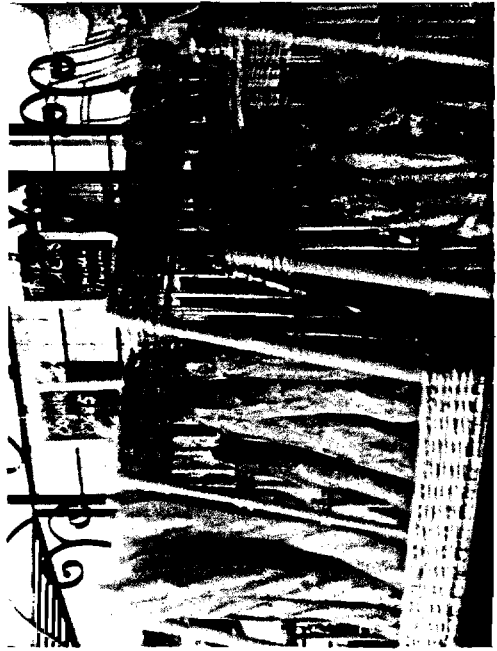
Customers can walk into the temp controlled wine room-
a sommelier will be on hand to answer questions.

Specialty cuts of meat from will be offered from local farms.
A camera will be installed in the demo kitchen so customers can
view the class and while they shop.

Functional Opulence



The market will be open throughout the evening. Customers can enjoy a glass of wine while they peruse the counters and shop for goods. The market concept has now gone 'social' with our concept.





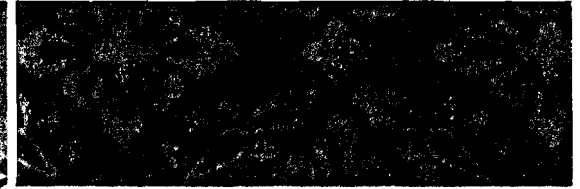
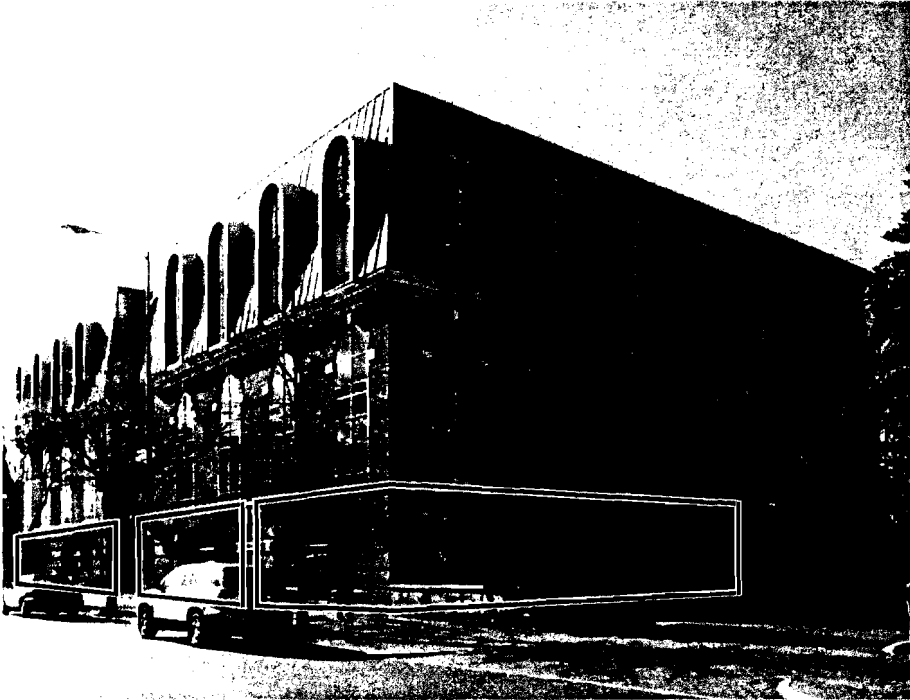
The Rappaport Companies

THE ATRIUM BUILDING

277 SOUTH WASHINGTON STREET

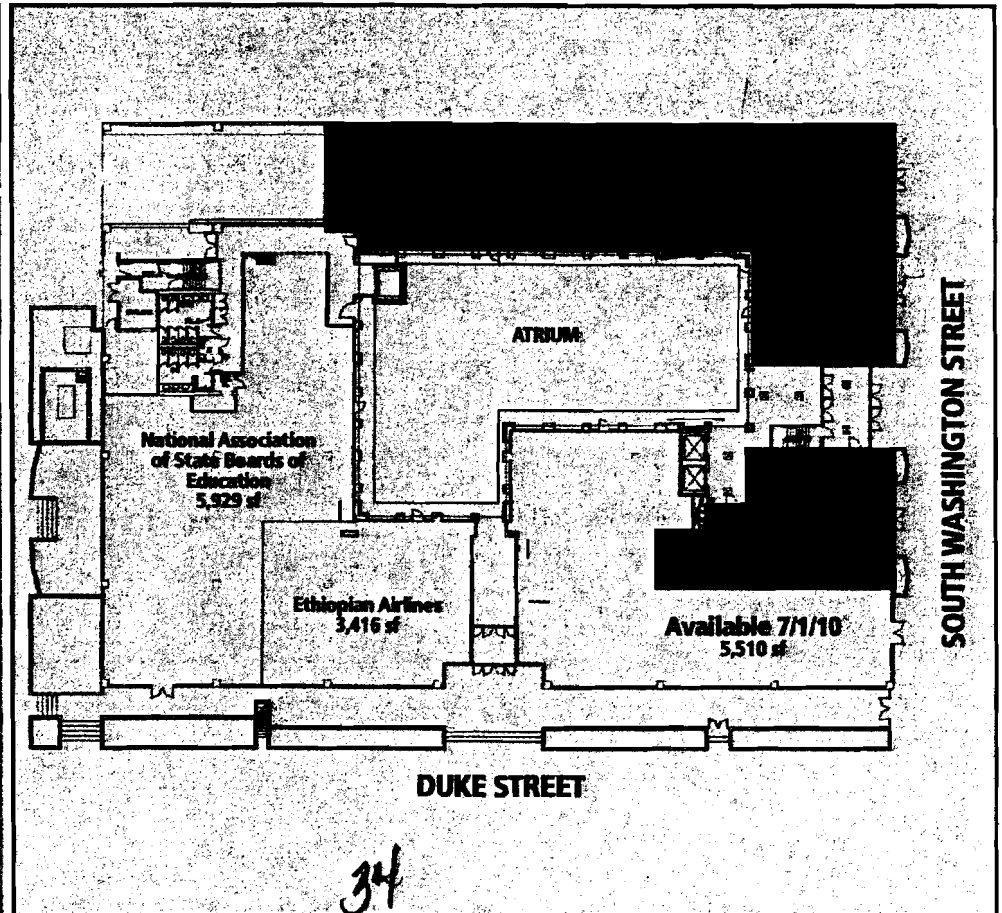
ALEXANDRIA, VIRGINIA

GREAT CORNER RETAIL SPACE AVAILABLE



Up to 7,400 Square Feet of Retail Space Available on the corner of Duke and Washington Streets

- Located in the heart of Old Town Alexandria between Duke and King Streets
- Spaces measuring from 1,677 to 7,404 square feet available
- Average traffic count of 29,000 vehicles per day
- Significant foot traffic and businesses within a quarter-mile radius
- Excellent opportunity for full-





The Rappaport Companies

THE ATRIUM BUILDING

277 SOUTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA



DEMOGRAPHICS 2009	.25 MILE	.50 MILE	1 MILE
POPULATION	2,009	8,392	21,937
HOUSEHOLD INCOME	\$179,814	\$183,931	\$144,685
DAYTIME POPULATION	7,948	19,946	37,100

TRAFFIC COUNTS

ON SOUTH WASHINGTON ST. FROM SOUTHERN CORPORATE CITY LIMITS TO DUKE ST. - 25,000 CARS PER DAY

ON SOUTH WASHINGTON STREET FROM DUKE STREET TO QUEEN STREET - 29,000 CARS PER DAY

Bill Dickinson
 bdfckinson@rappaportco.com
 (T) 703.310.6983

Mike Howard
 571-382-1219
 mhoward@rappaportco.com

Melissa Webb
 571-382-1227
 mwebb@rappaportco.com

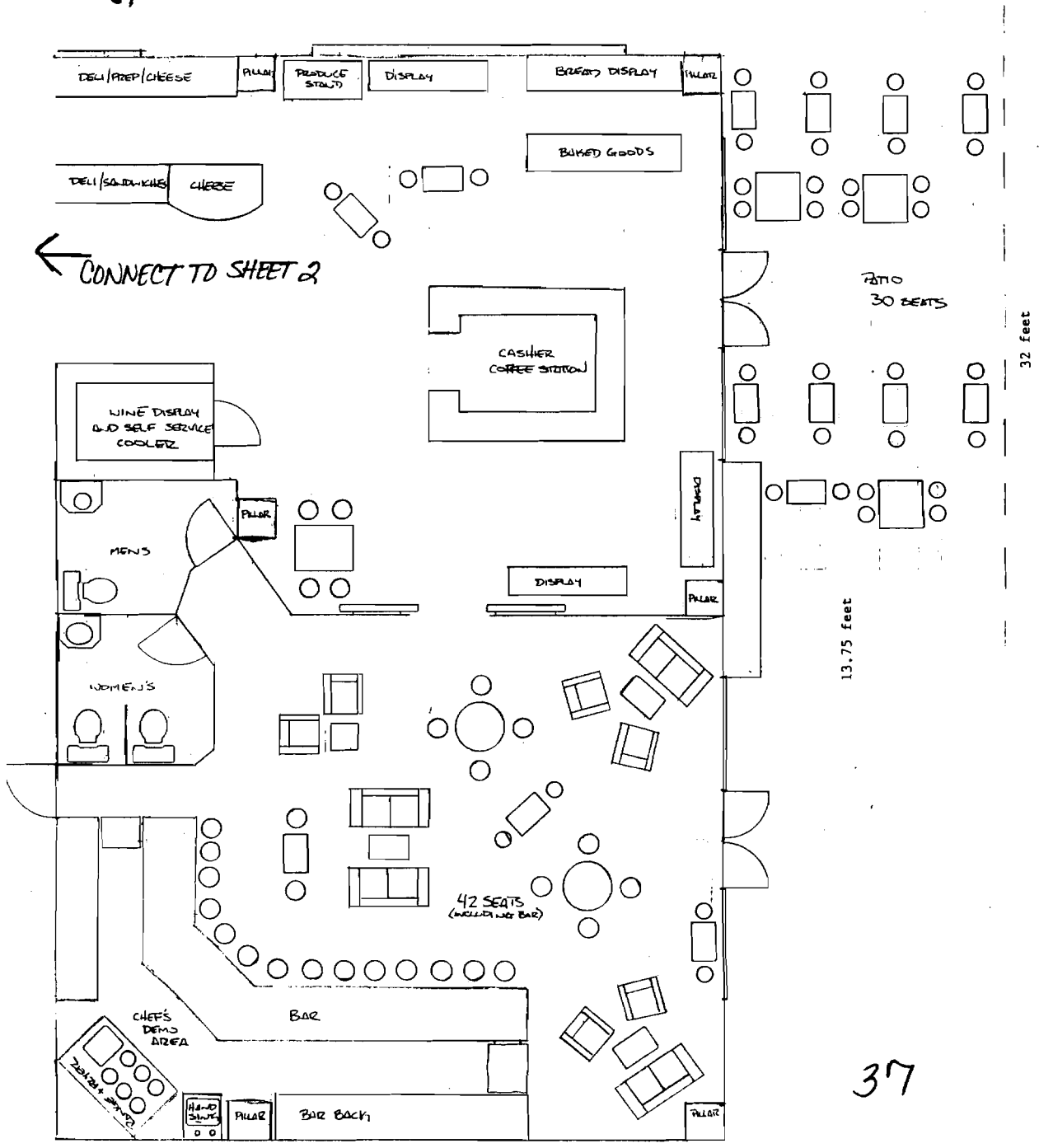
8405 Greensboro Drive | 8th Floor | McLean, VA 22102-5121 | (T) 571.382.1290 | (F) 571.382.1210 | rappaportco.com

Del. Firm

SHEET 1

THE ATRIUM BUILDING
277 S. WASHINGTON ST

SCALE 1/60
SUP 2010-0009



← CONNECT TO SHEET 2

13.75 feet

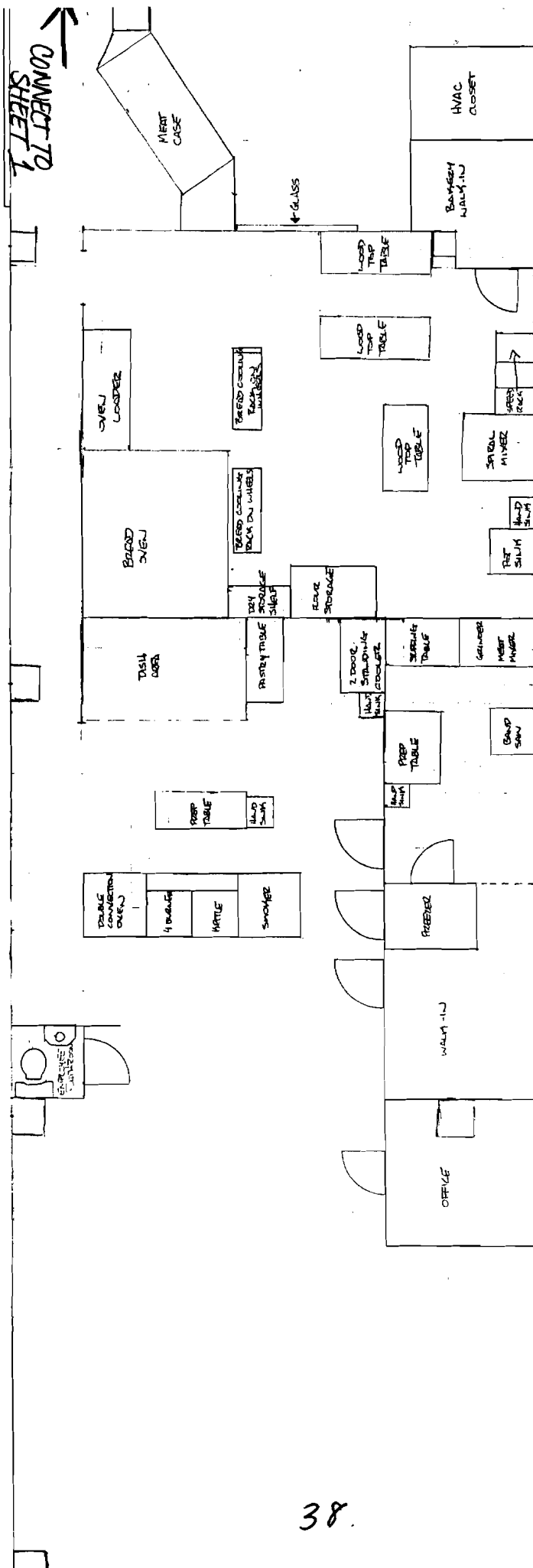
32 feet

37

THE ATRIUM BUILDING
 277 S WASHINGTON ST

SCALE 1/60

SHEET 2

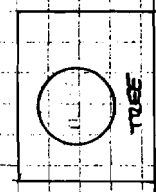
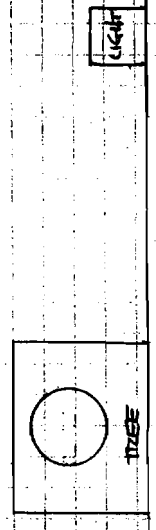
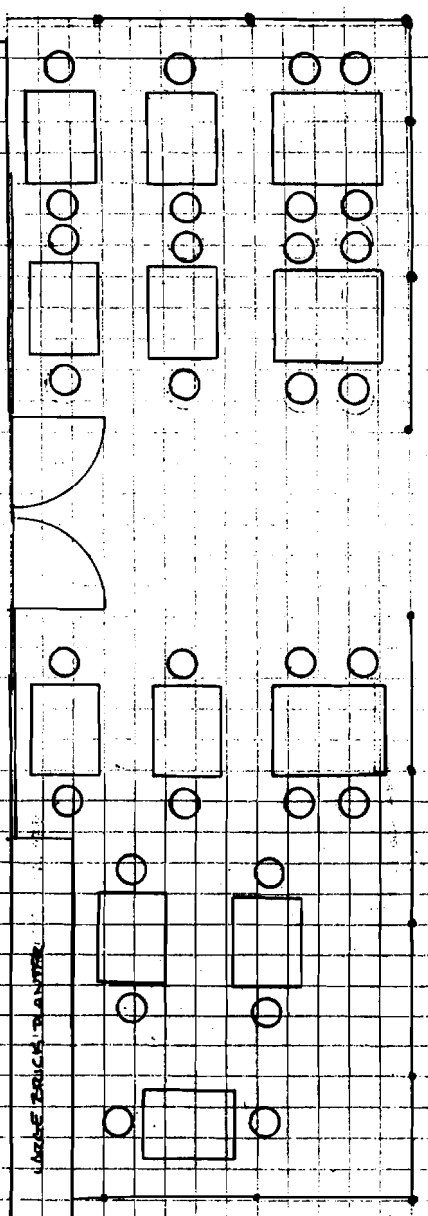


717 2410-0224
277 S Washington St.

Revised outdoor seating plan

4/5/2010

Scale 1 square = 1 foot



← SOUTH WASHINGTON STREET →

CPA - E. m. #7A
SEP 2010...

277 South Washington Street, Alexandria Virginia

Special Use Permit 2010-0009

April 21, 2010

SOCIETY FAIR PARKING PLAN

THE OWNERS AND OPERATORS OF SOCIETY FAIR RESTAURANT AND GOURMET MARKET AT 277 SOUTH WASHINGTON STREET ARE COMMITTED TO IMPLEMENTING A PROACTIVE AND INTERACTIVE PROGRAM TO DIRECT PATRONS TO THE ATRIUM BUILDING'S TWO HUNDRED TWENTY-FOUR (224) PARKING SPACES LOCATED IN THE BELOW GRADE PARKING FACILITY FOR THE BUILDING (THE "PARKING FACILITY"). THE PARKING SPACES WILL BE AVAILABLE TO SOCIETY FAIR PATRONS DURING EVENING HOURS AND ON WEEKENDS. ADDITIONALLY, FOURTEEN SPACES (14) WILL BE AVAILABLE TO EMPLOYEES ON A DAILY BASIS.

THE CORNERSTONE OF THE PROGRAM IS TO INSURE THAT THOSE INDIVIDUALS THAT WISH TO PATRONIZE SOCIETY FAIR ARE DIRECTED TO THE PARKING FACILITY DURING THE HOURS IT IS AVAILABLE FOR PATRON USE.

INITIAL COMPONENTS OF THE PARKING PLAN TO ENCOURAGE THE USE OF THE PARKING FACILITY INCLUDE:

- NEGOTIATING WITH THE OWNER OF THE ATRIUM BUILDING AND THE OPERATOR OF THE PARKING FACILITY TO DEVELOP AN ECONOMICALLY VIABLE BUSINESS ARRANGEMENT THAT JUSTIFIES KEEPING THE PARKING FACILITY OPEN FOR USE BY PATRONS OF SOCIETY FAIR AND OTHER MEMBERS OF THE PUBLIC DURING EVENING HOURS AND ON WEEKENDS DURING THE HOURS SOCIETY FAIR IS OPEN. SOCIETY FAIR IS COMMITTED TO PROVIDING A FINANCIAL CONTRIBUTION TO EXTEND THE HOURS OF OPERATION FOR A PERIOD OF ONE (1) YEAR AFTER IT OPENS FOR BUSINESS TO DETERMINE IF THERE IS SUFFICIENT USAGE OF THE PARKING FACILITY TO JUSTIFY MAINTAINING THE EXTENDED HOURS.
- DISCOUNTED PARKING FOR SOCIETY FAIR PATRONS IN THE PARKING FACILITY BY PROVIDING A VOUCHER FOR ONE HOUR FREE PARKING.

- SOCIETY FAIR' S WEBSITE WILL DIRECT PATRONS TO THE PARKING FACILITY AND INFORM PATRONS THAT THEY WILL RECEIVE A VOUCHER TO PARK IN THE PARKING FACILITY FREE FOR ONE HOUR.
- TO CREATE AND IMPLEMENT A WAY FINDING SYSTEM DIRECTING PATRONS FROM THE PARKING FACILITY TO SOCIETY FAIR.
- 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 THE KING STREET CORRIDOR FOR OLD TOWN RESIDENTS, BUT ALSO A CONVENIENT CONNECTION BETWEEN THE SOCIETY FAIR AND THE KING STREET METRO STATION.
- SOCIETY FAIR WILL MAKE IT CONVENIENT FOR PATRONS TO USE THE SERVICES OF LOCAL CAB COMPANIES BY HAVING A CONVENIENT "CHECKOUT AND CALL A CAB" POLICY.
- A BIKE RACKS AND STROLLER AREA WILL BE INSTALLED ADJACENT TO SOCIETY FAIR TO ENCOURAGE PATRONS TO LEAVE THEIR CARS AT HOME AND BIKE DOWN FOR LUNCH, DINNER OR MARKETING.
- SOCIETY FAIR'S STAFF WILL BE TRAINED TO RESPOND TO EVERY CALL INQUIRING ABOUT PATRONIZING SOCIETY FAIR BY INFORMING THE CALLERS OF THE AVAILABILITY ONE HOURS FREE PARKING IN THE PARKING FACILITY.
- SOCIETY FAIR WILL SEEK APPROVAL TO POST A DIRECTIONAL SIGN ON THE FRONT OF THE ATRIUM BUILDING DIRECTING PATRONS TO THE PARKING FACILITY.
- ALL PRINT ADVERTISING WILL INCLUDE A STATEMENT ADVISING PATRON OF THE AVAILABILITY AND LOCATION OF THE PARKING FACILITY AND THE VOUCHER PROGRAM.

PC Docket Items

Old Town Civic Association, Inc.

P.O. Box 1213

Alexandria, Virginia 22313

#6 DSDP 2010-0008

#7A SUP 2010-0009

#7B ETC 2010-0003

#8A SUP 2010-0010

#8B CC Sec 9.06 #2010-0008

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.

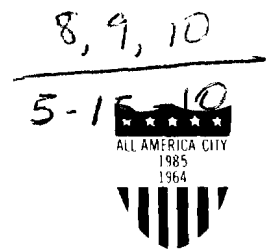
Furthermore, the solution being sought in order to accommodate the Boat Club concerns, could irrevocably harm the ability to create a continuous walkway along the Strand. Either way, OTCA having had neither the opportunity to see the "Waterfront" nor the Boat Club solution, would be most appreciative 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



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
Farroll 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.

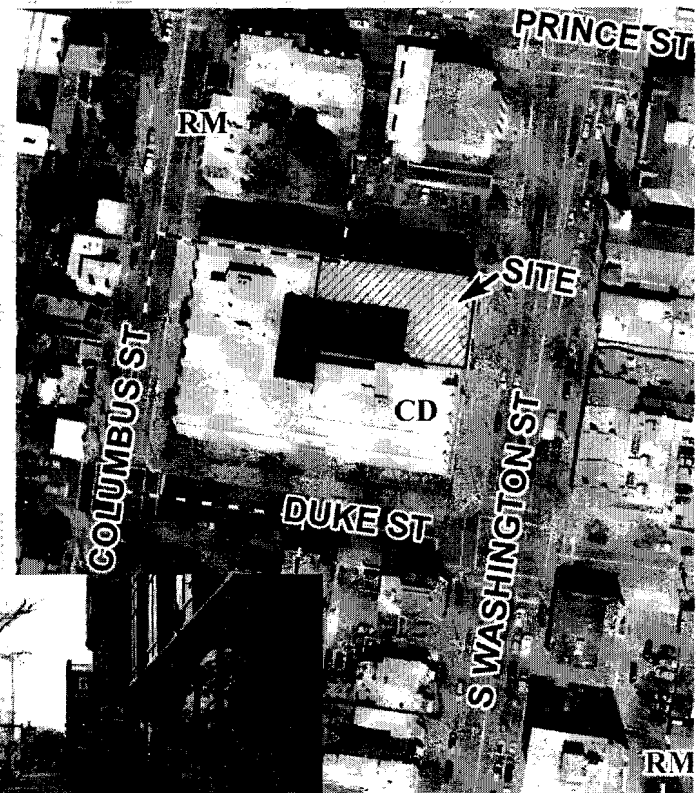
The Pork Barrel BBQ Restaurant applicant is Mike Anderson and an ownership group that is unrelated to the ownership group for Mango Mike's Restaurant.

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

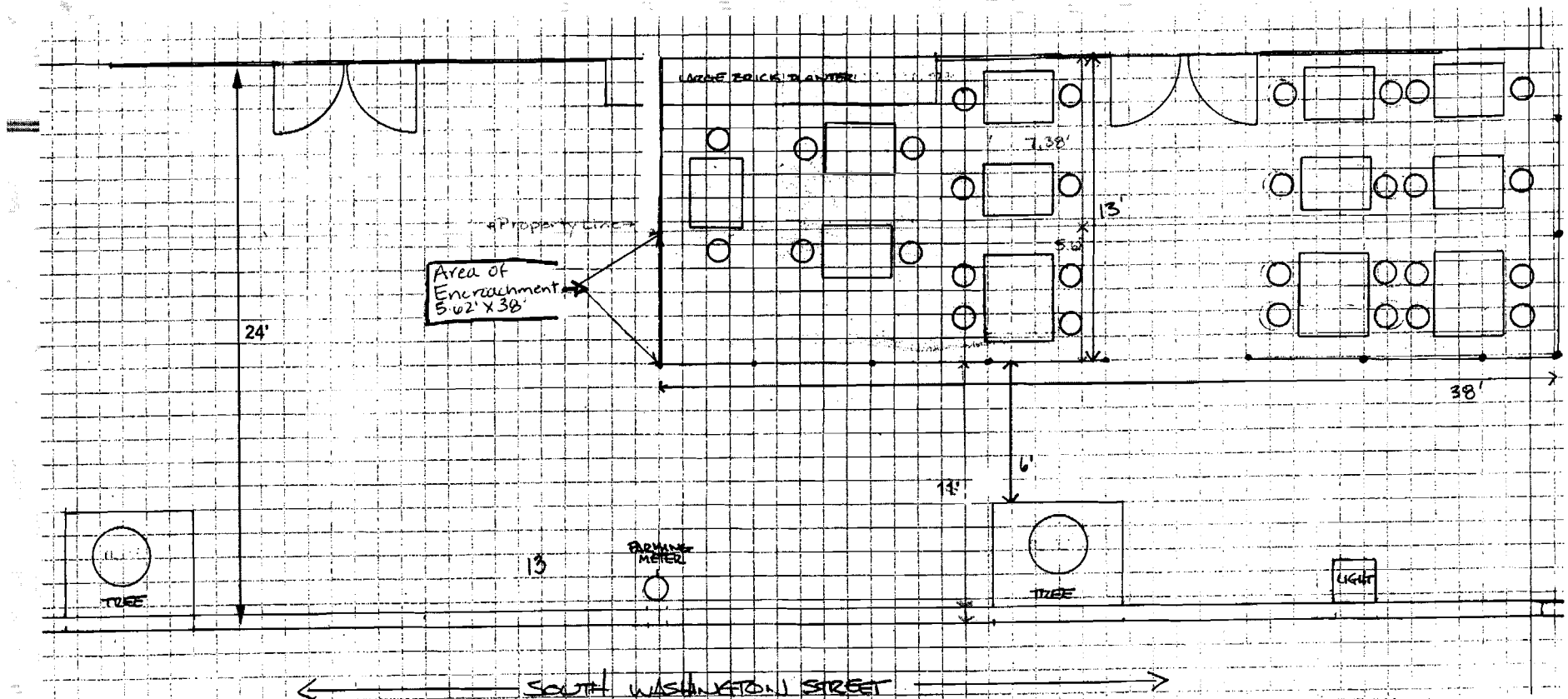
The City Attorney has concurred with my position on these matters.

277 South Washington Street Society Fair Restaurant SUP2010-0009/ ENC2010-0003

- New gourmet market and restaurant
- Staff and Planning Commission recommend approval
- Benefits
 - Occupies vacant store front and enlivens South Washington Street
 - Strong retail component
 - Proposed hours are not late and no live entertainment is proposed
 - Parking provided in private garage facility within the building



Outdoor Seating



- Sidewalk Dimensions From Planned Seating Area:
 - To closest obstacle: 6 ft.
 - To curb: 11 ft
- Full sidewalk width without seating area: 24 ft.

APPLICATION for SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2010-0009

PROPERTY LOCATION: **277 South Washington Street, Alexandria, Virginia**

TAX MAP REFERENCE: **74.02 13 03** ZONED: **CD/Commercial Downtown**

APPLICANT Name: **Cathal Armstrong and Meshelle Armstrong**
110 South Pitt Street, Alexandria, Virginia 22314

PROPERTY OWNER Name: **Atrium Building LLC, c/o Carr Properties**
1776 Eye Street, N.W., Suite 500, Washington, D.C. 20006

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

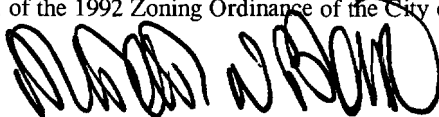
THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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 w/Amendments 7-0 DATE: 5/14/10

ACTION - CITY COUNCIL: Approved PC recommendation 7-0 DATE: 5/15/10

14

APPLICATION: ENCROACHMENT

ENC # 2010-0003

PROPERTY LOCATION: 277 South Washington Street, Alexandria, Virginia

TAX MAP REFERENCE: 074.02 13 03

ZONE: CD/Commercial Downtown

APPLICANT'S NAME: Cathal Armstrong and Meshelle Armstrong

ADDRESS: 110 South Pitt, Alexandria, Virginia 22314

PROPERTY OWNER NAME: Atrium Building LLC, c/o Carr Properties

ADDRESS: 1776 Eye Street, N.W., Suite 500, Washington, D.C. 20006

PROPOSED USE: Request for adoption of an encroachment ordinance to permit the encroachment of

INSURANCE CARRIER (copy attached) **TO BE PROVIDED** POLICY # _____

A certificate of general liability insurance in the amount of \$1,000,000 which will indemnify the owner and names the city as an additional insured must be attached to this application.

[X] **THE UNDERSIGNED** hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-82 and 85 of the Code of the City of Alexandria, Virginia.

[X] **THE UNDERSIGNED** hereby applies for an Administrative Use Permit in accordance with the provisions of Article VI, Section 6-600 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 to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[X] **THE UNDERSIGNED** also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

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



Print Name of Applicant or Agent

Signature

524 King Street, Alexandria, Virginia 22314

703 836-1000

703 549-3335

Mailing Address

Telephone Number

FAX Number

dblair@landclark.com

Email Address

February 23, 2010

date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____

Date and Fee Paid: \$ _____

ACTION - PLANNING COMMISSION: Recommended Approval w/Amendments 7-0 5/4/10

ACTION - CITY COUNCIL: Approved PC recommendation 7-0 5/15/10 (see attachment)

item number 6, which was considered under a separate motion. The approval was as follows:

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation.

(separate motion)

Council Action: _____

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

7. MASTER PLAN AMENDMENT #2010-0001 (A)
REZONING #2010-0001 (B)
DEVELOPMENT SPECIAL USE PERMIT #2009-0013(C)
1001 SOUTH WASHINGTON STREET AND 714 CHURCH STREET
FREEDMEN'S CEMETERY MEMORIAL
Public Hearing and Consideration of a request for A) a master plan amendment to change the land use designation from commercial to parks and open space; B) a zoning map amendment to change the zoning designation from commercial low to parks and open space and C) a development special use permit to develop a memorial to commemorate the Contrabands and Freedmen of Alexandria; zoned CL/Commercial Low. Applicant City of Alexandria, Department of Transportation and Environmental Services.

PLANNING COMMISSION ACTION: MPA Adopted Resolution 7-0
 REZ Recommend Approval 7-0
 DSUP Recommend Approval 7-0

City Council closed the public hearing and approved the Planning Commission recommendation.

Council Action: _____

8. SPECIAL USE PERMIT #2010-0009 (A)
ENCROACHMENT #2010-0003 (B)
277 SOUTH WASHINGTON STREET

SOCIETY FAIR RESTAURANT

Public Hearing and Consideration of (A) a request to operate a restaurant and (B) an encroachment into the public right of way for outdoor seating; zoned CD/Commercial Downtown. Applicant: Cathal and Meshelle Armstrong represented by Duncan Blair, attorney.

PLANNING COMMISSION ACTION:

SUP Recommend Approval w/amendments 7-0
ENC Recommend Approval w/amendments 7-0

City Council closed the public hearing and approved the Planning Commission recommendation with an acknowledgment of an amendment to the parking plan adding, "Society Fair shall contact nearby business and organizations about the availability of off-street evening parking located at the Atrium Building," and an amendment to condition 25(d) by striking the word "leasing" and inserting the word "parking."

Council Action: _____

9. **SPECIAL USE PERMIT #2010-0010 (A)**
CITY CHARTER SECTION 9.06 CASE #2010-0002 (B)
106 SOUTH UNION STREET
RESTAURANT

Public Hearing and Consideration of (A) a request to operate a restaurant and (B) consideration of a change in use of public property pursuant to Section 9.06 of the City Charter; zoned KR/King Street Urban Retail. Applicant: 106 Union Dublin, LLC represented by Duncan Blair, attorney (SUP #2010-0010 and the City of Alexandria, Department of Planning and Zoning CC Sec. 9.06 #2010-0002)

PLANNING COMMISSION ACTION: SUP Recommend Approval 6-1
9.06 For Council's Information Only

City Council closed the public hearing and approved the Planning Commission recommendation.

Council Action: _____

10. **SPECIAL USE PERMIT #2010-0011**
2312 MOUNT VERNON AVENUE
PORK BARREL BBQ

Public Hearing and Consideration of a request to operate a restaurant; zoned CL/Commercial Low. Applicant: Hog Thaid, LLC by Michael Anderson

PLANNING COMMISSION ACTION: Recommend Approval 7-0

City Council closed the public hearing and approved the Planning Commission recommendation with the following amendments: (1) amend condition #3 to state, "The hours of operation of the restaurant shall be limited to between 7 a.m. and 11 p.m.,

0
5-15-10

May 15, 2010: Docket No. 8 SUP#2010-0009

Mayor Euille, Vice Mayor Donley, Members of Council:

My name is Bill Doying, a 35-year resident of 817 Duke Street, within a block or so of the proposed restaurant/retailer. I sent a statement earlier this week to Council, as well as to Mr. Blair, and he and I have spoken as well.

I won't read you what you've already seen – I'd just like to stress a point or two and take a little different slant.

I believe the applicants here, the Armstrongs, are a source of pride to our City, and are doing their best to play a responsible role with regard to the parking issue. I also believe they shouldn't be doing it alone.

Parking for Old Town residents, I hardly need tell you, is bad and getting unbearable. I'm not sure, though, that you have a sense of how many residents, even long-timers like me and my wife, are near the end of their tether. This is not the sort of crisis that announces itself with a bang; more with a series of whimpers, each perhaps not loud enough to be heard. One and then another home-owner gets fed up and sells out, or tries to. Only the long-term effect will be obvious.

Maybe the Staff Parking Report – I haven't seen it – will be enough to push the City to create strong incentives for all parties – restaurant owners, retailers, landlords, customers – to truly maximize the use of off-street parking.

Exhortation and hand-wringing aren't going to do it. At present most retailers, restaurants, and landlords simply externalize the cost of the scarce parking resource – they may not realize their own cost in lost patronage – sloughing it off on the residents and, for that matter, their fellow merchants. (As you probably know, economists call this "the Tragedy of the Commons.")

A real solution would internalize these costs – bring them home to roost where their benefit lives. The applicants' parking plan here is a very responsible attempt to do just that, but I believe the applicants are also concerned that they will not be able to realize the benefits they're attempting to create, if the incentives for patrons to use them are not strong enough. And ironically, if they clear spaces on the streets for increased patronage of competitors, the competitors have benefited from what they didn't pay for – and the residents are perhaps no better off!

(I suspect applicants may also be concerned that their would-be landlord doesn't want to participate in the cost-bearing, though it benefits through signing the lease and providing an amenity for its other tenants.)

What's needed, we submit, is a comprehensive plan, for which this plan could be part of a model, so that everybody participates in cost-bearing and an economically sensible investment is made.



COA Contact Us: May 15 Mtg Dkt #8- SUP#2010-0009

william.euille, frank.fannon,
kerry.donley, alicia.hughes, council,

William and Carolyn Doying to: delpepper, paulcsmedberg,
rose.boyd, jackie.henderson,
elaine.scott, rob.krupicka

05/11/2010 01:27 PM

8

5-15-10

Please respond to William and Carolyn Doying



Time: [Tue May 11, 2010 13:27:00] Message ID: [21527]

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: William and Carolyn

Last Name: Doying

Street Address: 817 Duke Street

City: Alexandria

State: VA

Zip: 22314

Phone: 703-549-8177

Email Address: cwdoying@aol.com

Subject: May 15 Mtg Dkt #8- SUP#2010-0009
CITY COUNCIL PUBLIC HEARING MEETING OF MAY 15, 2010:
Reports of Boards,

Commissions and Committees, Agenda Items 8(A) and (B):
Special Use Permit

#2010-0009 and Encroachment #2010-0003
Submission to City Council from

William A. and Carolyn B. Doying, 817 Duke Street, Alexandria
Mayor, Vice

Mayor, Members of Council:
Respecting the demands on your time, we will

be as brief as we can.
We have lived at the same address for 35 years,

and in Old Town for more than 40. We have seen the parking situation in
our neighborhood go from not-so-great to nearly unbearable, under the
growing pressure of the King Street restaurant population and the local
churches (which are commendably active many days and evenings of the week
beyond Sunday morning). Several neighbors have told us of returning from
work daily to park blocks away, and have suggested that they are

approaching the point of selling out. We have the same concerns ourselves.
The Armstrongs are unquestionably a source of pride for our city – we have enjoyed their restaurants, as we have most other local establishments. We don't doubt the proposed "Society Fair" restaurant/retailer would be a welcome new choice. City staff advise that the Armstrongs are good people to work with. But none of us can ignore the fact that their customers will mostly arrive in cars.
The papers before

Comments: you show how heavily Staff's favorable recommendation relies on the benevolent effects of applicants' off-street parking plan, including extending hours for the Atrium garage and validating for Majestic Café and Eamonn's customers. We may wonder whether customers will still not exhaust street parking before resorting to this, but at least we can hope. It was alarming, then, to arrive at Planning Commission to find applicants' modification of the SUP proposal that limits parking commitments to a one-year trial period (without mention even of the minimum parking requirements attendant to the retail use – see Staff report). The SUP without the planned parking improvements would represent an entirely different – we would urge, unacceptable – balance of values.
We

understand that staff's report on Old Town parking will (or does) rely very heavily on expanded use of existing off-street parking facilities. Without the imposition of actual requirements to implement such an expansion, however, the report will be nothing more than a wistful hope. We ask Council, at a minimum, to condition the grant of the SUP on a review to take place before applicants are allowed to abandon their parking undertakings as (in the worst case) a failed experiment. Residential Old Town simply cannot be converted to a hollowed-out stage set for an ever-increasing array of restaurants, but we submit that is the current tendency of city government's deference to such applications.
Respectfully

submitted, William and Carolyn Doying