

City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 7, 2010

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: JAMES K. HARTMANN, CITY MANAGER *J*

FROM: FAROLL HAMER, DIRECTOR *FH*
DEPARTMENT OF PLANNING AND ZONING

SUBJECT: 106 SOUTH UNION STREET
SUP 2010 – 0010

ISSUE: Old Dominion Boat Club’s objections to the use of Wales Alley by the proposed restaurant.

RECOMMENDATION: Council should approve the SUP for the proposed restaurant, including the use of the alley for outdoor dining, after its public hearing.

DISCUSSION: The above case will be considered by Council at its public hearing on May 15, 2010. The Planning Commission held a public hearing on the matter on May 4, 2010, and voted to recommend that Council approve the SUP. The vote was 6-1, with Mr. Dunn voting against. The Commission also voted to approve the use of Wales Alley under section 9.06 of the City Charter, finding the use to be consistent with the City’s Master Plan.

After the staff report in this case had been prepared, the Old Dominion Boat Club (ODBC) registered objections to the case, and specifically to the proposed use of Wales Alley for outdoor dining. ODBC’s objections are outlined in the attached letter which was submitted to the Planning Commission at its public hearing. The objections are twofold: (1) ODBC claims a right to the use of the alley based on a 1972 court order adjudicating an issue between the then adjacent commercial owners to the alley; and (2) as a practical matter, ODBC claims that its ability to enter and exit its parking lot with boats will be impeded if the full width of the alley is not available.

Planning staff, with staff from T&ES and the City Attorney’s Office, held a meeting with representatives of ODBC and the applicant on April 26 to review the ODBC objections and determine whether there were solutions to the issue.

Legal Issues

As to the legal arguments raised, the City Attorney has determined, in the past as well as recently, that it disagrees with ODBC's reading of the 1972 court order, and with the claim that the City does not have full rights to the alley, including the right to license a portion of it to a neighboring business for outdoor dining. The City Attorney is prepared to speak to this issue at Council's public hearing.

Access Issues

As to ODBC members' ability to enter and exit the parking lot with boats, and the necessity of the full width of Wales Alley to enable them to do so, a series of potential solutions was discussed at staff's meeting with ODBC and the applicant. After the meeting, the applicant had engineers study the options and has submitted a series of graphics demonstrating that entry and exiting from the parking lot is possible without using Wales Alley at all. The graphics, attached, show a boat on a trailer entering the parking lot by traveling north on the Strand, then backing into the parking lot; exiting the lot is achieved by a simple turn north onto the Strand and then left onto King Street. The applicant has been able to demonstrate these vehicular movements with the existing gate width and location to the parking lot, but has also offered to widen the gate opening at its cost to make the same movements easier for ODBC.

At the Planning Commission hearing, ODBC representatives stated that these solutions did not change its position in opposition to the application.

STAFF:

Barbara Ross, Deputy Director, Department of Planning and Zoning
Abi Lerner, Deputy Director, Transportation and Environmental Services
Christopher Spera, Deputy City Attorney
Joanna Frizzell, Assistant City Attorney

ATTACHMENTS:

Attachment I. Letter from Harry P. Hart, Esquire, dated May 4, 2010
Attachment II. Graphics of boat entry and exit to parking lot

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

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557

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

LURAY OFFICE:

170 KIBLER DRIVE
LURAY, VA 22835

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

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

ASSOCIATE
DAVID L. CHAMOWITZ

OF COUNSEL
CONSTANCE H. PIERCE

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

May 4, 2010

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

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

Dear Chairman Komoroske and Members of the Planning Commission:

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

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

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

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

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

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

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

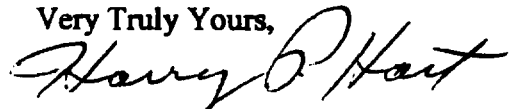
As we have pointed out to Planning Staff and the City Attorney, the Boat Club has an absolute right to use that alley for ingress and egress. Therefore, as a legal matter, the City is not *able* to grant the permission to obstruct the alley requested by the applicant. (In fact, for the same reason, we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

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

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

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

Very Truly Yours,



Harry P. Hart

VIRGINIA:

IN THE CORPORATION COURT OF THE CITY OF ALEXANDRIA

OLD DOMINION BOAT CLUB,
a Virginia Corporation,

Complainant

vs.

IN CHANCERY NO. 16164

DOCKSIDE SALES, INCORPORATED,

Defendant

FINAL DECREE

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

IT APPEARING TO THE COURT, after consideration of the evidence and argument of counsel, that the Complainant and Defendant are the owners of certain tracts of land located in the City of Alexandria, Virginia, and that the land owned respectively by the Complainant and the Defendant are adjacent and contiguous to a certain 30 ft. wide street or alley, known as Wales Alley, as the same was duly granted and established by an agreement dated July 10, 1789, and recorded in Deed Book Y, at Page 85, of the land records of Fairfax County, Virginia; and,

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

HALL,
MCCORDEN & HANES
Attorneys at Law
P. O. Box 207
Alexandria, Virginia 22304

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

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

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

AND THIS CAUSE IS FINAL.

Entered this 13th day of April, 1972.

George M. Giannittorio
George M. Giannittorio,
Judge

WE ASK FOR THIS:

HAZEL, BUCKWORN & HANSEN
P. O. Box 547
Fairfax, Virginia 22030

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

SEEN, OBJECTED AND EXCEPTIONED TO:

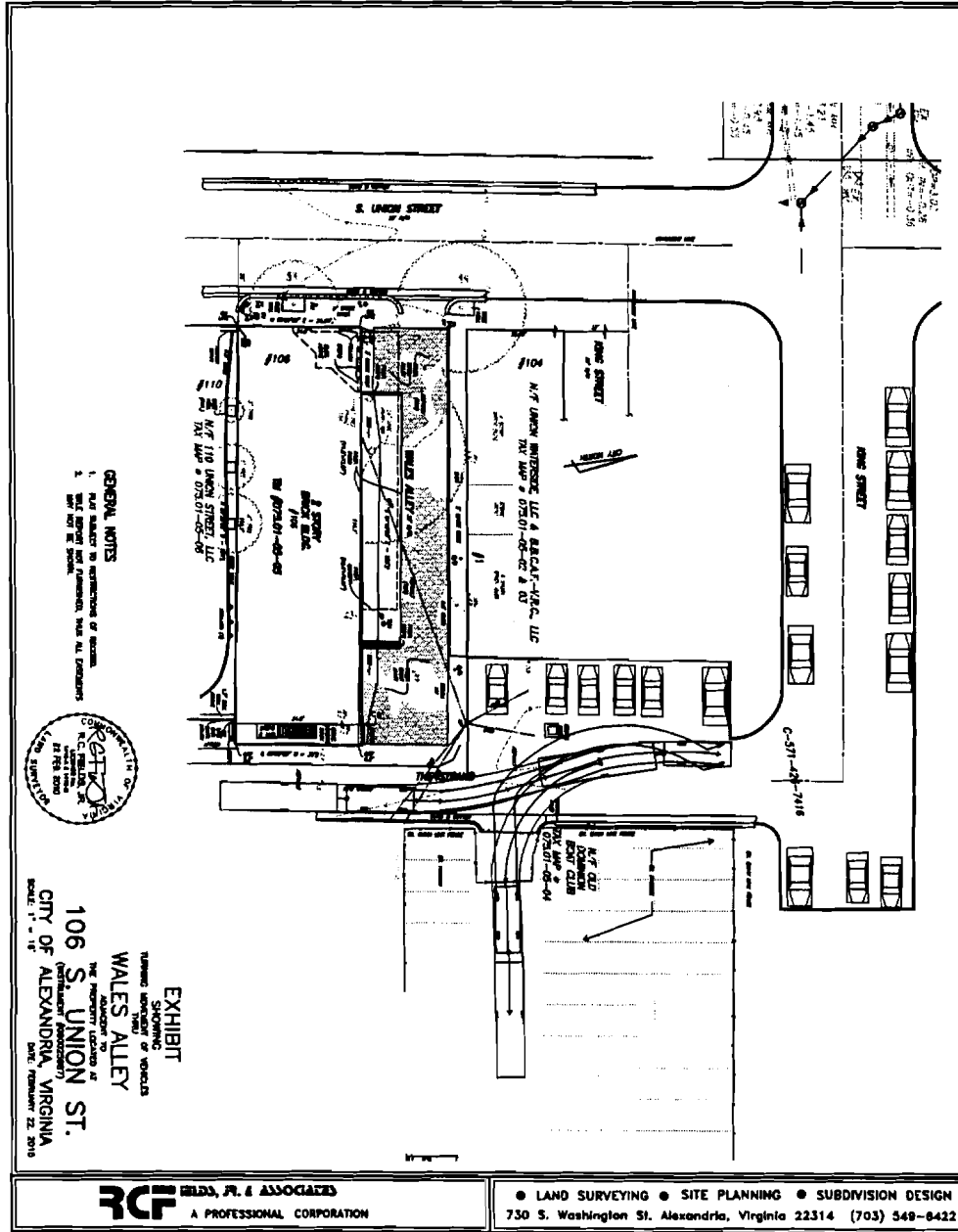
By: *Robert L. Lainof*
Robert L. Lainof, Esquire
Counsel for Defendant

Entered April 13, 1972
C. Laney

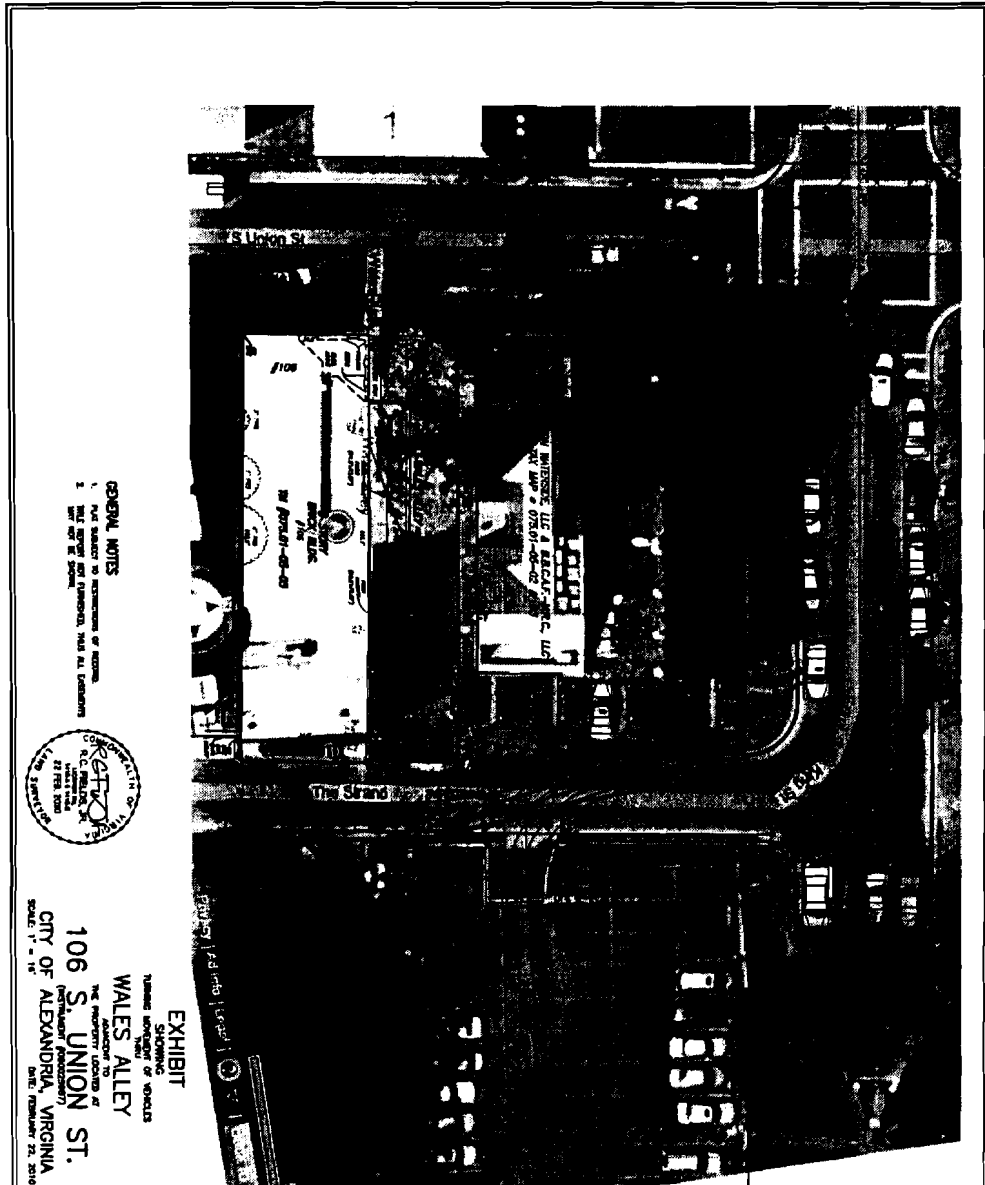
HAZEL,
BRYNOR & HANSEN
Attorneys at Law
1111, Box 347
Fairfax, Virginia 22030

Attachment II

APPLICANT'S PROPOSAL FOR ODRG'S ACCESS ENTERING THE PARKING LOT



FILE NO. 10-05
SHEET 1 OF 1



GENERAL NOTES
 1. THIS SURVEY IS A RECONSTRUCTION OF AN EXISTING SURVEY.
 2. THIS SURVEY IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY.



EXHIBIT
 SHOWING
 THE LAYOUT OF
WALEY ALLEY
 ADJACENT TO
 THE PROPERTY LOCATED AT
106 S. UNION ST.
 CITY OF ALEXANDRIA, VIRGINIA
 DATE: FEBRUARY 22, 2010
 SCALE: 1" = 10'

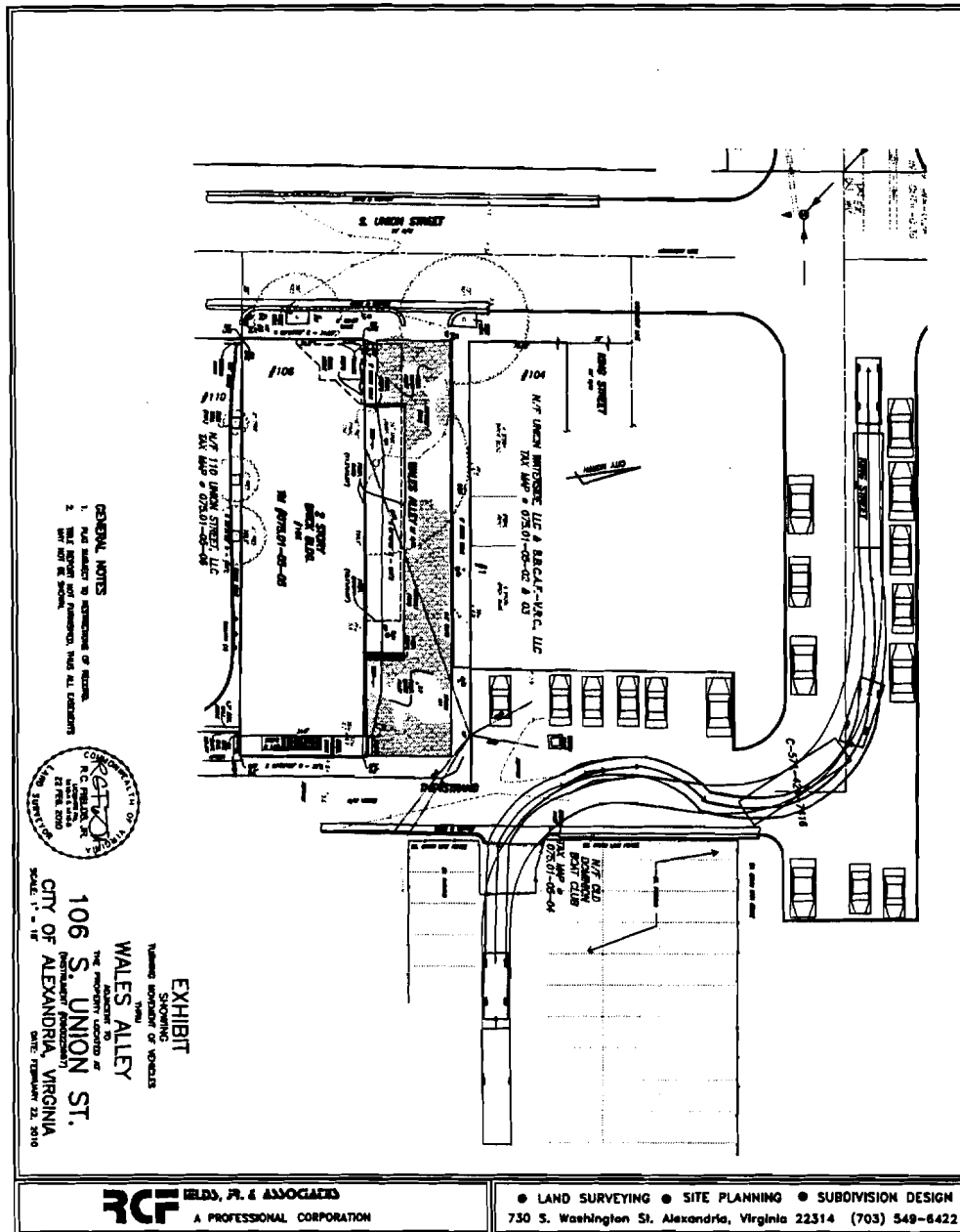
RCF FIELDS, P.A. & ASSOCIATES
 A PROFESSIONAL CORPORATION

● LAND SURVEYING ● SITE PLANNING ● SUBDIVISION DESIGN
 730 S. Washington St. Alexandria, Virginia 22314 (703) 549-8422

FILE NO. 10-05
 SHEET 1 OF 1

DATE	10
BY	10
CHECKED	10

APPLICANT'S PROPOSAL
FOR ODBC ACCESS
EXITING THE
PARKING LOT



- GENERAL NOTES
1. THIS PLAN IS SUBJECT TO THE APPROVAL OF THE CITY OF ALEXANDRIA.
 2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ALEXANDRIA.



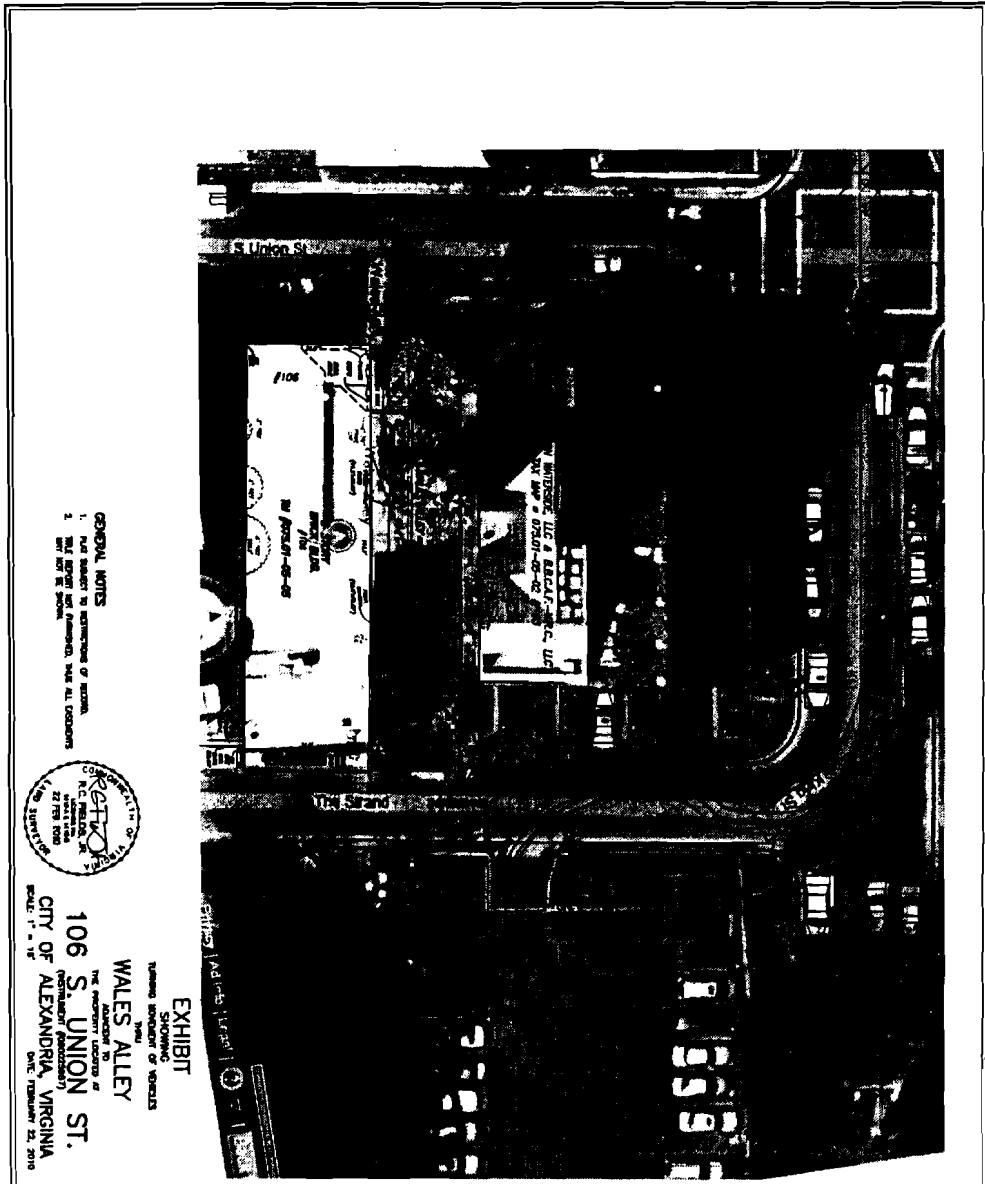
EXHIBIT
PLANNING BOARD
CITY OF ALEXANDRIA
106 S. UNION ST.
ALEXANDRIA, VIRGINIA
DATE: FEBRUARY 22, 2010

RCF FIELDS, P.A. & ASSOCIATES
A PROFESSIONAL CORPORATION

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

FILE NO. 10-05
SHEET 1 OF 1

DATE	1/16
DESIGNED BY	
CHECKED BY	



GENERAL NOTES
 1. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1968.
 2. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH ALL APPLICABLE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING.



EXHIBIT
 THE PROPOSED LOCATION OF
WALE'S ALLEY
 ADJACENT TO
106 S. UNION ST.
 (INSTALLATION PROPOSED)
 CITY OF ALEXANDRIA, VIRGINIA
 DATE: FEBRUARY 22, 2010
 SCALE: 1" = 10'

RCF FIELDS, P.E. & ASSOCIATES
 A PROFESSIONAL CORPORATION

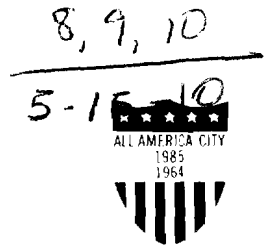
• LAND SURVEYING • SITE PLANNING • SUBDIVISION DESIGN
 730 S. Washington St. Alexandria, Virginia 22314 (703) 548-6422

FILE NO. 10-05
 SHEET 1 OF 1

DATE	1/24
CONDUCTED BY	R.C.F.



City of Alexandria, Virginia



MEMORANDUM

DATE: May 14, 2010

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

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

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

Colleagues,

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

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

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

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

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

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

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

Restaurant / Gastro Pub
106 South Union Street

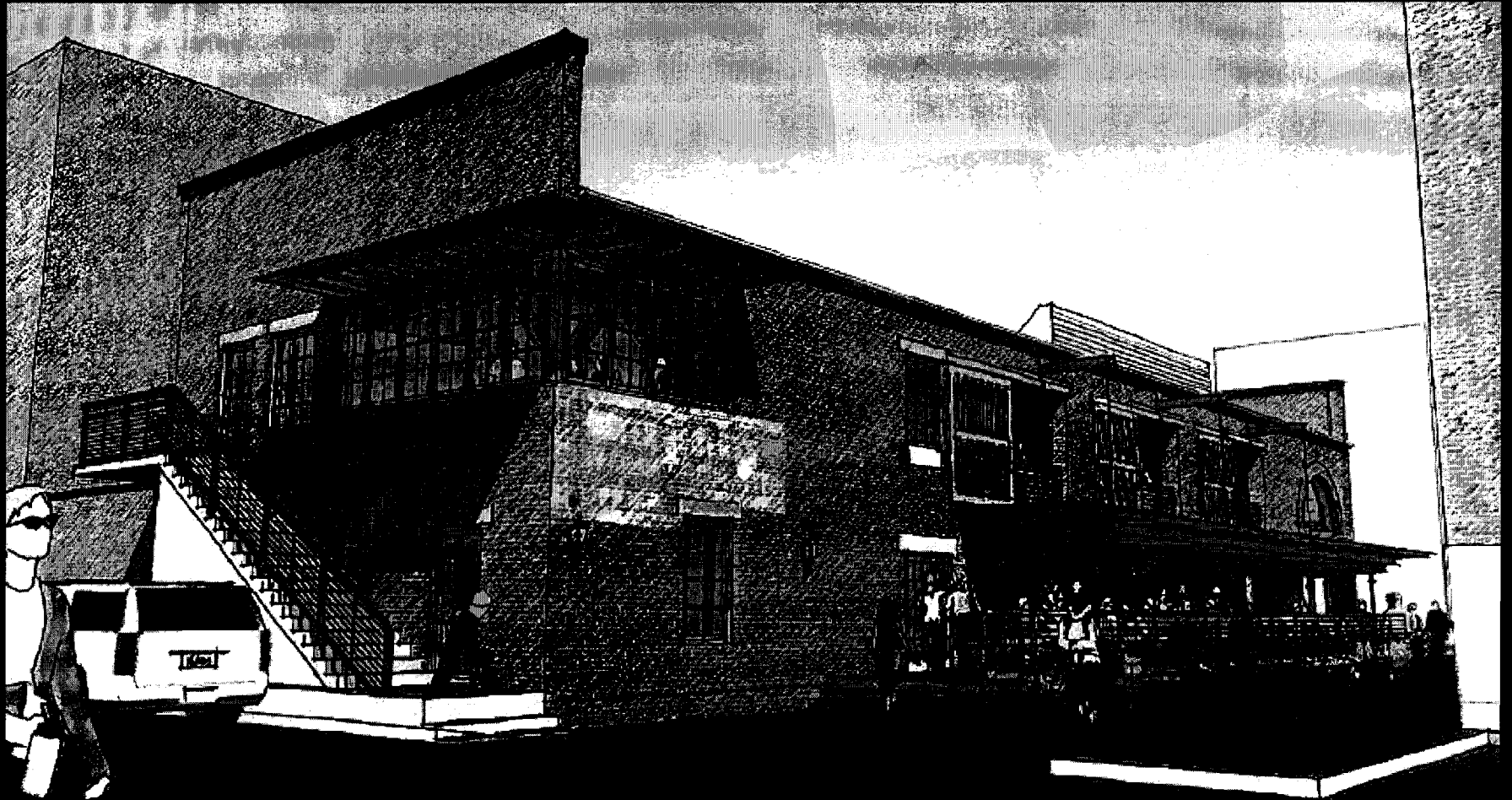
- Request to operate 350-seat restaurant
- 50 outdoor seats in City-owned Wales Alley



Exterior Design Concept



Exterior Design Concepts



Analysis

- Hours of operation
- Balance of uses
- Parking

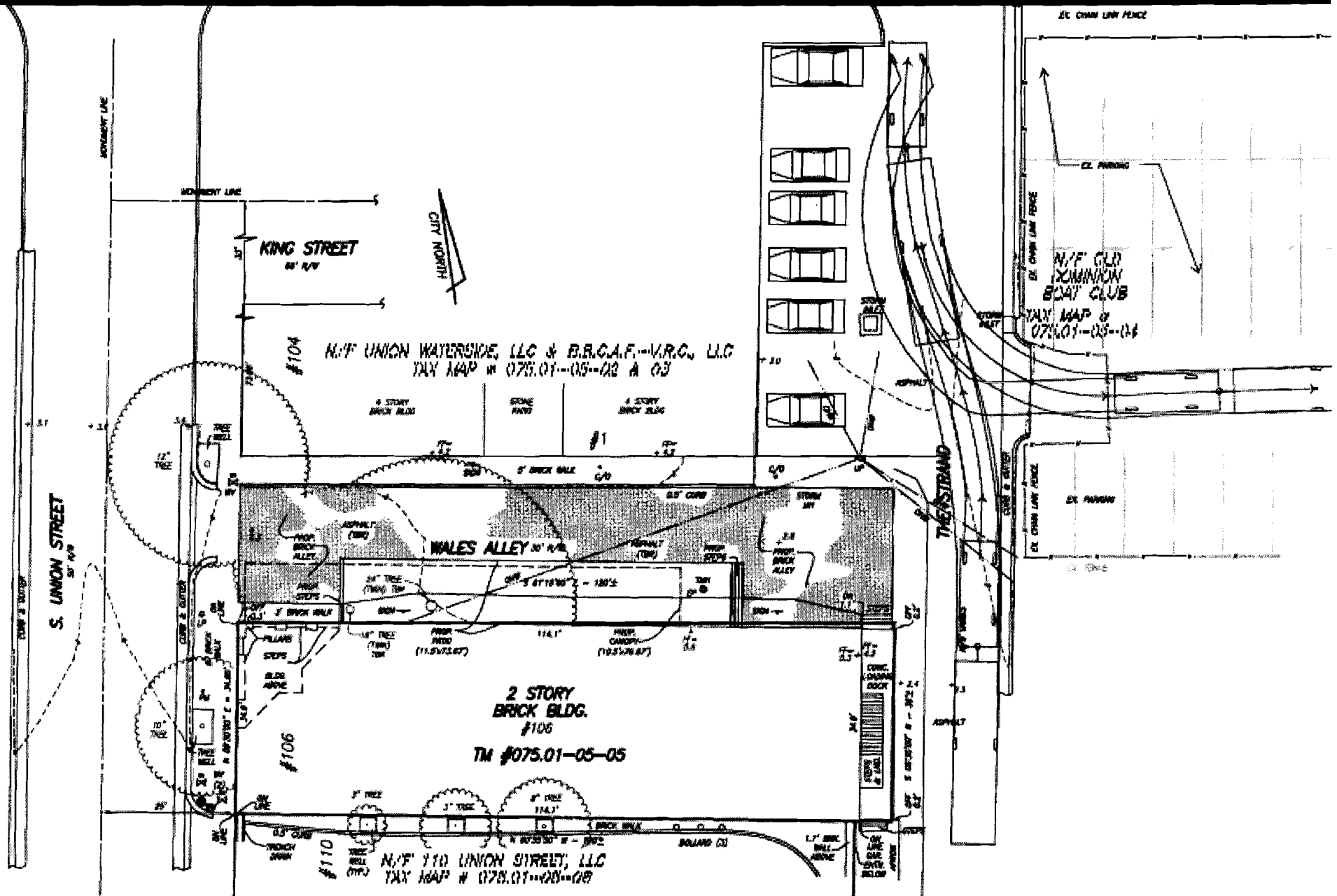


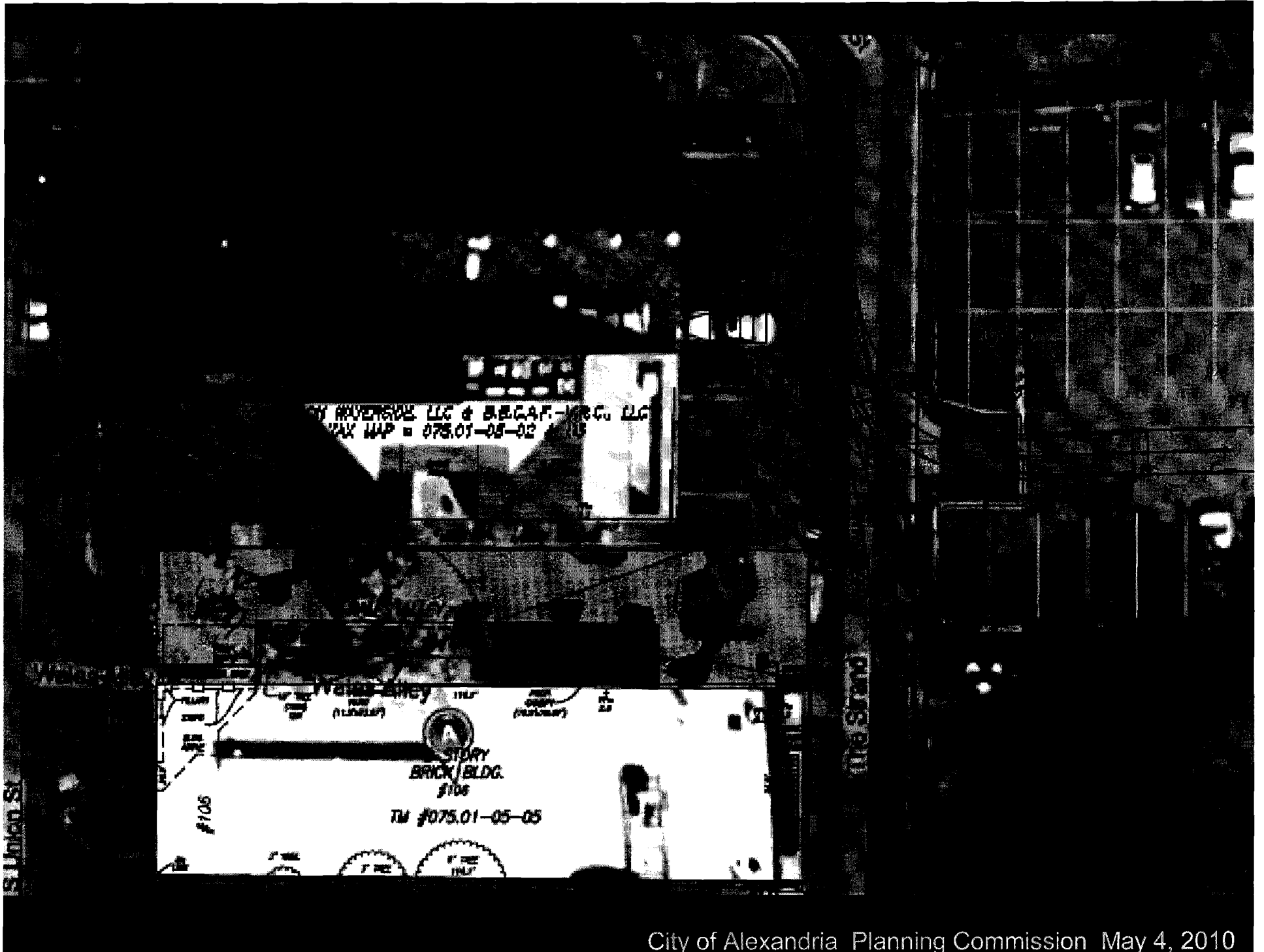
Analysis

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

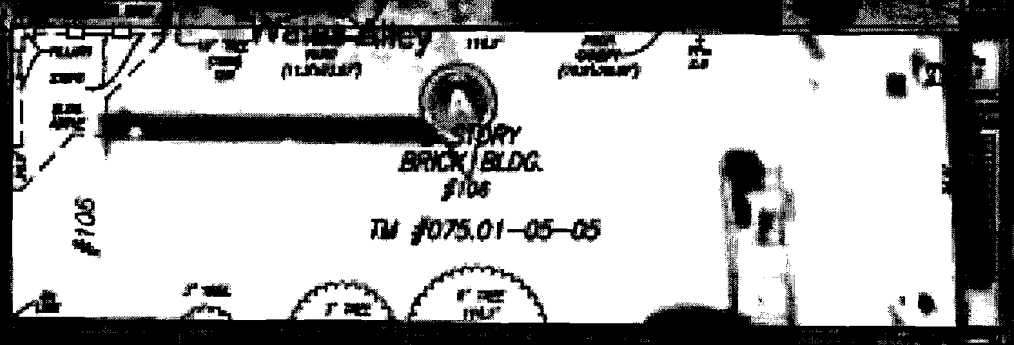
- Staff and Planning Commission recommend APPROVAL







BY HOUVERSIDE LLC & BELCAP-NECO LLC
TAX MAP # 075.01-05-02 & 10



APPLICATION for SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2010-0010

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

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

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

PROPERTY OWNER Name: **SEE ATTACHED.**

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

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

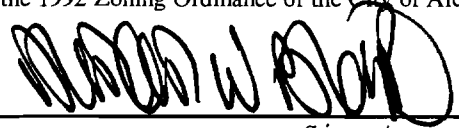
THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

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

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning Commission on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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

Duncan W. Blair, Esquire



Print Name of Applicant or Agent

Signature

524 King Street

Mailing/Street Address

(703) 836-1000

Telephone #

(703) 549-3335

Fax #

dblair@landclark.com

Alexandria, Virginia 22314

City and State Zip Code

February 23, 2010

Date

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Utilization: Friday evening

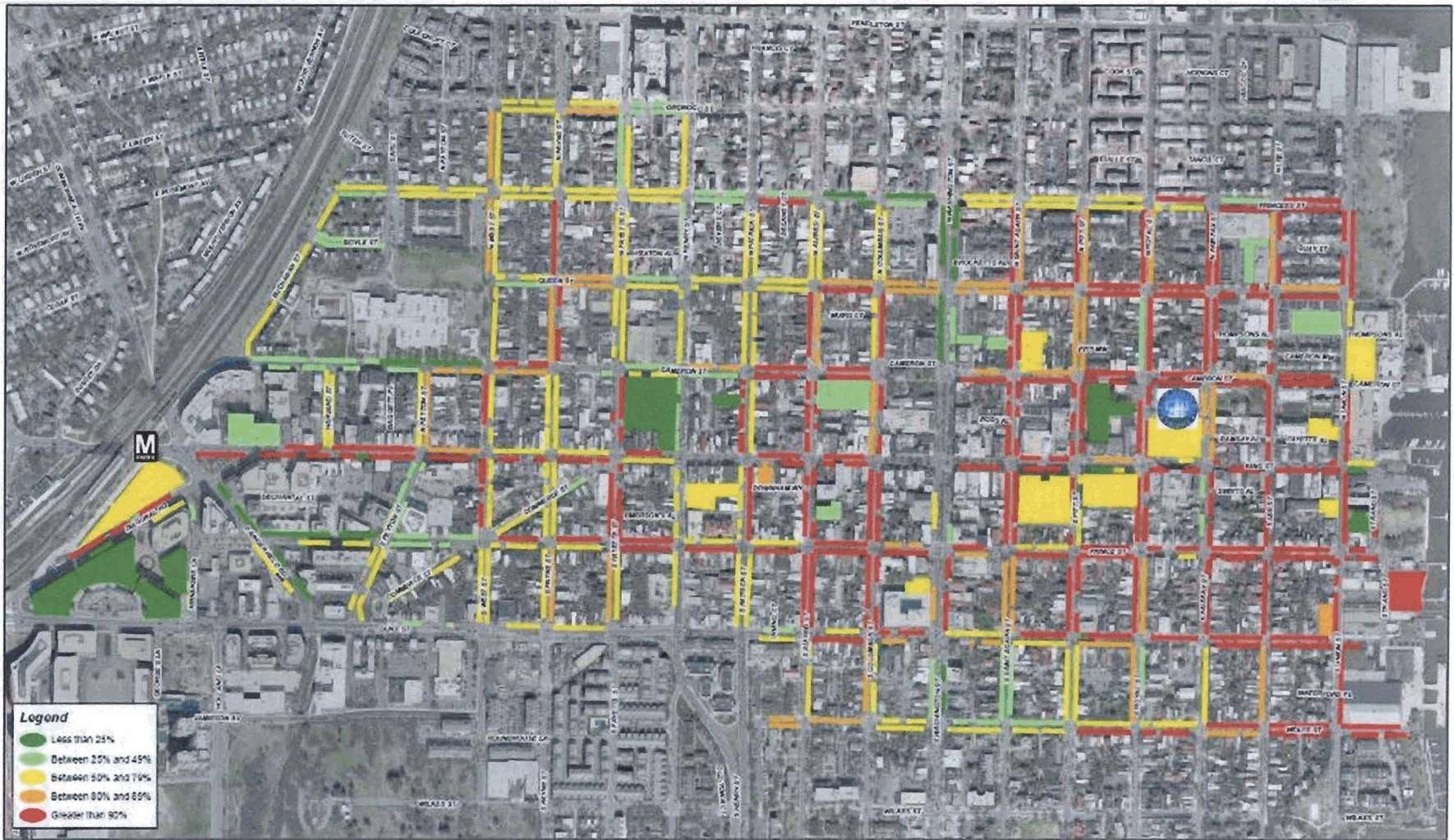


Figure 2-16:
Parking Utilization
During Friday Evening



FIGURE
2-16

9
5-15-10



COA Contact Us: SUP for 106 South Union Street

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

05/15/2010 09:36 AM

Please respond to Marianne McInerney

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

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

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

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

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

already been set.

Comments:

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

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

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

Thank you,

Marianne McInerney
1403 Russell

Road
Alexandria, VA 22301

9

5-15-10



COA Contact Us: 106 S. Union Street

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

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

05/13/2010 10:22 AM

Please respond to Amy Curry

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

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: Amy

Last Name: Curry

Street Address: 5936 Mayflower Court

City: Alexandria

State: VA

Zip: 22312

Phone: 202-841-0156

Email Address: amyleighcurry@gmail.com

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

Please support the Planning

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

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

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

excellent reputation and proven track record of success will bring more

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

too!

- Amy Curry



COA Contact Us: 106 S. Union Street

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

Ed Donohue to: alicia.hughes, council, delpepper, paulcsmedberg,

rose.boyd, jackie.henderson, elaine.scott, rob.krupicka

Please respond to Ed Donohue

9

S-15-10

05/13/2010 01:51 PM

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

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: Ed

Last Name: Donohue

Donohue & Stearns PLC

Street Address: 801 North Fairfax St. #209

City: Alexandria

State: VA

Zip: 22314

Phone: 703.549.1123

Email Address: idoolan@donohuestearns.com

Subject: 106 S. Union Street

Dear City Council Members:

I would like to support the Planning

Commission's decision to allow the group behind Restaurant Eve to bring

their exciting new project to our waterfront at 106 S. Union Street . This

type of venture is a great reuse of this building and the alley, and it

will enhance the waterfront in Old Town . As a resident of the City and

Comments:

nearby business owner, I urge approval of this project.

Thank

you.

Regards,

Ed Donohue

Donohue & Stearns, PLC



COA Contact Us: May 15 Public Hearing

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

05/13/2010 09:25 PM

9

5-15-10

Please respond to "Lawrence O'Connor"

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

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Lawrence
Last Name: O'Connor
Street Address: 207 South Lee Street
City: Alexandria
State: Va
Zip: 22314
Phone: 703-549-7727
Email Address: oconnorlaw1234@yahoo.com
Subject: May 15 Public Hearing

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

Sincerely,

Lawrence

O'Connor



COA Contact Us: 106 South Union Street.

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

05/12/2010 09:19 PM

9

5-15-10

Please respond to Robin Grover



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

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Robin
Last Name: Grover
Street Address: 306 South Fairfax Street
City: Alexandria
State: VA
Zip: 22314
Phone: 703-684-2970
Email Address: RGrover716@aol.com
Subject: 106 South Union Street.

Kindly support the decision of the Planning Commission in favor of the group behind Restaurant Eve's plans to open a restaurant at the abandoned bookstore at 106 South Union Street. My reasons for this support are as follows: 1) the Armstrongs and Todd Thrasher have brought high-quality dining at "destination restaurants" to Old Town which brings out of towners to spend money and pay taxes here; 2) they will bring life to an empty building in the heart of the historic district; 3) they are good neighbors; 4) they will employ many locals in need of jobs; 5) as they have done with the Majestic, Restaurant Eve and Eamon's, it will be a top-notch building restoration and an ornament for the historic district; 6) they strongly encourage their employees to park in the nearby city garages; 7) we've got too many empty buildings in this town which gives the wrong impression to visitors.

Thank you for your review,

Robin Grover



COA Contact Us: 106 S Union Street

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

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

Please respond to Annee Gillett

05/12/2010 07:33 PM

9

S-15-10

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

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: Annee

Last Name: Gillett

Street Address: 301 North Beauregard St.

City: Alexandria

State: VA

Zip: 22312

Phone: 202 306 4738

Email Address: anneegillett@kimptonhotels.com

Subject: 106 S Union Street
Dear City Council Members,

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

Thank you for your

consideration.

Sincerely,

Annee Gillett



COA Contact Us: New Armstrong Restaurant on Union Street

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

05/12/2010 07:03 PM

Please respond to Andrea Viglione

9

5-15-10

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

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



COA Contact Us: 106 South Union Street Proposed SUP

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

05/12/2010 10:39 AM

Please respond to Van Van Fleet

9
5-15-10

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

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

Mayor William Euille
City Hall
301 King Street, Room
2100
Alexandria, VA 22314

Dear Mayor Euille and Members of the

Alexandria City Council:

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

I would submit that

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

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

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

Comments:

parking lot; cyclists continually running through stop signs; produce and beer trucks trying to unload; not to mention the hundreds of drivers looking for places to park either on the street or in one of parking lots. In other words it is a traffic nightmare in that part of the city on a Friday or Saturday night. All this is going on while your local police enforcement representatives at the corner of Union and King do very little to alleviate these bad situations. When Olsen's bookstore was the tenant at 106 S. Union, they obviously did not generate a lot of car traffic. However, with a 350 seat restaurant (300 inside and 50 in Wales Alley) plus the 130 seats in the other new restaurant Pizza Paradisio in the middle of the 100 block of King Street you end up with roughly 500 additional people who would in turn generate about 300 cars. To make matters even worse, the newly created Waterfront Plan turns the 90 vehicle parking lot across from Chadwicks into a park. There are insufficient places to park all these additional cars.

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

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

Townsend A. "Van" Van Fleet
Member,

Alexandria Waterfront Committee



COA Contact Us: 106 S. Union Street

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

Please respond to David Coleman

05/11/2010 09:37 PM

9
S-15-10

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

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: David

Last Name: Coleman

Street Address:

City:

State:

Zip:

Phone:

Email Address: pxlar8@gmail.com

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

Comments:

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