

SPEAKER'S FORM

DOCKET ITEM NO. 10

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

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: M Catharine Puskas
2. ADDRESS: 2200 Clarendon Blvd Ste 1300 Arl VA 22201
TELEPHONE NO. 703-528-4700 E-MAIL ADDRESS: cpuskas@arl.thulandlawyers.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Janow LLC d/b/a La Bergerie
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: ☒ AGAINST: ☐ OTHER: ☐
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.): Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES ☒ NO ☐

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

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

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

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

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

Guidelines for the Public Discussion Period

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

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

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

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

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

A Side



B Side



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10-18-14
Cathy Puskar

sign slip cover
made from 13 oz. banner material

10.18.2014

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10-18-14

Good morning Mayor Euille, Vice Mayor Silberberg and council members, my name is Cathleen Curtin. I am a 25 year resident and business owner in Old Town Alexandria currently owning a home at 501 Princess st, within 2 blocks of 329 N Washington st.

I am here this morning to strongly oppose the Planning Commissions approval of the rezoning of 329 N Washington St from RM to Commercial. I ask you to not approve this recommendation to rezone this historic residence.

The original submission to the planning commission was one pound of paper filled with menus, wine lists and support letters from far flung patrons for a restaurant and hotel in my neighborhood. The current owner of the restaurant, The Janowski's don't even live in my neighborhood nor do the 100 plus supporters who sent unsigned "form" letters - I question the source of these support letters- to relocate the restaurant, La Bergerie PLUS add a hotel of 5 rooms. As an aside, a hotel of 5 rooms is so very odd and appears to be a zoning loophole that needs serious staff and commission review.

I question the Planning Commission and Planning staff professionalism when we explained and made them aware that there was no support for this business and rezoning of this historical residential property in this quiet residential neighborhood.

But I know how aware the staff and commission are because we met with them, we sent them letters and we met with the Janowski's attorney and the Janowskis. Why has this community not been heard?

The Janowskis told us of their dream as well as their entitlement after living in Old Town for 5 generations to have this property become their restaurant.

After all we have said in opposition to this rezone for a large restaurant and hotel of 5 rooms the staff has not heard us, the Planning commission has not heard us, the Janowksis have not heard us. I ask you members of City Council to hear us the property owners.

We do not want this business in our historic residential neighborhood. It will be noisy, smelly and congest a fine part of old Town that we residential property owners have invested greatly in. Our homes and our neighborhood are OUR dream and we are ENTITLED to vote on what it will be. It is not the Janowksi to decide and where does there voice have a say in what becomes of our neighborhood? Remember they thought it dark and lifeless. The numerous support letters from far flung fans of la bergerie have no weight on this decision.

The members of this neighborhood should be more respected by staff and the Planning Commission on this decision.

City Council, I hope you are listening and will vote down this Planning Commissions recommendation.

Thank you.

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10-18-14

October 18, 2014

RE: Proposed Relocation of *La Bergerie* to 329 N. Washington Street, Alexandria, VA

Dear Mayor and City Council Members,

On behalf of the Del Ray Business Association, I am writing today to express our strong support for Laurent and Margaret Janowsky's proposed relocation of *La Bergerie* to 329 N. Washington Street. Many of us have visited *La Bergerie* many times over the years and have experienced first-class French cuisine.

We are excited by the prospect of the Janowskys buying and moving *La Bergerie* into the beautiful, historic building on one of the City's main commercial streets, allowing *La Bergerie* the permanent home it deserves in the City it has called home for nearly four decades. *La Bergerie* is one of a handful of remaining early restaurants that invested in the City's vision of a rehabilitated old and historic commercial district - practically a landmark itself.

When the Janowskys recently invested in the Del Ray area, they purchased an older building which had been vacant for two years, hired local contractor Harry Braswell, and delivered the popular neighborhood eatery, *Del Ray Café*. We believe their proposed restaurant and inn at 329 N. Washington Street will offer this historic building a similar new lease on life. The addition of the inn component is an exciting opportunity for the City to offer visitors the option of experiencing an overnight stay in a historic residence in the Old Town district.

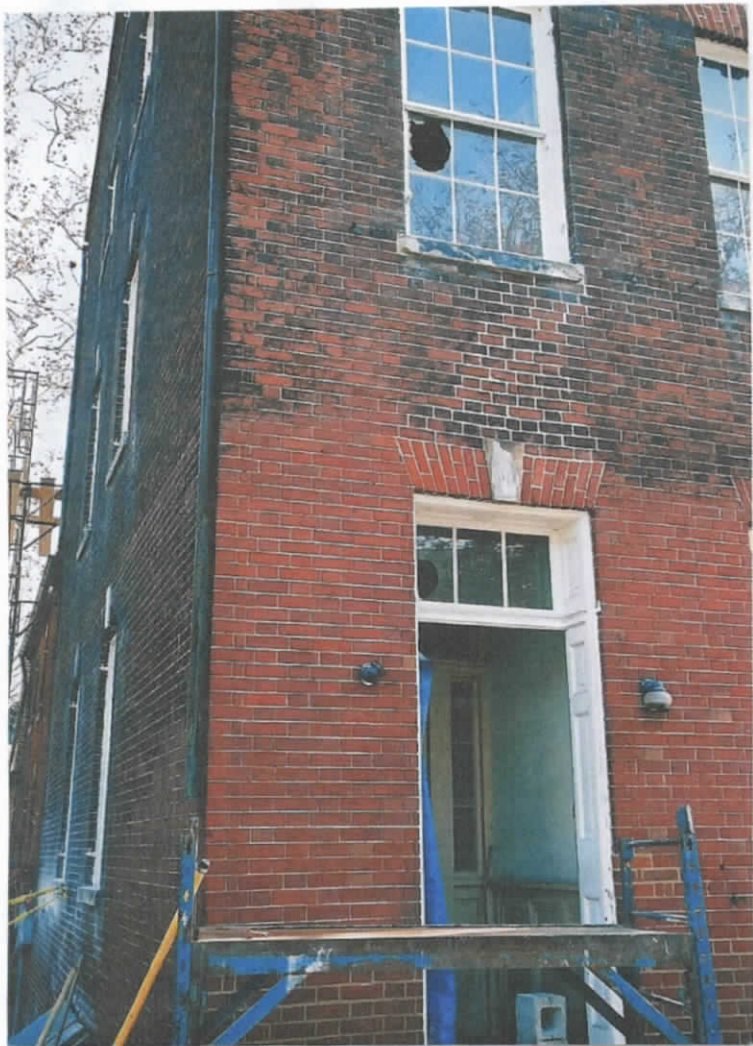
When the Janowsky's come to Howell Avenue, they took the time to meet with the neighbors and discuss their plans with them. They have continued reaching out to their neighbors and if problems arise, they solve them quickly.

We are happy to support *La Bergerie* and Laurent and Margaret Janowsky in their endeavor to not only keep their already well-respected restaurant in the City of Alexandria but to enhance the old and historic district's very fabric with the addition of a historic inn.

Sincerely,

Pat Miller, President

Del Ray Business Association



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10-18-14
Cathy Ruskan





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10-18-14

Oct 17, 2014 letter from Nancy Richard, Lee Mews Council of Homeowners

I am writing to you to urge the Council to reject the rezoning and accompanying SUPs for the home at 329 North Washington Street. You have already seen and heard many arguments from the community against this proposal, both in the staff paper and the Planning Commission deliberations on October 7th. I would like to add my final thoughts as a 32 year resident and owner at Lee Mews.

The applicants, Planning Staff and the Planning Commission have consistently mischaracterized the neighborhood that would be so altered by having an enormous restaurant in its midst. This is a vibrant neighborhood made up of beautifully restored historic homes and sensitively designed modern construction. There are some 165 households with a combined assessed worth of \$132 million. We are good tax-paying citizens of Alexandria who are civically engaged. We have chosen this location because it is a quiet residential enclave between the traditional commercial district around King Street and the newly emerging North Old Town. We do not need to be revitalized or rescued from blight.

The Planning Commission has chosen to approve the amendment to the Small Area Plan, saying that the proposal is consistent with the goals of the plan. But they conveniently leave out one of the principal goals, the one that states: "*Areas presently used for residential purposes should remain residential*";". The 1997 report on zoning 323 North Washington correctly identified Princess and Oronoco Streets as the gateways to the residential neighborhood that extends eastward to the river. Oronoco has the Lee-Fendall House and the Lee Boyhood Home; Princess has one of only two cobblestoned streets in Old Town. These are vital components of the historical charm of Alexandria. Placing a large restaurant on the corner of Washington and Princess forever alters the character of the neighborhood for tourists as well as residents.

Rezoning to Commercial Downtown is a major and nearly irrevocable change to the property. And the proposed restaurant and inn are two of the most disruptive uses of all the projects requiring Special Use Permits. That is why the Planning Staff attached three pages of conditions to their original report on the proposal. This does not ask us to accept a professional office at the head of our neighborhood, it asks us to accept noise, smells and general hubbub 24 hours a day, 7 days a week.

What if this restaurant fails? This is not idle speculation. Nationally some 60 percent of restaurants fail within their first three years of operation. The applicant is proposing to embark on a very ambitious concept requiring massive renovations to the house and positing a large scale operation with many different indoor and outdoor seats to be filled. So in three or five years, what would be the next use of this property? It is highly unlikely to be used as a home again. Would there be a less compatible restaurant concept? Would one of the many other uses opened up by Commercial Downtown zoning be proposed? Would the property stand vacant for many years, inviting blight?

The Council is being urged to approve this proposal to preserve a beautiful historic house and to preserve an existing small business. This is spot-zoning to benefit a few individuals at the expense of a large neighborhood. How would you draw the line when the next such proposal comes up?

There are currently 16 homes for sale in the 22314 zip code for prices exceeding \$2,000,000. Three of these are part of the new Oronoco on North Fairfax. To my knowledge, none of these other owners are asking the city to rezone their property and modify the Small Area Plan to enhance their sale prospects. Do the right thing and reject the rezoning and related changes to 329 North Washington.

XFINITY Connect

fduggan@comcast.net
+ Font Size -10
10-18-14

City Council testimony

From : Faye Padgett <bigredherself@aol.com>

Fri, Oct 17, 2014 11:19 PM

Subject : City Council testimony**To :** Frank's Cell Phone <fduggan@comcast.net>

Final version

Good morning. My name is Faye Padgett. I live at 416 North St. Asaph Street, within a half a block of the property about which you are conducting this hearing. And I would respectfully like to make several points.

First, it has been said that 329 North Washington St. could not be sold as a residence. Could it be because the owner, who bought it for about \$2.5 million in 2006, and certainly did renovations, put it on the market at the beginning of 2012 for \$4.7 million? The price was finally reduced in 2014 to \$3.5 million, then \$3.1 million. It has been said that now this historic home can "be brought back to life". This could've occurred much earlier had the owner asked a realistic price.

Second, it is pointed out that there are many commercial buildings surrounding 329. There is the Wells Fargo bank across the street, there is the professional insurance association building, and there are a few doctors and lawyers. None of these businesses operate after hours, have outdoor seating, music, or the number of people who will come to 150 seat restaurant. All of these businesses have their own parking, but there are a couple of the businesses whose clients already park on our streets. And yet some of these business owners blithely endorsed the operation of a restaurant at 329 North Washington St. because those business owners do not live in our neighborhood.

Yes, we do have the Lee Fendall house next-door, and it has approximately 15 or so weddings year. It was said at the planning commission's hearing that the Lee Fendall house had approval for string music. I assure you it is no longer string music that is playing at weddings, and when the police are called because of extremely loud music and wedding attendees who actually scream at times, the police have said there is nothing they can do.

Third, The planning commission at one point used the commercial rezoning of 323 North Washington St. to explain why it was not unreasonable to spot rezone 329 as commercial. If you approve the rezoning of 329, next it will be the historic house with the large open space across Princess street, then the Lee Fendall House when it becomes financially unfeasible for it to continue operating as a museum, and then it will be Lee's Boyhood Home. You may have heard that at the planning commission meeting, Mr. Kington said he would not have made all the concessions he did in buying Lee's Boyhood home had he known that 329 North Washington St. Would be zoned commercial downtown.

Fourth, let's consider the size of the restaurant that La Bergerie proposes. Most all Old Town restaurants do not exceed 80 seats. I cannot think of one single restaurant that has outdoor seating and is allowed to have live music. Most restaurants have no outdoor seating, and those that do have typically fewer than 24 seats, and those are usually found on the sidewalk areas directly in front of the restaurant not sharing a border with residential housing. This proposed restaurant could well end up being the largest "hotel" restaurant in Old Town as well as among the largest 10% of all restaurants in Old Town. In terms of outdoor seating, it would be among the top 5%. None of this is in line with the Old Town Plan when you look at it in this context.

Finally, no consideration at all has been given to the parking implications for our neighborhood of the four new developments within two blocks of 329 North Washington St. that the city has already approved. There is Cromley Row, five high end townhomes with four bedrooms per unit. These houses are currently for sale. There is the Middleton on the corner of Princess Street with four more homes with five bedrooms each. These are also for sale. There is the health department redevelopment project which will include a total of 16 new townhomes with several being built on the city's existing parking lot on Oronoco street. Finally there are potentially 49 new residential units coming online when the old cotton factory/IACP building is constructed. While all of these four new projects will provide some offstreet parking, there will clearly be overflow onto our street parking. And that is without the addition of 150+ seat restaurant and a five room inn plus employees located within 1-2 blocks of this critical area.

I hope you will take seriously the number of residents who signed the petition to require that you approve this project only with a super majority vote. We are the homeowners, and the taxpayers who will be affected. I admire the Janowskys as business owners, and La Bergerie is a very nice restaurant. But there are plenty of available, already commercially zoned locations in Old Town where they could find their new home.

We hope that all of you respect our point of view.

Sent from my iPhone

10.18.2014

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10-18-14

My name is Bruno Mahlmann. I've lived and paid taxes in Old Town for over 18 years and have lived at 501 Princess St for 8 years now enjoying the quiet peacefulness of this historic residential neighborhood.

I was present for the Planning Commission hearing on the re-zoning of 329 N. Washington St. for a restaurant in a residential area. I, Like all of the ~35 opposition speakers, oppose the rezoning of historical private residential property in residential neighborhoods for commercial purposes.

As most know, the current owners of 329 N Washington St. have been unable to sell their property for a variety of reasons - over built, too high an asking price? - so they decided to rezone the property in an effort to re-coupe their losses. I applaud their entrepreneurial spirit, however, their financial issues should not become this neighborhoods burden.

There was a resounding "NO!!!" from the residents that live within 300 ft. of 329 N. Washington St. at the planning commission hearing. I don't see why we need another restaurant in the area when we have Ginger Beef, Ala Lucia and dozens of additional restaurants within a 4 block radius. Also, do we need a 5 room hotel when we have at least 12 hotels and over 20 B&Bs within a 1 mile radius? Not to mention the new Carr hotel on the water front and another hotel in the process on the water front.

This hotel -restaurant is not needed in this neighborhood nor is it wanted. If you watched the Planning Commission hearing you saw what I found to be an abhorrent presentation. The opening comments by the Janowski's's attorney disparaged the quality of my neighborhood - she thought it dark and lifeless. Then they also used the past cancer history of the Tiscer family as a business rational for the rezoning. They took the low road for their appeal. It was highly unethical and in poor taste - the pity card. Clearly, the Tiscer's and the Janowskis's are stooping low to insist on the rezoning of 329N Washington for their needs and disrespecting the current residents.

In closing, La Bergerie is an existing restaurant in Old Town - this move will not bring a new tax base to our city, it already exists. At worst If approved it will bring down the property values of many homes that surround it for it will be noisy, smelly and congested with deliveries, and trash. NOTE-It is not NEW business it does not add any value to the existing high-end properties. IT IS NOT WELCOME. There are a number of properties in the King Street Restaurant Corridor that the Janowski's La Bergerie restaurant will be more welcome than here. Actually, La Bergerie a note to you - stay where you are, N Lee Street has been good to you.

City Council members, I implore you to vote against this application.

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10-18-14

Jackie Henderson

From: Karl Moritz
Sent: Friday, October 17, 2014 3:17 PM
To: City Council
Cc: Rashad Young; Mark Jinks; Joanna Anderson; Alex Dambach; Nathan Randall; James Banks
Subject: La Bergerie: Protest Petition

Mr. Mayor, Madam Vice Mayor and Members of City Council:

A protest petition pursuant to Section 11-808 of the zoning ordinance was filed with the City Clerk on Friday, October 17 at 3 pm regarding the application for a map amendment at 329 North Washington Street. Staff has reviewed the protest petition and has determined that the petition meets the requirements of Section 11-808 of the zoning ordinance because it was filed prior to the deadline and was signed by owners of more than 20% of the land within 300 feet of the area to be rezoned. Consequently, a super majority vote of the City Council which is 6 affirmative votes will be required in order to approve the rezoning of this property.

Sincerely,

Karl Moritz

Karl W. Moritz
Acting Director
City of Alexandria Department of Planning and Zoning
City Hall | Room 2100
301 King Street | Alexandria, VA 22314
Desk: 703-746-3804 | Cell: 571-329-3052

From: Karl Moritz
Sent: Thursday, October 16, 2014 2:01 PM
To: City Council
Cc: Rashad Young; Mark Jinks; Joanna Anderson; Alex Dambach; 'vmgthehill@aol.com'; Nathan Randall; Poulh@erols.com
Subject: La Bergerie: Parking, Noise, and Preservation

Mayor Euille and Members of the City Council:

Thank you for your questions about the proposal for 329 N. Washington Street. As was noted by the Mayor, parking and noise are two issues with the potential to impact the surrounding neighborhood. City staff and the Planning Commission discussed both issues in some detail, particularly parking. I appreciate the opportunity to provide more information on both subjects. In addition, I'm pleased to respond to the letter from Mr. Van Fleet and the Old Town Civic Association, particularly the issue of the rezoning from RM to CD.

1. **Parking Reduction:** Like at many Old Town sites, there are constraints that make parking compliance very difficult. This is why commercial projects in Old Town are often granted parking reductions. Planning and Zoning worked with T&ES to develop a fair parking reduction based on the proposed project and its peak usage times.

It is important to note that the requested parking reduction is only for weekday daytime hours, when the business would not be as busy. It may also be more likely to serve walking customers from nearby office buildings. For the busier evening and weekend times, the applicant would fully comply with the parking count requirements for the zone (although the configuration and the size of three on-site spaces requires an SUP.) The applicant proposes to secure a total of 44 spaces, which is higher than the required parking in this parking district but equal to the required parking in other districts with higher requirements.

This address is within Parking District 1. There is a special, lower, parking requirement for hotels in Parking District 1. Several of the letters from the community have expressed concern that the parking requirement for hotels in this parking district is low, and they questioned whether this application really qualifies as a hotel. **However, the applicant will meet the standard parking requirement (evening hours), which is 44 spaces, not the lower requirement for Parking District 1, which is 24 spaces.**

The evening and weekend parking is to be provided as follows: for hotel guests, there would be three on-site spaces with a tandem configuration. For dining customers, there would be a 30 space parking lot at 400 N. Washington Street, which is diagonally across N. Washington from 329 N. Washington. For employees, there would be a 14-space parking lot at the rear of 424 N. Washington Street.

Planning staff had proposed that the applicant provide valet service for Friday and Saturday nights; staff's thought was that it would help ensure use of the provided lot rather than on-street parking. Staff was concerned about customers finding the entrance to the parking lot on Columbus Street. However, the applicant is proposing to reconfigure and add signage so its entrance would be on Princess Street and within eyesight of the business entrance. The Planning Commission accepted this reconfiguration and removed the valet requirement from the staff report for its recommendation; however, if parking is found to be a problem when the businesses has been operating, valet parking is among the solutions that may be considered.

For weekdays, while the parking requirement is 24 spaces, staff has calculated that 11 spaces for room guests and staff during the daytime will be sufficient. The three on-site spaces would continue to serve room guests at that time. Another 8 spaces are to be rented at the Tavern Square Parking Garage at 418 Cameron Street for employees. On-street metered and un-metered parking along Washington Street is available to lunchtime dining customers, and spaces are often available there for lunchtime.

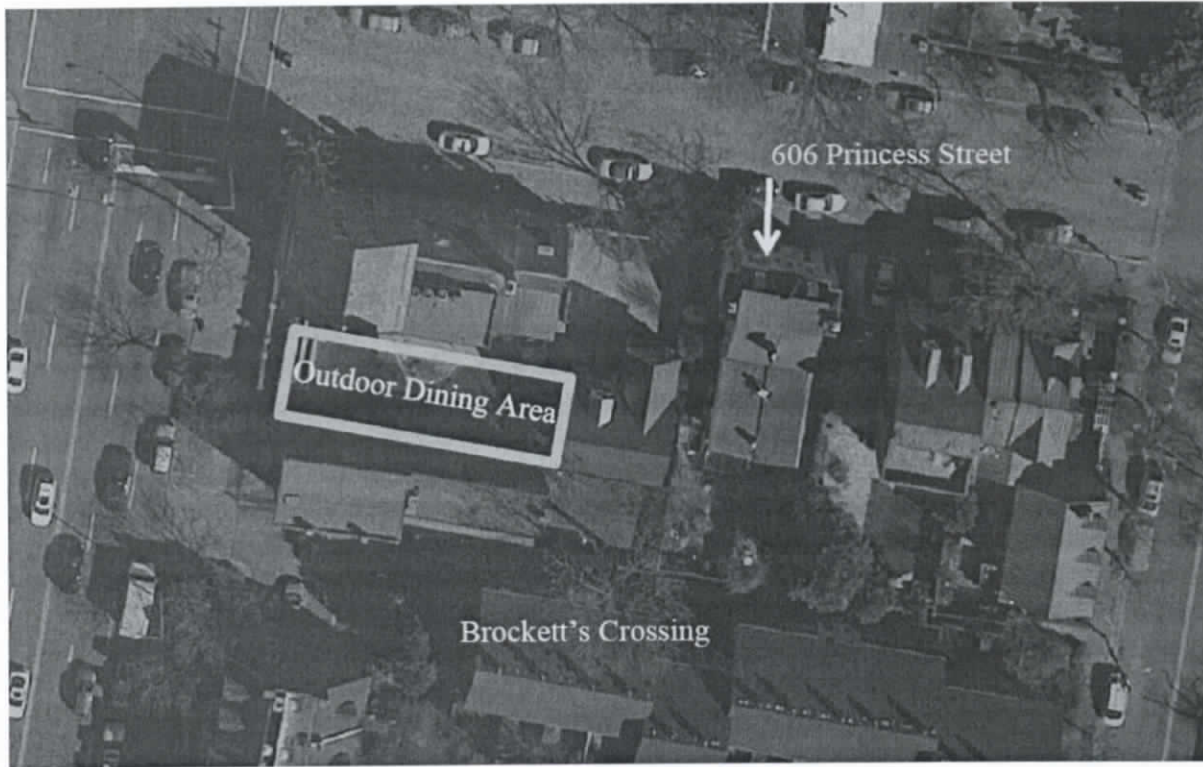
Although there is no guarantee that customers would not park along residential streets, the applicant has worked with Planning Staff to take every reasonable step to provide parking for employees, room guests, and dining customers and to minimize any impacts on residential on-street parking in the area.

2. **Noise from outdoor dining:** This site is unusual for Old Town because it has a very large garden on the south side of the main building. The applicant proposes that this garden would be used for outdoor dining with areas for patio/lounge seating near the carriage house. It is enclosed by a commercial building to the site's south, Washington Street to the west, the proposed hotel building to the north, and the site's carriage house to the east. These surroundings serve to mitigate the potential for impacts on residential properties because these 2- and 3-story buildings help buffer noise. Staff proposed conditions to further mitigate impacts such as requiring that any outdoor music be unamplified acoustic music and requiring that the all outdoor music end at or before 9 p.m.

Of the 52 outdoor seats requested, 40 are outdoor dining seats and 12 are outdoor lounge seats. The 40 outdoor dining seats are in the area of the garden where noise would be buffered to the greatest extent by existing buildings.

The commercial buildings surrounding the garden block most of the closest residential properties from noise impacts, but there are openings at the garden's corners (see map) where noise would not be blocked. There are townhouses at Brockett's Crossing Condominium that are approximately 35 feet from a corner of the garden at

an area proposed for patio/lounge outdoor sitting, and there is a townhouse at 606 Princess Street that is approximately 30 feet from the rear corner of another area proposed for patio/lounge sitting. The applicant proposed to not have dining tables in those areas because of this proximity to residential properties, since the patio/lounge sitting areas would have lower use levels than the dining areas. Additionally, the garden has a fountain near the Washington Street frontage to provide "white noise" that would help diffuse sounds from the dining area. Additional restrictions such as a prohibition against outdoor music or further reducing the hours allowed for outdoor music could further be considered.



3. **Proffer/Historic Preservation Easement:** The applicant has agreed to a proffered rezoning that would limit development potential on the site to the same that is permitted by the current zone (1.5 FAR) and retains the same open space requirement as the current zone (35%). The site currently has an open space percentage of 42.5%, or 668 square feet more than the minimum required by the zone. This proffer provides very similar protections as the historic preservation easement proposed by OTCA and others, but is not as restrictive as a historic preservation easement could be. The applicant has indicated a historic preservation easement is not acceptable to them. For staff and for the Planning Commission, the applicants proffer does substantially reduce any potential increase in the likelihood that the property would redevelop.

It is an open question whether permitting commercial uses on the site harms or improves the likelihood that the building will be preserved. It has been noted there is a provision that allows owner to petition for demolition of historic properties after having tried to sell it for its appraised value. As a residence, the home has already been for sale for a considerable time, longer than a year, and at a price that is lower than its assessed value. While allowing the property to have additional commercial uses may increase its value somewhat, it might also make it easier to attract a purchaser who would preserve it. On the whole, staff believes the proffer, along with protections provided by the Old and Historic District and the Washington Street standards, are significant protections for the property. These standards were created to protect the historical integrity of buildings and sites such as this one, and they are generally adequate to avoid significant building or site changes.

Staff is happy to answer any additional questions you may have, and of course, we look forward to the hearing on Saturday.

Karl

Karl W. Moritz
Acting Director
City of Alexandria Department of Planning and Zoning
City Hall | Room 2100
301 King Street | Alexandria, VA 22314
Desk: 703-746-3804 | Cell: 571-329-3052

On Oct 14, 2014, at 4:13 PM, "Rashad Young"
<Rashad.Young@alexandriava.gov> wrote:

Karl,

Could you respond with staffs (and Planning Commissions to the extent they considered Van's comments) thoughts?

RY

Sent from my iPhone. Please excuse typos.

On Oct 14, 2014, at 3:55 PM, "William Euille"
<William.Euille@alexandriava.gov> wrote:

It is my conclusion, that the two issues of major concern by the neighbors are:

- 1) Parking reduction (not meeting the regular requirements for a restaurant)
- 2) Noise generated by the Outside Dining

Whatever additional suggestions staff may have in advance of Saturday's meeting would be helpful to us all.

Bill

From: William Euille

Sent: Tuesday, October 14, 2014 3:53 PM

To: vmgthehill@aol.com; Allison Silberberg; Paul Smedberg; dell.pepper@alexandriava.gov; Justin Wilson; Timothy Lovain; John Chapman

Subject: RE: Van Van Fleet Sends Letter on 329 N. Washington Street

Thanks Van for the expressed comments.

Always,

Bill

From: vmgthehill@aol.com
[mailto:vmgthehill@aol.com]
Sent: Tuesday, October 14, 2014 10:14 AM
To: William Euille; Allison Silberberg; Paul Smedberg;
dell.pepper@alexandriava.gov; Justin Wilson; Timothy
Lovain; John Chapman
Subject: Van Van Fleet Sends Letter on 329 N.
Washington Street

OLD TOWN CIVIC ASSOCIATION

Dear Mayor Euille and Members of the
Alexandria City Council:

The rezoning of 329 North Washington Street (a historic private home) and the 600 block of Princess Street from residential (RM) to commercial (CD) and to grant a Special Use Permit (SUP) for the conversion of 329 North Washington Street into a 153-seat restaurant, bar and a five room hotel will be before you this Saturday, October 18th.

The Old Town Civic Association (OTCA) has some serious reservations regarding this application.

For decades, the OTCA's basic mission has been the preservation of the historic fabric that gives Old Town its charm and character. To that end, we have consistently opposed the degradation of the city's historic assets, so we generally discourage conversion of these assets into commercial business and specialty restaurants.

The basic question in this case is this: once zoning has been changed from RM to CD, how does it affect subsequent owners of the property? If

the property fails as a restaurant, what value does it retain for another type of resale? Consequently, this residence must remain intact through easements that not only protect the integrity of the building, but also limit the development potential. This is necessary so that development of the side yard is discouraged, especially since this property is such a prominent, significantly visible contributing structure to the George Washington Memorial Parkway. To that end, we would require that the applicant proffer the change in zoning to grant the Alexandria Historical Restoration and Preservation Commission (commonly called the "Long Name" Commission) both a façade easement to cover the entire exterior of the historic structure and an open space easement to cover all of the existing open space on the lot. Both of which will provide the owners benefit of some property tax relief. This proposal appears to be a zoning bailout for the current owner of the property. We understand that the current owner cannot get her asking price for the residence at 329 North Washington, which currently is zoned RM/Townhouse, but if the property is up-zoned to CD/Commercial Downtown, it would enhance its value by many hundreds of thousands of dollars, possibly even a million dollars or more.

Additionally, the issuance of a SUP implies that the development or use for which the permit is sought is truly special, that granting it would provide a benefit to the neighborhood and the city notwithstanding the invasiveness of the project and use. The conversion of a

historic home in a quiet residential neighborhood into a restaurant with a business plan that includes outdoor seating for over 50 bar and restaurant patrons offers little benefit to the immediate neighbors. The applicant's parking plan, which would provide only 30 spaces after 6:00 p.m. in a fairly inconspicuous, obscure location behind a large building on the west side of Washington Street is wholly inadequate and unacceptable since patrons simply will not use that parking. Instead, it is likely that they will circle our residential blocks seeking free, on-street parking among our already crowded streets.

Approval of this application and the associated parking plan would displace homeowners (most of whom have no off-street parking) from using their street parking in order to give it to patrons. The parking plan as developed by the applicant is insufficient, and must at the very least include valet parking using the Saul Center for Thursday through Saturday and for special events. In addition to the extreme parking hardship that the proposed project would impose on nearby residents, extensive outdoor activity is envisioned, with bright lighting after dark coupled with live music, even if unamplified, which would be severely disruptive to the neighborhood residents. In order to make this work, all outside activities need to cease no later than 9:30 pm, and deliveries and trash pickup need to be coordinated with Washington Street traffic patterns and morning HOV lanes so as not to disturb local residents. Additionally, we are concerned about

preservation of the cobblestone surface on Princess Street that is adjacent to this home. If delivery trucks for food and beverage lumber up and down Princess Street, this surface will severely degrade. There needs to be some provision stipulating that there will be no delivery trucks on Princess Street servicing this business.

We respectfully request that you not approve this application unless the following conditions are met:

- a. The applicant proffer as part of the rezoning and grant a perpetual easement to the Alexandria Historical Restoration and Preservation Commission to preserve the exterior of the historic structure and an open space scenic easement to preserve all existing open space on the lot;
- b. A provision is made for valet parking from Thursday thru Saturday;
- c. That any additional outdoor lighting be the minimal necessary for the use, be full cut-out lights and not cause any disturbance or light spillover to the adjacent properties or adjacent street.
- d. A review of the outside hours be conducted after a six month reevaluation period.
- e. A provision is made requiring food and supply delivery from N. Washington Street to this business, and to minimize disturbance to the neighbors.

Townsend A. Van Fleet
OTCA President

10
10-18-14

Jackie Henderson

From: jjkingconsulting@yahoo.com
Sent: Friday, October 17, 2014 12:42 PM
To: City Council; City Council Aides; Jackie Henderson; Community Relations; Gloria Sitton
Subject: Call.Click.Connect. #60419: Mayor, Vice Mayor City Council Alexandria City Council, Concerning the

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 60419.

Request Details:

- Name: Jerry King
- Approximate Address: No Address Specified
- Phone Number: 703-362-7673
- Email: jjkingconsulting@yahoo.com
- Service Type: Mayor, Vice Mayor City Council
- Request Description: Alexandria City Council, Concerning the restaurant plan approval for 519/521 E. Howell Ave

Request you return the permit for approval back to the Planning Commission. The Planning Commission approved a plan for a restaurant at this location over the objections of the Del Ray Citizens Association. As an E. Howell resident I have concerns about the traffic and parking situation.

The primary concern is with traffic the restaurant will create, this is a safety issue. The close proximity of the entrance to the restaurant to Route 1 will create a traffic hazard. The current entrance to the dog day care facility north of the restaurant is currently a hazard as cars turning into the driveway often slow or stop for traffic within the parking lot. This in turn halts northbound Route 1 traffic turning left onto Howell blocking southbound traffic on Route 1. Although the current hazard normally occurs during rush hour, this traffic hazard will only increase with restaurant traffic. With this being a "quick-service" restaurant, the customer turnover will be increased. I sincerely believe the city owes residents a better solution than the plan the commission approved.

The secondary concern is the parking in the area of the restaurant. The restaurant has a maximum seating for 58 and parking for 12 vehicles. Assuming conservatively, two spaces will be used by employees, this would leave 10 spaces for a maximum of 58 customers. Assuming conservatively an average of two customers per car and 25% of the customers walk, this would leave 4.3 customers per car per parking space. This would mean at an average of two customers per car there would be 22 cars, 12 parking on the street. This is unacceptable to the residents on E. Howell.

Although this data is for full occupation, it also assumes 2 occupants per vehicle which easily could be an over estimate. Even at half occupancy, two customers per vehicle would require on street parking for 5 cars. However you figure the numbers the business could not be successful with only half occupancy. This parking plan is unacceptable. Has the Traffic and Parking Board approved of this parking plan? Regardless the plan should not be approved.

- Expected Response Date: Friday, October 24

Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface.](#)

If you need assistance with handling this request, please contact CommunityRelations@alexandriava.gov or call 703.746.HELP.

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10
10-18-14

Gloria Sitton

From: rrigby@aol.com
Sent: Saturday, October 18, 2014 7:29 PM
To: Gloria Sitton
Subject: Oct 18 Council meeting

Dear Ms. Sitton -

Would you please forward the following e-mail to the Mayor, Vice Mayor and all the members of City Council.

Mayor, Vice Mayor, City Council

5:30 Saturday 18 October 2014

I feel used, abused, disappointed, and embarrassed. The whole meeting on docket item 10, 329 North Washington, was a charade - to cover a decision I am firmly convinced that you all had reached sometime previously, perhaps even as long ago as the applicant first considered their 'dream.' Our meetings and discussions were a sham.

You chose to go against a neighborhood where almost 100% of the residents opposed the action. Cathy argued that we were commenting on the SUP. We are not stupid - without a zoning change the SUP would not apply! We were unalterably opposed to a zoning change and all it entailed. So much for your listening to constituents and supporters.

I do have a suggestion: I think that, just in case Cathy Puskar and her client Janowsky/Ticer didn't get everything they wanted you should immediately pave the cobbled street over. That would eliminate any concerns anyone might have about taking delivery or garbage on an historic street. Once Princess was paved no one would care how they got their goods in and their odorless garbage out.

ron rigby 703-548-2422 330 North Pitt Street rrigby@aol.com

Jackie Henderson

10
10-18-14

From: dlw74@comcast.net
Sent: Saturday, October 18, 2014 6:12 AM
To: City Council; City Council Aides; Jackie Henderson; Community Relations; Gloria Sitton
Subject: Call.Click.Connect. #60450: Mayor, Vice Mayor City Council October 18, 2014 City Council HearingS

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 60450.

Request Details:

- Name: Deanna Wilson
- Approximate Address: No Address Specified
- Phone Number: No Phone
- Email: dlw74@comcast.net
- Service Type: Mayor, Vice Mayor City Council
- Request Description: October 18, 2014 City Council Hearing
Stop N. Washington Street Rezoning
- Attachment: [City Council Letter 10.18.14.docx](#)
- Expected Response Date: Monday, October 27

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CommunityRelations@alexandriava.gov or call 703.746.HELP.

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Good morning. My name is Deanna Wilson. I live at 424 North St. Asaph Street, within a half block of the property about which you are conducting this hearing. In addition to the many reasons that have been discussed regarding rezoning in a residential neighborhood:

- Key historical house at entrance to residential neighborhood with iconic cobbled street
- Our neighborhood is becoming more residential, not less, with projects at Cotton Factory and old Health Department
- Totally inadequate parking
- Operation from 8:00 am until 11:00 pm daily
- Noise from outdoor seating and special events;
- Live music permitted outdoors
- Deliveries (5-6 per day) from Washington parking spaces after 9:00 am is not credible; it will either block a traffic lane or will use the historic cobblestone Princess street
- Trash stored in carriage house
- No alley for service access
- Litter, noxious fumes and runoff from commercial restaurant
- Inn operating with no onsite management between 11:00 pm and 7:00 am

I would respectfully like to focus on the live music and noise. I live behind the Lee-Fendall House which has live music at special events approximately 15 times per year. I can assure you that although the term music connotes soothing, relaxing, enjoyable, it is not. Music is another term for noise—whether amplified or not.

I ask the Council members to think about your lovely homes and setting. Would you like to be bombarded by noise 7 days a week? I can tell you from experience that you would not. We dread when we see the event tent being set up at Lee-Fendall, because it does not mean soothing lyrical music. It means noise such that we cannot open our windows nor sit out in our backyards, much less have company or a cookout. Although the Lee-Fendall website states: ***Under Alexandria's noise ordinance, a violation occurs if two people cannot hold a normal conversation at the boundary of the property without being drowned out by the noise.***

From experience, I can tell you that neither the City—nor Lee Fendall adheres to this ordinance. I have no reason to believe that the proposed restaurant will do so—nor will the City enforce violations.

So in addition to the many reasons stated as to why this restaurant should not be located in a beautiful residential neighborhood, I ask, would you want to listen to someone else's music everyday in the sanctity of your home?? It is noise pollution and greatly impacts the quality of life. On this lovely fall day, I will not be able to use my backyard this evening due to the music that will be blaring from the wedding at Lee-Fendall. I invite you to visit our home this evening to see what we are subjected to 15 times per year, I cannot imagine having to restrict the use of my home and surroundings 7 days a week due to constant music/noise pollution from the proposed restaurant.

I ask that you consider whether you would want this large, noisy restaurant located near your home? There are many commercially-zoned areas that would welcome the restaurant and could accommodate their parking and special requirements.

Please vote against this commercial encroachment into our lovely residential neighborhood.

Thank you for your consideration.

10
10-18-14

Jackie Henderson

From: mattmckinnis@me.com
Sent: Friday, October 17, 2014 9:29 PM
To: City Council; City Council Aides; Jackie Henderson; Community Relations; Gloria Sitton
Subject: Call.Click.Connect. #60448: Mayor, Vice Mayor City Council I am submitting my letter in support of

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 60448.

Request Details:

- Name: Matt McKinnis
- Approximate Address: No Address Specified
- Phone Number: 7038500636
- Email: mattmckinnis@me.com
- Service Type: Mayor, Vice Mayor City Council
- Request Description: I am submitting my letter in support of the La Bergerie project. They are providing jobs and revenue for the city and this needs to be approved by the council.
- Attachment: [La Bergerie Support Letter 10.17.14.docx](#)
- Expected Response Date: Friday, October 24

Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface](#).

If you need assistance with handling this request, please contact CommunityRelations@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.

Matt McKinnis
107 King Henry Ct Alexandria, VA 22314
mattmckinnis@me.com

October 17, 2014

RE: Proposed Relocation of **La Bergerie** to 329 N. Washington Street, Alexandria, VA

Dear City Staff, Planning Commissioners, Mayor and City Councilors,

I write today to express my strong support for Laurent and Margaret Janowsky's proposed relocation of **La Bergerie** to 329 N. Washington Street.

I am excited by the prospect of the Janowskys buying and moving **La Bergerie** into this beautiful, historic building on one of the City's main commercial streets, allowing **La Bergerie** the permanent home it deserves in the City it has called home for nearly four decades. **La Bergerie** is one of a handful of remaining early restaurants that invested in the City's vision of a rehabilitated old and historic commercial district - practically a landmark itself.

As a small business owner with my business at 300 North Washington Street, I really do not understand the people who are talking about the restaurant producing too much noise, when really the noise comes from Washington Street. The traffic is always heavy and noisy on the road. The neighbors have lived there so long that they only hear it as White Noise. The 9 PM stopping time of serving outside will not affect anyone or cause them to lose sleep at that time.

The Janowskys have also been brilliant in arranging for parking for their business and that Washington Street is metered parking and will not cause any problems with increasing parking on the local street. Also, Old Town is a walking community in which a majority of their clientele will be walking to their restaurant.

When the Janowskys recently invested in the City in the popular Del Ray area as part of that neighborhood's renaissance, they purchased an older building which had been vacant for two years, hired local son and contractor Harry Braswell, and delivered the popular neighborhood eatery, *Del Ray Café*. I believe their proposed restaurant and inn at 329 N. Washington Street will offer this historic building a similar new lease on life and will bring the neighborhood some much needed activity in an otherwise "dead zone" along the entrance to Old Town from Washington, DC. The addition of the inn component is an exciting opportunity for the City to finally offer visitors the option of experiencing an overnight stay in a historic residence in the Old Town district.

I am happy to support ***La Bergerie*** and Laurent and Margaret Janowsky in their endeavor to not only keep their already well-respected restaurant in the City of Alexandria but to enhance the old and historic district's very fabric with the addition of a historic inn.

Sincerely,

Matt McKinnis

10
10-18-14

Jackie Henderson

From: davidakosar@gmail.com
Sent: Friday, October 17, 2014 4:28 PM
To: City Council; City Council Aides; Jackie Henderson; Community Relations; Gloria Sittton
Subject: Call.Click.Connect. #60436: Mayor, Vice Mayor City Council Please see attached comments pertaining

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 60436.

Request Details:

- Name: David Kosar
- Approximate Address: No Address Specified
- Phone Number: 7038365483
- Email: davidakosar@gmail.com
- Service Type: Mayor, Vice Mayor City Council
- Request Description: Please see attached comments pertaining to October 18 Docket #9, SUP 2014-0068. Thank you.
- Attachment: [SUP-2014-0068 Oct 18 City Council.docx](#)
- Expected Response Date: Friday, October 24

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CommunityRelations@alexandriava.gov or call 703.746.HELP.

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**COMMENTS FOR
OCTOBER 18, 2014
DOCKET #9
SUP #2014-0068 REQUEST FOR 519/521 E. HOWELL AVE. -- RESTAURANT**

**Submitted by:
David A. Kosar, owner & resident of 515-A E. Howell Ave.**

I am writing to request that the SUP 2014-0068 519/521 E. Howell Avenue be denied approval. The Planning & Zoning Commission approved the plan for a restaurant at this location over the objections of the affected residents of East Howell Avenue and the Del Ray Citizens Association (DRCA). As an East Howell resident, I have concerns about the traffic and parking situation, as well as the hours of operation, in addition to a previous agreement that was reached with the residents of East Howell, particularly, those in the 500 block, that appears to have been forgotten.

The concept of establishing a restaurant in this location was first discussed on August 10, 2011 at a DRCA Land Use Committee Meeting, attended by nearly 30 residents of East Howell Avenue. At that time, Mr. Erik Dorn wanted to convert the old pump house into a counter and take out barbeque restaurant. The residents of the 500 block of East Howell, in addition to other residents of East Howell, opposed the development of such a restaurant at that site.

A subsequent meeting was held by the DRCA on September 11, 2011 to review the final proposal and presentation for developing that property. At that meeting, Mr. Dorn's attorney, Mr. Duncan Blair, asked the residents if their objection was to the barbeque restaurant or to having any restaurant on that property. Mr. Blair stated that if the residents were opposed to any restaurant, then the idea of having a restaurant at that property would be removed from consideration. All of the residents in attendance stated that the opposition was to any restaurant.

The residents said they were in favor of developing the property for light retail or office use. We believed retail or office development would be commensurate with the neighborhood as required by city zoning code (Articles 1-102 and 4-301) for developing this property. A restaurant would not meet that requirement.

- 1) SUP #2014-0068 should be denied because it does not meet the requirements of zoning ordinances Articles 1-102 and 4-301.**

The 500 block of East Howell is a residential neighborhood. Currently, there are no commercial business operations or parking lots physically located on the residential 500 block.

The intent of the various provisions of zoning ordinance Article 1-102 is to protect the character of existing residential neighborhoods and protect the well being of the residents; to reduce or prevent congestion in the public streets, and to facilitate the creation of a convenient, attractive, and harmonious community.

Article 4-301 (CSL) states: The CSL zone is intended to provide for light service and industrial uses compatible in operations and character with nearby residential neighborhoods and properties. Proximity to residences requires that commercial operations be conducted at a scale and intensity commensurate with nearby residential development, be developed so as to be in character with such development and be of such characteristics and effect so as not to be detrimental or a nuisance to nearby residential properties.

Based on the information provided in the application for SUP #2014-0068, the type of establishment proposed does meet the requirements of 1-102 nor is it within the CSL parameters, as will be demonstrated. Land use, commercial or residential, cannot be detrimental to neighboring properties nor the residents of the specific residential area. Commercial use of a lot or property within a residential neighborhood has to yield to the dominant residential requirements and nature of the surrounding neighborhood. This is especially true for a commercial property that is physically located in a residential neighborhood surrounded by private homes.

In reviewing the application, it is evident that the proposed commercial operation for 521 E. Howell is not "at a scale and intensity commensurate with nearby residential development". It exceeds the scale and intensity of the neighborhood and will be a nuisance to the residents and residential properties.

1. **Volume of patrons.** The estimated number of patrons, 150 per day is too large to be accommodated within the 500 block of East Howell. Given the location of this proposed business, next to a major highway and coupled with the development of Potomac Yard (East Howell now extends into Potomac Yard), we believe the applicant under estimates the potential number of patrons, especially those coming by motor vehicle.

We have reviewed SUP #2011-0044, as submitted by The Old Pump House, LLC (ownership by Erik Dorn and Eric Reid), requesting a Special Use Permit to operate a lunch counter/carryout restaurant in the existing pump house building at 521 E. Howell Ave. such development and be of such characteristics and effect so as not to be detrimental or a nuisance to nearby residential properties.

2. **Parking.** Parking is a major concern. Although the applicant says the property at 519 Howell will be used for parking, we disagree with P&Z staff's assessment and believe the proposal is inadequate for the volume of patrons estimated and the fact that there is virtually no available on-street parking in the 500 block. Currently, there is no parking lot on this residential block and establishing a parking lot is not harmonious

with the neighborhood and surrounding residential homes. The neighborhood is not designed to accommodate the additional increase in volume of cars that will be coming into the neighborhood needing parking generated by 150 patrons. Realistically, there is no available on street parking in the 500 block of East Howell.

In the 500 block of Howell, there are only 12 available parking spaces on the street, and the residents of Howell use these spaces 24/7, 365 days. There are very seldom more than two spaces available after 6 p.m. There are over 40 cars owned by residents in the 500 block. Each home has one off-street parking space. The majority of the residents have two cars. There are 28 houses in the 500 block. There is not enough on-street parking to accommodate the residents of the 500 block, let alone requiring employees to park on the street and the anticipated a volume of 150 patrons daily (minimum). We believe the majority of patrons will be driving to this restaurant and not walking because of its proximity to Rt. 1.

We are also concerned about further illegal parking on Howell, which currently occurs on a regular basis. We anticipate that this will only worsen if this SUP is approved and further complicate access to Howell. By illegal parking, we mean vehicles parking in front of existing driveways blocking them, as well as parking where there are designated no parking signs. Additionally, we experience illegal parking on the north side of the street that is designated a no parking zone, which causes major congestion in the 500 block. This now appears to be the same issue being experienced in the 200 block of Howell since the opening of the Del Ray Café. Ironically, the mayor even commented to the Del Ray Patch not too long ago about the problems with parking and access to Howell from Mount Vernon Ave.

Alexandria's Parking Enforcement division very seldom enforces parking rules on the 500 block of Howell even when called. This has been a continuing issue for years, and it amazes the lack of response from Parking Enforcement. There is a city "no parking" sign in front of my house, which is continually ignored. When I call Parking Enforcement, the dispatcher always says that there is either nothing that can be done or if they were to send someone to even issue a ticket, I am told that I have to remain at home so the person sent can talk with me upon arrival. The timeframe I am always given is that it would be 1-2 hours before they could send someone. This is regardless of the time of day.

3. **Traffic.** Permitting this type of commercial business on Howell and the amount of additional traffic that is expected will exacerbate the current situation, especially, near the intersection of Howell & Rt. 1. This is now a dangerous intersection that was the result of the redesign of Rt. 1. Howell is a residential street that is not designed to handle this type of traffic volume.

East Howell Avenue has become not only the primary entrance to Del Ray for those traveling on Jeff Davis Highway, including commercial truck traffic making deliveries to businesses on Monroe and Mount Vernon Avenues, but this section Howell is also the primary access street for emergency vehicles (fire and EMT). Howell is a posted "no thru truck" street. Additionally, Howell is the only Del Ray residential street connecting Potomac Yard to Jeff Davis Highway and Del Ray.

In March 2009, after the completion of the Jeff Davis Highway/Monroe Bridge project, the City's transportation department conducted a traffic study on the 500 block. The results of that study showed that traffic more than doubled in the 500 block. The study revealed that over 1,600 vehicles pass through the 500 block daily. Prior to the construction, traffic passing through the 500 block ranged between 600-700 vehicles per day.

4. **Hours of Operation.** The proposed hours of operation, 11 a.m. – 10 p.m., Monday-Sunday, are not acceptable and do not conform to the nature of this neighborhood.

In conclusion and based on the reasons provided in these comments, SUP #2014-0068 should be denied.

Thank you for this opportunity to comment.

Respectfully submitted,

David A. Koasr

10
10-18-14

Jackie Henderson

From: brian.kadish@gmail.com
Sent: Friday, October 17, 2014 8:45 PM
To: City Council; City Council Aides; Jackie Henderson; Community Relations; Gloria Sitton
Subject: Call.Click.Connect. #60447: Mayor, Vice Mayor City Council Dear Mr. Mayor and Members of the Council

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 60447.

Request Details:

- Name: Brian Kadish
- Approximate Address: No Address Specified
- Phone Number: 2022861020
- Email: brian.kadish@gmail.com
- Service Type: Mayor, Vice Mayor City Council
- Request Description: Dear Mr. Mayor and Members of the Council,

I am writing to you in reference to Docket # 8 14-3271 Special Use Permit #2014-0068; 519 and 521 East Howell Avenue; Public Hearing and Consideration of a request to operate a restaurant; zoned CSL/Commercial Service Low; Applicant: EMS Food Group, LLC.

We own the property directly across the street on Howell Ave from the proposed site. We have serious concerns about the amount of traffic a quick service restaurant will generate on our street as well as the disruption caused by the late hours of operation. We ask that the Council consider delaying approval of the Special Use Permit until a thorough review of the traffic impact on the neighborhood can be conducted. We also ask that the conditions of the Special Use Permit approval be amended so that hours of operation are limited to no later than 9:00 PM on weeknights and outdoor seating hours be limited to no later than 9:00 PM (current proposal condition states 10:00 PM) for every day the restaurant is in operation.

Traffic: The Development Site Plan that was approved had minimal considerations on traffic impact. Staff only conducted one visit to the site to observe traffic and at the time did not consider the possibility of a quick service restaurant with visitors frequently entering and exiting the site. Additionally, the Del Ray Citizens Association (DRCA) Land Use Committee (LUC) does not support the current proposal for a restaurant primarily for traffic reasons and we urge the Council to consider the traffic concerns the DRCA LUC outlined in their September 23rd letter to the Department of Planning & Zoning Committee.

Hours of Operation: Current planned hours are 10:00 PM seven days a week which means patrons will be allowed to stay until 11:00 PM every night of the week. With the sale of alcohol which is also part of the planned restaurant, we are concerned this will be extremely disruptive to our neighborhood. We believe that amending the hours of operation is a reasonable compromise and is in line with similar establishments that sit on a residential street. For example, Del Ray Cafe which sits on the other end of Howell Ave is not open past 9:00 PM on weeknights.

Again, we ask that prior to approving the proposal you consider the significant disruption and impact of increased traffic and late hours of operation will have on our neighborhood.

We thank you for your consideration to this matter.

Submitted by Brian and Melissa Kadish, owners & residents of 518 E. Howell Ave

- Expected Response Date: Friday, October 24

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

Jackie Henderson

10
10-18-14

From: STEVE@NEARMANFINANCIAL.COM
Sent: Thursday, October 16, 2014 11:40 PM
To: City Council; City Council Aides; Jackie Henderson; Community Relations; Gloria Sittton
Subject: Call.Click.Connect. #60394: Mayor, Vice Mayor City Council I support the proposal by the Bergerie t

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 60394.

Request Details:

- Name: Steve Nearman
- Approximate Address: No Address Specified
- Phone Number: 703-683-4660
- Email: STEVE@NEARMANFINANCIAL.COM
- Service Type: Mayor, Vice Mayor City Council
- Request Description: I support the proposal by the Bergerie to buy the building on Washington and Princess sts to develop an inn and restaurant. Great addition of charm to the neighbor by two owners who understand class and taste.
- Expected Response Date: Thursday, October 23

Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface](#).

If you need assistance with handling this request, please contact CommunityRelations@alexandriava.gov or call 703.746.HELP.

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Jackie Henderson

10
10-18-14

From: guylamolinara@gmail.com
Sent: Friday, October 17, 2014 9:35 AM
To: City Council; City Council Aides; Jackie Henderson; Community Relations; Gloria Sitton
Subject: Call.Click.Connect. #60401: Mayor, Vice Mayor City Council To Mayor Euille and Members of Council:

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 60401.

Request Details:

- Name: Guy Lamolinara
- Approximate Address: No Address Specified
- Phone Number: 202 707 9217 (day); 703 549-6199 (evening)
- Email: guylamolinara@gmail.com
- Service Type: Mayor, Vice Mayor City Council
- Request Description: To Mayor Euille and Members of Council:
I am on the docket to be the first speaker on this issue tomorrow. Unfortunately, I have to leave town today and cannot appear. My wife, Anne Horan, will appear to read our statement. Thank you very much for allowing us to make comments.

Comment on proposal to rezone 329 N. Washington St.

Thank you Mayor Euille and Members of Council for allowing me to speak. I respectfully ask that you deny the application to rezone the property at 329 N. Washington for the following reasons:

1) Contrary to the remarks of the petitioner and the zoning commission, we do not consider our section of Old Town to be "dreary" and "dismal" and in need of livening up. In fact, we purchased homes in that part of Old Town with the full understanding that it was less commercial and busy than areas closer to King Street and the waterfront.

2) No one questions the character or integrity of the petitioner. But this is not about the petitioner or about the quality of Le Bergerie restaurant. The house at 329 N. Washington has been there for more than 200 years and it will still be there long after we are gone.

To convert this house into a restaurant/hotel will irrevocably alter the character of our neighborhood and for no good reason. There are many other spaces in Old Town that could accommodate this type of enterprise. The petitioners have stated that this will give people the chance to see a historic property inside. When you consider that a meal for two at Le Bergerie can run well over \$200, I doubt that many people will be able to take advantage. Plus, the city offers several fine historic properties for public viewing at a much lower price, in addition to the semiannual Old Town house tours.

3) The petitioner also contends that this house has remained vacant for more than a year because it is not viable as a residence. The reason this house has remained vacant is because it is overpriced. The nearby residents should not have to suffer the consequences simply because the owner is trying to unload the property and refuses to price it fairly.

4) The petitioner proposes using the parking lot across Washington Street on North Columbus Street. That lot operates under a special use permit granted in the late 1960s. When the permit was granted, it was envisioned that the lot was for a 9 to 5, weekday office building. It was never envisioned that the lot would be used 7 days a week until midnight or later. I believe the special use permit needs to be revisited and the residents of North Columbus be given an opportunity to have their voices heard before a vote is taken today on the rezoning.

5) Our house is directly adjacent to this lot, as is the house on the other side. Thirteen of the windows in my house face that lot (including bedrooms) and I can tell you that this will make it difficult if not impossible to sleep, unless I plan on not sleeping before midnight. We have lived in this house for 27 years and bought it with the not unreasonable expectation that the parking lot was to be used for office building parking and nothing more.

6) No one on North Columbus Street was given any notice of this proposal. The only reason we knew anything about it was thanks to the work of a few activists in the neighborhood. Why has this proposal been kept under the radar and why were more people who are directly affected not notified?

7) There also seems to be an issue with the dating of the proposal and its too-soon placement on the zoning commission docket. This was brought up at the commission hearing and one of the commissioners claimed it was a mistake. Whether this was a mistake or not, the mistake's effect is to deny citizens ample opportunity to learn about and comment on the request. For this reason, the petition should be delayed and notices sent to all potentially affected residents.

8) Please deny this request and save our neighborhood from further and unnecessary commercial encroachment.

Thank you,
Guy Lamolinara
Anne Horan
Residents
411 N. Columbus St.

- Expected Response Date: Friday, October 24

Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface](#).

If you need assistance with handling this request, please contact CommunityRelations@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a **Call.Click.Connect.** request. Please do not reply to this email.

Mary Kay Queen
112 Duke St
querkle@gmail.com

10
10-18-14

October 16, 2014

RE: Proposed Relocation of **La Bergerie** to 329 N. Washington Street, Alexandria, VA

Dear City Staff, Planning Commissioners, Mayor and City Councilors,

I write today to express my strong support for Laurent and Margaret Janowsky's proposed relocation of **La Bergerie** to 329 N. Washington Street. I am excited by the prospect of the Janowskys buying and moving **La Bergerie** into this beautiful, historic building on one of the City's main commercial streets, allowing **La Bergerie** the permanent home it deserves in the City it has called home for nearly four decades. **La Bergerie** is one of a handful of remaining early restaurants that invested in the City's vision of a rehabilitated old and historic commercial district - practically a landmark itself.

When the Janowskys recently invested in the City in the popular Del Ray area as part of that neighborhood's renaissance, they purchased an older building which had been vacant for two years, hired local son and contractor Harry Braswell, and delivered the popular neighborhood eatery, *Del Ray Café*. I believe their proposed restaurant and inn at 329 N. Washington Street will offer this historic building a similar new lease on life and will bring the neighborhood a little bustle in an otherwise drab and inactive entrance to Old Town from Washington, DC. The addition of the inn component is an exciting opportunity for the City to finally offer visitors the option of experiencing an overnight stay in a historic residence in the Old Town district, something my extended family will definitely enjoy!

I am happy to support **La Bergerie** and Laurent and Margaret Janowsky in their endeavor to not only keep their already well-respected restaurant in the City of Alexandria but to enhance the old and historic district's very fabric with the addition of a historic inn.

Sincerely,

Mary Kay Queen



M. Catharine Puskar
(703) 528-4700 Ext. 5413
cpuskar@thelandlawyers.com

**WALSH COLUCCI
LUBELEY & WALSH PC**

October 16, 2014

Via Email Only

Mayor William D. Euille
Members of City Council
City of Alexandria
301 King Street, Suite 2300
Alexandria, VA 22314

Re: 329 North Washington Street
Docket Item #10

Dear Mayor Euille and Members of the City Council:

On behalf of the Applicant, Janow LLC d/b/a La Bergerie, and in response to concerns that have been raised regarding the application, I am writing to request the following additional revision to the recommended conditions:

13. Prior to the operation of the use, the applicant shall submit to the Director of Planning & Zoning for review and approval an agreement by which it is able to provide: a) 14 ~~eight~~ off-site parking spaces available for restaurant/hotel use on a full time basis, (24 hours per day, daily) in addition to the three on-site parking spaces, for a total of 17 full time spaces between the hours of 8 a.m. and 5 p.m. Monday-Friday, achieving a total of 11 off-street parking spaces for the use during the day Monday-Friday; and b) at least 4430 off-site parking spaces available for evening restaurant/hotel use starting after 5 p.m. weeknights and all day on weekends. The location of the parking spaces shall be to the satisfaction of the Director. The Director may waive all or part of the eight-14 space off-site full time daytime parking requirement or 14 of the spaces provided on evenings and weekends at any time after the use is operational for six months, and without subsequent Special Use Permit approval, if the applicant demonstrates that the spaces are no longer necessary for the use or to mitigate potential spillover parking into adjacent residential neighborhoods. (P&Z)(T&ES)

7. Limited live entertainment shall be permitted in the form of background music for restaurant patrons. No cover or admission fee may be assessed. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. In addition, outdoor live entertainment shall be in the

ATTORNEYS AT LAW

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2200 CLARENDON BLVD. • SUITE 1300 • ARLINGTON, VA 22201-3359

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10-18-14

form of acoustic music only, with no amplification, and shall end no later than 9 p.m. Thursday-Saturday and shall end no later than 7 pm, Sunday-Wednesday daily. (P&Z)

In response to concerns that have been raised, the Applicant will no longer pursue the 14 spaces behind 424 N. Washington St. Instead, the Applicant will obtain 14 permits for full time parking (24 hours per day) in a nearby garage. This increases the daytime parking by six spaces and maintains the additional 14 evening spaces in a different location for a total of 17 full time spaces when added to the three on-site parking spaces. We have checked with various garages in the area and there are multiple options to be explored and ultimately approved by the Director of Planning & Zoning, as set forth in the condition. These spaces will provide more than adequate off-street parking for employees and hotel guests both during the day and at night.

In addition, to address neighborhood concerns regarding potential noise, the Applicant proposes to further limit any live acoustic entertainment to 7 p.m. Sunday through Wednesday evenings while maintaining the 9 p.m. limitation on Thursday through Saturday, which is already earlier than originally requested in the application.

If you have any questions, please do not hesitate to contact me. Thank you for your thoughtful consideration of this matter.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

M. Catharine Puskar

M. Catharine Puskar

[Signature]

Jackie Henderson

10
10-18-14

From: Karl Moritz
Sent: Thursday, October 16, 2014 2:01 PM
To: City Council
Cc: Rashad Young; Mark Jinks; Joanna Anderson; Alex Dambach; vmgthehill@aol.com; Nathan Randall; Poulh@erols.com
Subject: La Bergerie: Parking, Noise, and Preservation

Mayor Euille and Members of the City Council:

Thank you for your questions about the proposal for 329 N. Washington Street. As was noted by the Mayor, parking and noise are two issues with the potential to impact the surrounding neighborhood. City staff and the Planning Commission discussed both issues in some detail, particularly parking. I appreciate the opportunity to provide more information on both subjects. In addition, I'm pleased to respond to the letter from Mr. Van Fleet and the Old Town Civic Association, particularly the issue of the rezoning from RM to CD.

1. **Parking Reduction:** Like at many Old Town sites, there are constraints that make parking compliance very difficult. This is why commercial projects in Old Town are often granted parking reductions. Planning and Zoning worked with T&ES to develop a fair parking reduction based on the proposed project and its peak usage times.

It is important to note that the requested parking reduction is only for weekday daytime hours, when the business would not be as busy. It may also be more likely to serve walking customers from nearby office buildings. **For the busier evening and weekend times, the applicant would fully comply with the parking count requirements for the zone** (although the configuration and the size of three on-site spaces requires an SUP.) The applicant proposes to secure a total of 44 spaces, which is higher than the required parking in this parking district but equal to the required parking in other districts with higher requirements.

This address is within Parking District 1. There is a special, lower, parking requirement for hotels in Parking District 1. Several of the letters from the community have expressed concern that the parking requirement for hotels in this parking district is low, and they questioned whether this application really qualifies as a hotel. **However, the applicant will meet the standard parking requirement (evening hours), which is 44 spaces, not the lower requirement for Parking District 1, which is 24 spaces.**

The evening and weekend parking is to be provided as follows: for hotel guests, there would be three on-site spaces with a tandem configuration. For dining customers, there would be a 30 space parking lot at 400 N. Washington Street, which is diagonally across N. Washington from 329 N. Washington. For employees, there would be a 14-space parking lot at the rear of 424 N. Washington Street.

Planning staff had proposed that the applicant provide valet service for Friday and Saturday nights; staff's thought was that it would help ensure use of the provided lot rather than on-street parking. Staff was concerned about customers finding the entrance to the parking lot on Columbus Street. However, the applicant is proposing to reconfigure and add signage so its entrance would be on Princess Street and within eyesight of the business entrance. The Planning Commission accepted this reconfiguration and removed the valet requirement from the staff report for its recommendation; however, if parking is found to be a problem when the businesses has been operating, valet parking is among the solutions that may be considered.

For weekdays, while the parking requirement is 24 spaces, staff has calculated that 11 spaces for room guests and staff during the daytime will be sufficient. The three on-site spaces would continue to serve room guests at

that time. Another 8 spaces are to be rented at the Tavern Square Parking Garage at 418 Cameron Street for employees. On-street metered and un-metered parking along Washington Street is available to lunchtime dining customers, and spaces are often available there for lunchtime.

Although there is no guarantee that customers would not park along residential streets, the applicant has worked with Planning Staff to take every reasonable step to provide parking for employees, room guests, and dining customers and to minimize any impacts on residential on-street parking in the area.

2. **Noise from outdoor dining:** This site is unusual for Old Town because it has a very large garden on the south side of the main building. The applicant proposes that this garden would be used for outdoor dining with areas for patio/lounge seating near the carriage house. It is enclosed by a commercial building to the site's south, Washington Street to the west, the proposed hotel building to the north, and the site's carriage house to the east. These surroundings serve to mitigate the potential for impacts on residential properties because these 2- and 3-story buildings help buffer noise. Staff proposed conditions to further mitigate impacts such as requiring that any outdoor music be unamplified acoustic music and requiring that the all outdoor music end at or before 9 p.m.

Of the 52 outdoor seats requested, 40 are outdoor dining seats and 12 are outdoor lounge seats. The 40 outdoor dining seats are in the area of the garden where noise would be buffered to the greatest extent by existing buildings.

The commercial buildings surrounding the garden block most of the closest residential properties from noise impacts, but there are openings at the garden's corners (see map) where noise would not be blocked. There are townhouses at Brockett's Crossing Condominium that are approximately 35 feet from a corner of the garden at an area proposed for patio/lounge outdoor sitting, and there is a townhouse at 606 Princess Street that is approximately 30 feet from the rear corner of another area proposed for patio/lounge sitting. The applicant proposed to not have dining tables in those areas because of this proximity to residential properties, since the patio/lounge sitting areas would have lower use levels than the dining areas. Additionally, the garden has a fountain near the Washington Street frontage to provide "white noise" that would help diffuse sounds from the dining area. Additional restrictions such as a prohibition against outdoor music or further reducing the hours allowed for outdoor music could further be considered.



3. **Proffer/Historic Preservation Easement:** The applicant has agreed to a proffered rezoning that would limit development potential on the site to the same that is permitted by the current zone (1.5 FAR) and retains the same open space requirement as the current zone (35%). The site currently has an open space percentage of 42.5%, or 668 square feet more than the minimum required by the zone. This proffer provides very similar protections as the historic preservation easement proposed by OTCA and others, but is not as restrictive as a historic preservation easement could be. The applicant has indicated a historic preservation easement is not acceptable to them. For staff and for the Planning Commission, the applicants proffer does substantially reduce any potential increase in the likelihood that the property would redevelop.

It is an open question whether permitting commercial uses on the site harms or improves the likelihood that the building will be preserved. It has been noted there is a provision that allows owner to petition for demolition of historic properties after having tried to sell it for its appraised value. As a residence, the home has already been for sale for a considerable time, longer than a year, and at a price that is lower than its assessed value. While allowing the property to have additional commercial uses may increase its value somewhat, it might also make it easier to attract a purchaser who would preserve it. On the whole, staff believes the proffer, along with protections provided by the Old and Historic District and the Washington Street standards, are significant protections for the property. These standards were created to protect the historical integrity of buildings and sites such as this one, and they are generally adequate to avoid significant building or site changes.

Staff is happy to answer any additional questions you may have, and of course, we look forward to the hearing on Saturday.

Karl

Karl W. Moritz
 Acting Director
 City of Alexandria Department of Planning and Zoning
 City Hall | Room 2100
 301 King Street | Alexandria, VA 22314
 Desk: 703-746-3804 | Cell: 571-329-3052

On Oct 14, 2014, at 4:13 PM, "Rashad Young"
<Rashad.Young@alexandriava.gov> wrote:

Karl,

Could you respond with staffs (and Planning Commissions to the extent they considered Van's comments) thoughts?

RY

Sent from my iPhone. Please excuse typos.

On Oct 14, 2014, at 3:55 PM, "William Euille"
<William.Euille@alexandriava.gov> wrote:

It is my conclusion, that the two issues of major concern by the neighbors are:

- 1) Parking reduction (not meeting the regular requirements for a restaurant)
- 2) Noise generated by the Outside Dining

Whatever additional suggestions staff may have in advance of Saturday's meeting would be helpful to us all.

Bill

From: William Euille

Sent: Tuesday, October 14, 2014 3:53 PM

To: vmgthehill@aol.com; Allison Silberberg; Paul Smedberg; dell.pepper@alexandriava.gov; Justin Wilson; Timothy Lovain; John Chapman

Subject: RE: Van Van Fleet Sends Letter on 329 N. Washington Street

Thanks Van for the expressed comments.

Always,

Bill

From: vmgthehill@aol.com
[<mailto:vmgthehill@aol.com>]

Sent: Tuesday, October 14, 2014 10:14 AM

To: William Euille; Allison Silberberg; Paul Smedberg; dell.pepper@alexandriava.gov; Justin Wilson; Timothy Lovain; John Chapman

Subject: Van Van Fleet Sends Letter on 329 N. Washington Street

OLD TOWN
CIVIC ASSOCIATION

Dear Mayor Euille and Members of the Alexandria City Council:

The rezoning of 329 North Washington Street (a historic private home) and the 600 block of Princess Street from residential (RM) to commercial (CD) and to grant a Special Use Permit (SUP) for the conversion of 329 North Washington Street into a 153-seat restaurant, bar and a five room hotel will be before you this Saturday, October 18th.

The Old Town Civic Association (OTCA) has some serious reservations regarding this application.

For decades, the OTCA's basic mission has been the preservation of the historic fabric that gives Old Town its charm and character. To that end, we have consistently opposed the degradation of the city's historic assets, so we generally discourage conversion of these assets into commercial business and specialty restaurants.

The basic question in this case is this: once zoning has been changed from RM to CD, how does it affect subsequent owners of the property? If the property fails as a restaurant, what value does it retain for another type of resale? Consequently, this residence must remain intact through easements that not only protect the integrity of the building, but also limit the development potential. This is necessary so that development of the side yard is discouraged, especially since this

property is such a prominent, significantly visible contributing structure to the George Washington Memorial Parkway. To that end, we would require that the applicant proffer the change in zoning to grant the Alexandria Historical Restoration and Preservation Commission (commonly called the "Long Name" Commission) both a façade easement to cover the entire exterior of the historic structure and an open space easement to cover all of the existing open space on the lot. Both of which will provide the owners benefit of some property tax relief. This proposal appears to be a zoning bailout for the current owner of the property. We understand that the current owner cannot get her asking price for the residence at 329 North Washington, which currently is zoned RM/Townhouse, but if the property is up-zoned to CD/Commercial Downtown, it would enhance its value by many hundreds of thousands of dollars, possibly even a million dollars or more.

Additionally, the issuance of a SUP implies that the development or use for which the permit is sought is truly special, that granting it would provide a benefit to the neighborhood and the city notwithstanding the invasiveness of the project and use. The conversion of a historic home in a quiet residential neighborhood into a restaurant with a business plan that includes outdoor seating for over 50 bar and restaurant patrons offers little benefit to the immediate neighbors. The applicant's parking plan, which would provide only 30 spaces after 6:00 p.m. in a fairly inconspicuous, obscure

location behind a large building on the west side of Washington Street is wholly inadequate and unacceptable since patrons simply will not use that parking. Instead, it is likely that they will circle our residential blocks seeking free, on-street parking among our already crowded streets.

Approval of this application and the associated parking plan would displace homeowners (most of whom have no off-street parking) from using their street parking in order to give it to patrons. The parking plan as developed by the applicant is insufficient, and must at the very least include valet parking using the Saul Center for Thursday through Saturday and for special events. In addition to the extreme parking hardship that the proposed project would impose on nearby residents, extensive outdoor activity is envisioned, with bright lighting after dark coupled with live music, even if unamplified, which would be severely disruptive to the neighborhood residents. In order to make this work, all outside activities need to cease no later than 9:30 pm, and deliveries and trash pickup need to be coordinated with Washington Street traffic patterns and morning HOV lanes so as not to disturb local residents. Additionally, we are concerned about preservation of the cobblestone surface on Princess Street that is adjacent to this home. If delivery trucks for food and beverage lumber up and down Princess Street, this surface will severely degrade. There needs to be some provision stipulating that there will be no delivery trucks on Princess Street servicing this business.

We respectfully request that you not approve this application unless the following conditions are met:

- a. The applicant proffer as part of the rezoning and grant a perpetual easement to the Alexandria Historical Restoration and Preservation Commission to preserve the exterior of the historic structure and an open space scenic easement to preserve all existing open space on the lot;
- b. A provision is made for valet parking from Thursday thru Saturday;
- c. That any additional outdoor lighting be the minimal necessary for the use, be full cut-out lights and not cause any disturbance or light spillover to the adjacent properties or adjacent street.
- d. A review of the outside hours be conducted after a six month reevaluation period.
- e. A provision is made requiring food and supply delivery from N. Washington Street to this business, and to minimize disturbance to the neighbors.

Townsend A. Van Fleet
OTCA President

#10
14-3267

| | | |
|-------------------|---|------------------------------------|
| APPLICATION OF |) | City Council Docket Oct. 18, 2014 |
| JANOW LLC |) | Planning Commission Nos. |
| d/b/a LA BERGERIE |) | 2014-0007 (Master Plan Amendment), |
| |) | 2014-2005 |
| |) | (Rezoning), 2014-0079 |
| |) | (Special Use Permit) |

MOTION TO RECUSE

Undersigned, a resident and property owner at 313 North Saint Asaph Street in Alexandria and a person adversely affected by Planning Commission's action on the above noted applications, respectfully moves that the following Council members and Mayor not participate in the consideration or decision of the above application. In support whereof movant shows:

1. In the hearing before the Planning Commission, applicant emphasized that it is a company owned by Margaret Ticer Janowsky and her husband, and repeatedly stressed that Margaret Ticer Janowsky is the daughter of former Mayor and State Senator Patricia S. Ticer. Ms. Janowsky testified to the Commission as to her relationship with her mother, whom she lauded, and who was prominently present at the hearing. The applicant urged that Ms. Ticer strongly supported her daughter's application.

2. Available public records show that in 2012 Patricia Ticer's Ticer for Senate committee contributed \$1,000 to Vice Mayor Allison Silberberg's campaign organization, one of the largest contributions Ms. Silberberg received.

3. Available public records show that Patricia S. Ticer received the following contributions from the present Mayor and Council members:

(a) From Mayor William D. Euille, \$2,150.

(b) From Redella S. Pepper, \$1,300. In addition, Ms. Ticer's committee contributed \$100 to Ms. Pepper's campaign.

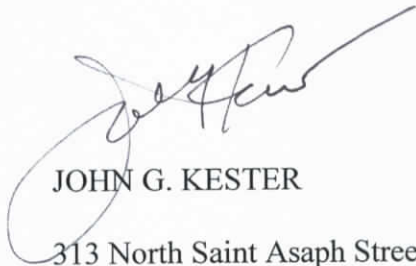
(c) From Timothy Lovain, \$1,000.

(d) From Paul C. Smedberg, \$300.

4. Having received contributions from Ms. Ticer's organization and/or heavily contributed to Ms. Ticer's campaigns, and on information and belief having long been closely associated with Ms. Ticer and received support from her, and because the applicant has stressed the close connection of Ms. Ticer with this application, the foregoing individuals should not hear or decide this matter because of bias or the appearance of bias.

WHEREFORE, it is respectfully requested that Ms. Silberberg and Messrs. Euille, Smedberg, Lovain and Ms. Pepper not participate in the consideration or decision of this matter.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John G. Kester", is written over the printed name and address.

JOHN G. KESTER

313 North Saint Asaph Street
Alexandria, Virginia 22314
(703) 548-7163

October 17, 2014

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10-18-14

Date: October 15, 2014

To: Mayor Euille and City of Alexandria City Council

Re: Special Use Permit # 2014-0079
329 North Washington Street – La Bergerie

From: Ellen Mosher, 324 North Saint Asaph Street

The Old Town Restaurant policy states:

“City Council shall not approve a request for special use permit for any new restaurant, carry-out or fast food establishment or an expansion of an existing restaurant, carry-out or fast food establishment, unless it finds that the request does not significantly impact nearby residential neighborhoods.

The commercial operation proposal for 329 North Washington Street will operate 7 days a week from 5am – midnight with the below activity:

- a restaurant with 153 seats for lunch and dinner
- a hotel with 5 guest rooms
- a hotel serving breakfast daily to guests
- a catering operation
- a wine store operation
- live outdoor entertainment noise
- patio dining for 53 noise
- commercial kitchen exhaust odors
- removal of 2 city owned street parking spaces to dedicate to commercial operation
- 20 employees parking
- 153 restaurant guests parking
- 5 hotel guests parking
- indoor live entertainers parking
- outdoor live entertainers parking
- valet attendant parking
- 2 owners parking
- hotel overnight staff parking
- hotel cleaning staff parking
- restaurant cleaning staff parking
- perimeter and patio daily cleaning staff parking
- special events during the day attendee parking
- special events during the evening attendee parking
- 5 deliveries a day are expected – could be more with the proposed expanded operations
- daily trash pick-up is expected
- 5am – midnight 7 days a week.

Based on the information submitted by the applicant, this project will significantly impact nearby residential neighborhoods and per the Old Town Restaurant policy the City Council cannot approve it. Attached is a listing of City of Alexandria codes related to the above plan. As an owner and resident of this neighborhood, I oppose the plan for 329 North Washington Street.

| SUMMARY OF PROPOSAL BY LA BERGERIE | | | |
|--|--|---|------------------------------|
| TO TRANSFORM THE 329 NORTH WASHINGTON STREET RESIDENCE INTO A COMMERCIAL OPERATION | | | |
| SEVEN DAYS A WEEK FROM 5AM - MIDNIGHT IN OUR RESIDENTIAL NEIGHBORHOOD | | | |
| <u>Proposal [1]</u> | <u>Code (there could be more)</u> | <u>Status</u> | <u>support provided here</u> |
| From RM Residential to CD - Commercial zoning | | Approved 10/7/14 by Planning Commission | |
| From Residential to Commercial on mater plan | | Approved 10/7/14 by Planning Commission | |
| Special Use Permit to operate restaurant | 4-503 Special Uses (w) Restaurant | Approved 10/7/14 by Planning Commission | |
| Special Use permit for parking reduction for restaurant patrons | 8-200 General parking regulations 1 space for every 8 patrons | Approved 10/7/14 by Planning Commission | |
| Special Use Permit to operate a hotel | 4-503 Special Uses (o) Hotel | Approved 10/7/14 by Planning Commission | |
| Special Use permit for parking reduction for hotel guests | 8-200 General parking regulations .7 spaces for every guest room | Approved 10/7/14 by Planning Commission | |
| Special Use permit for parking reduction for employees | 8-200 General parking regulations | Approved 10/7/14 by Planning Commission | |
| | | | |
| restaurant exceeding 100 seats | 11-513 Administrative Special Use Permit (L) specific standards for restaurant (1) the number of seats may not exceed 100. | Unknown | |
| off-site alcohol sales | 11-513 Administrative Special Use Permit (L) specific standards for restaurant (8) no off premise alcohol sales permitted | Unknown | A |
| wine retail Sales | 4-503 Special Uses (w.1) retail sales | Unknown | A |
| parking for wine sales customers | 8-200 General parking regulations | Unknown | |
| catering operations | 4-503 Special Uses (e) catering operation | Unknown | B |
| parking for catering operation customers | 8-200 General parking regulations | Unknown | |
| loading and unloading areas | 8-200 General parking regulations Loading and unloading areas required | Unknown | |
| removal of 2 city owned street parking spaces to dedicate to commercial operation | | Unknown | |
| parking for 2 owners | 8-200 General parking regulations | Unknown | |
| parking for overnight hotel staff | 8-200 General parking regulations | Unknown | |
| parking for hotel cleaning staff | 8-200 General parking regulations | Unknown | |
| parking for restaurant cleaning staff | 8-200 General parking regulations | Unknown | |
| parking for perimeter and patio cleaning staff | 8-200 General parking regulations | Unknown | |
| parking for all day special events guests | 8-200 General parking regulations | Unknown | C |
| parking for evening special events guests | 8-200 General parking regulations | Unknown | C |
| parking for indoor live entertainment performers | 8-200 General parking regulations | Unknown | |
| parking for outdoor live entertainment performers | 8-200 General parking regulations | Unknown | |
| parking for valet parking attendant | 8-200 General parking regulations | Unknown | |

| SUMMARY OF PROPOSAL BY LA BERGERIE | | | |
|---|---|---------------|------------------------------|
| TO TRANSFORM THE 329 NORTH WASHINGTON STREET RESIDENCE INTO A COMMERCIAL OPERATION | | | |
| SEVEN DAYS A WEEK FROM 5AM - MIDNIGHT IN OUR RESIDENTIAL NEIGHBORHOOD | | | |
| <u>Proposal [1]</u> | <u>Code (there could be more)</u> | <u>Status</u> | <u>support provided here</u> |
| valet parking service | 4-502 Administrative Special Uses (F) valet parking | Unknown | |
| live entertainment in outdoor seating area | 11-513 Administrative Special Use Permit (M) specific standards for outdoor dining (5) no live entertainment shall be permitted in the outdoor seating area. | Unknown | |
| strolling violist | 11-5-4.1 Between the hours 7:00am and 11:00pm, no sounds may be louder than 75 decibels, nor may they be sustained for greater than 60 seconds in any one hour period. | Unknown | |
| outdoor dining and bar for 53 | 11-5-4.1 Between the hours 7:00am and 11:00pm, no sounds may be louder than 75 decibels, nor may they be sustained for greater than 60 seconds in any one hour period. | Unknown | |
| outdoor live entertainment | 11-5-4.1 Between the hours 7:00am and 11:00pm, no sounds may be louder than 75 decibels, nor may they be sustained for greater than 60 seconds in any one hour period. | Unknown | |
| commercial kitchen exhaust equipment noise | 11-5-4.1 Between the hours 7:00am and 11:00pm, no sounds may be louder than 75 decibels, nor may they be sustained for greater than 60 seconds in any one hour period. | Unknown | |
| commercial kitchen exhaust odor | 4-507 Use Limitations - no odors | Unknown | |
| patio cleaning after 53 diners and bar patrons - run-off down Princess Street concern | 11-513 Administrative Special Use Permit (M) specific standards for outdoor dining (9) the outdoor dining area shall be cleared and washed at the close of business each day that it is in use. | Unknown | |



WINES

La Bergerie offers wine for sale by the bottle and by the case, to take and enjoy at home!

Our philosophy about the **La Bergerie** wine list is to offer an exciting selection to compliment our provincial and flavorful French cuisine. Here we have listed a few of our selections to give a feel for the breadth of our offerings. The complete wine menu features both a Standard and a Reserve list, plus over 10 wines by the glass. With a strong emphasis on French and Californian wines, *Washingtonian Magazine* notes that our "international wine list is long and fairly priced."

However, we understand that on occasion our clientele would like to bring a special bottle of wine from their cellar to enjoy with their special meal. Please visit our [Information](#) page for our current policies on bringing in your own wine.

Click here to listen more about wine at La Bergerie

Perhaps a friend or family member is planning a special occasion at **La Bergerie** and you would like to surprise them with a special bottle of wine to help them celebrate. Purchase a **Gift Certificate** and we'll take care of the rest! **La Bergerie** also hosts a variety of wine makers tasting dinners and educational tasting seminars throughout the year. Please check our [Upcoming Events](#) for currently scheduled wine events. ✕

**Champagnes & Sparkling | Bordeaux | Loire | Alsace |
Côtes Du Rhone
Burgundy | Vins Americains**



[about](#) . [reservations](#) . [menus](#) . [wines](#) . [private events](#) . [reviews](#) . [information](#) . [contact](#) . [home](#)

© 2014 La Bergerie - 218 N. Lee St., Alexandria, VA 22314 T: 703.683.1007 F: 703.519.6114 email
Web site design and hosting by New Target



PRIVATE EVENTS

La Bergerie offers a diverse set of elegant options for all your special occasions, from a private and intimate dining room for small groups to a banquet room for larger gatherings and business events. Setting us apart from any other restaurant in Alexandria, we can also provide the historic building's atrium for cocktails before going upstairs for dinner. Our goal is to accommodate all your personal or business needs by providing you with a full-service atmosphere - you leave the worrying to us while you concentrate on enjoying your stay and company at **La Bergerie**.

Rooms

To this end, we have two exquisitely decorated private rooms at your disposal. Our Gold Room, with its light and cheery atmosphere highlighted by beautiful antique pictures, will be the ideal setting for your smaller, yet more intimate events. The Gold Room will accommodate a maximum of 20 people at a single dining table or 24 people at smaller, individual tables.

Click here to listen more about events at La Bergerie.

For larger gatherings, the Banquet Room will accommodate up to 50 guests at separate tables or 30 guests at a single, large table. The Banquet Room, with its large mural and oil paintings depicting the French countryside, exposed-brick walls and spacious floor plan, is the ideal location for private family parties, rehearsal dinners, receptions, and large business gatherings.

As an alternative to the private rooms, the entire 145-seat restaurant may be reserved for a morning event from 8:30-11 a.m., an afternoon event from 3-5 p.m. or any time Sunday from 9 a.m. to 4 p.m.



A Room Charge and/or Deposit may be required for either private room or the entire restaurant. A \$150 Room Charge may be charged for additional staff and loss of overflow space. A \$200 non-refundable Deposit may be required during **La Bergerie's** busy seasons.

Menus

Guests are never required to order ahead of time! Select from one of

our seasonal banquet menus or, if you prefer, we will create a custom menu with you. All private dining events include a menu printed with your selections for your guests to order from at the time of service. In order for us to provide your group the highest level of service, we require parties of more than 8 to pre-select a menu.

Amenities

When you or your guests visit **La Bergerie**, you will not have to spend your valuable time looking for a place to park...convenient garage parking is located across the street.

The following services are also available:

- Flower arrangements
- Cakes for all occasions
- Menus to accommodate special diets
- Special printing of names or business logos on menus or other table-top displays
- Special decorations for all your social or business occasions
- Internet connection
- Telephone
- Podium & microphones
- Projection screens & projectors
- All-day reservation of Private Dining rooms
- Gift Cards
- Dessert Plating Fee, \$5 per person
- If you don't see it listed, ask. We probably can do it!

Whatever your needs, let us take care of it so you can enjoy a worry-free visit to our restaurant.

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