

EXHIBIT NO. 1

10
9-15-01

Docket Item #10-B
ENCROACHMENT #2001-0005

Planning Commission Meeting
September 4, 2001

ISSUE: Consideration of a request for encroachment into the public sidewalk right-of-way for outdoor seating for an existing restaurant.

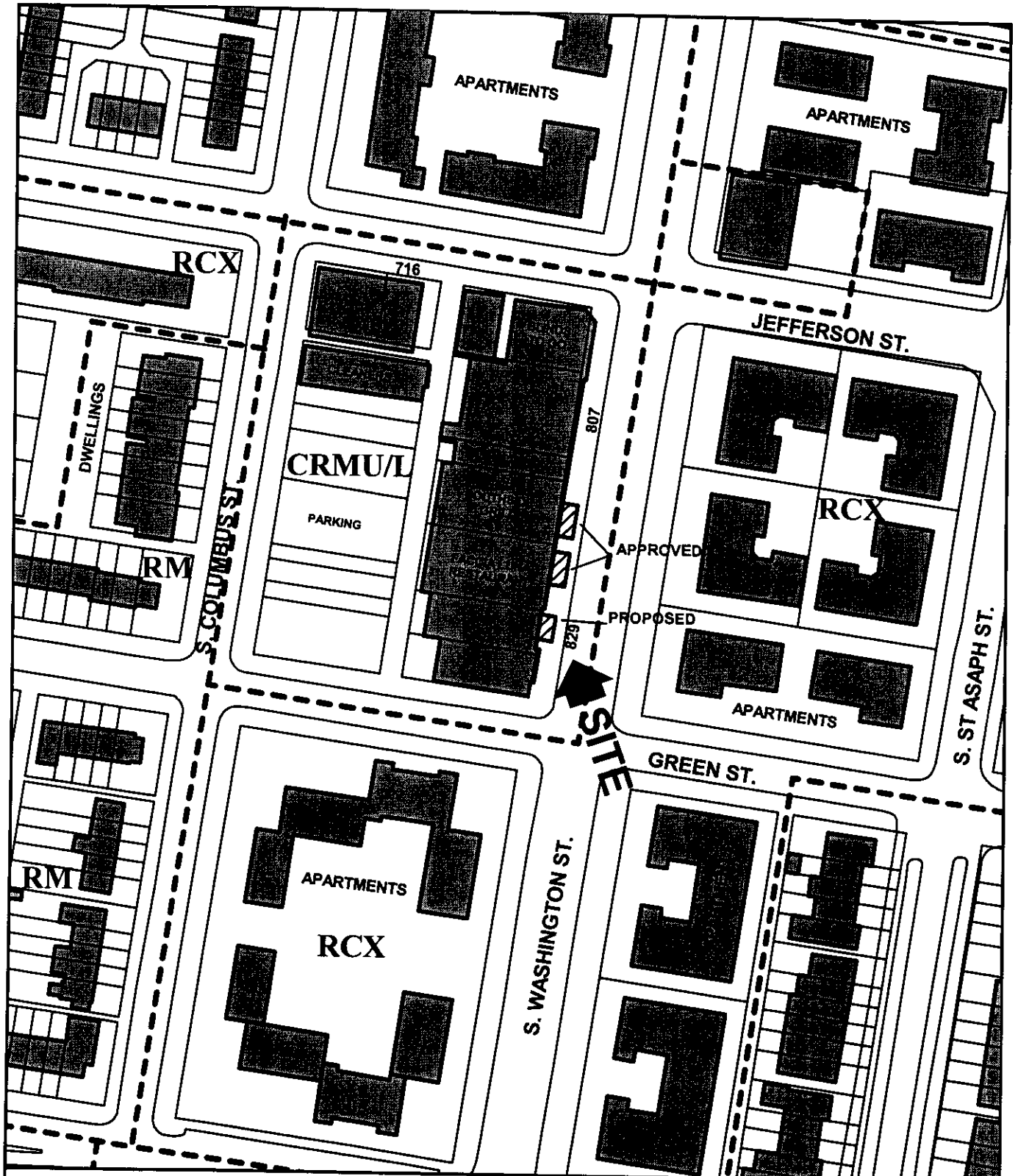
APPLICANT: Thomas Lally

LOCATION: 829 South Washington Street
Perk-Up Coffee Shop

ZONE: CRMU-L/Commercial Residential Mixed Use, Low

PLANNING COMMISSION ACTION, SEPTEMBER 4, 2001: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



ENC #2001-0005

09/04/01



STAFF RECOMMENDATION:

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

1. The applicant (and his or her successors, if any) obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his or her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (P&Z) (City Atty)
2. In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure or projection that encroaches into the public right-of-way, within 60 days, upon notification by the City. (P&Z)
3. The outdoor seating area shall be delineated with a wrought iron railing and planters similar to the railing used around the outdoor seating area at Southside 815 and Faccia Luna restaurants. (P&Z)
4. A minimum pedestrian pathway of five feet shall be maintained between the seating area and curb. (P&Z) (T&ES)

Staff Note: For commercial properties, the applicant and/or his successors are responsible for payment of an annual charge for such encroachment pursuant to Section 3-2-85 of the City Code.

DISCUSSION:

1. The applicant, Thomas Lally, requests encroachment approval for outdoor dining for the restaurant located at 829 South Washington Street.
2. The restaurant is located on part of a parcel comprised of most of the block bounded by South Washington, South Columbus, Jefferson and Green Streets in south Old Town. It is composed of some 16 separately platted lots, and is bisected north to south by a public alley, and is located in the Old and Historic Alexandria District.

The block is developed generally by one and two story buildings fronting Washington, Jefferson and South Columbus Streets and by parking areas. Most of the storefronts are occupied by retail uses, with some personal service, office, and restaurants. Popular uses in the block include Williams Sonoma, the Storehouse, and Laura Ashley stores and the Faccia Luna and Southside restaurants. The restaurant is located between an existing dentist's office and Williams Sonoma near the south end of the frontage on Washington Street.

3. The applicant requests permission to provide a total of nine seats at three tables outdoors to be situated in front of the restaurant on South Washington Street. The seating will occupy an area of approximately 104 square feet.
4. The proposed seating area will extend approximately 8 feet from the front of the building onto the sidewalk and extend along the sidewalk (see attached plan). The proposed width of the sidewalk at its narrowest point, between the edge of the seating area and an existing tree well, will be approximately six feet. According to the application materials, the applicant proposes to install a railing and planters around the proposed dining area similar to the railing used by both the Faccia Luna and Southside 815 restaurant to enclose their respective outdoor dining areas.
5. The applicant has obtained a general liability insurance policy in the amount of \$1,000,000 to cover any personal injury and property damage claims.
6. The applicant's special use permit request to expand the restaurant to include outdoor seating will be heard concurrently by the Planning Commission in September 2001 (SUP #2001-0070).
7. Master Plan/Zoning: The subject property is zoned CRMU-L/Commercial residential mixed use zone and is located in the Old Town small area plan chapter of the Master Plan.

STAFF ANALYSIS:

Staff has no objection to the location of nine seats in the public right-of-way along South Washington Street. The outdoor seating area will not impede pedestrian traffic and will provide an amenity for the restaurant's residential and commercial neighbors. Staff recommends approval of the encroachment.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Kathleen Beeton, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Provide a drawing with dimensions of the proposed encroachment showing its relationship to the existing right-of-way line, sidewalk, etc. Encroachment shall be limited to area from the building to back of sidewalk.
- R-2 Proposed encroachment area must be separate, by a physical barrier, from the public sidewalk to be used for pedestrians.
- R-3 The applicant and his or her successors, if any must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his or her successors, if any) and the City of Alexandria, as additional insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (CAO)
- R-4 Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment.
- R-5 In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure on projection that encroached into the public right-of-way, within 60 days, upon notification by the City.
- R-6 A minimum 5-foot wide pedestrian pathway shall be maintained.
- R-7 No outside loudspeakers or live entertainment shall be allowed.

Code Enforcement:

- F-1 No comments.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. This facility is currently operating as perk-Up Coffee shop under health permit #16f-1217-1 issued to Perk-Up.
- C-2 Food must be protected to the point of service.
- C-3 If changes to the facility are done, five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-4 Permits or approval must be obtained prior to use of the new area(s).
- C-5 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions both indoors and at the outside dining areas.
- C-6 Certified Food Managers must be on duty during all hours of operation.

Police Department:

- F-1 No objections.

APPLICATION for ENCROACHMENT

ENC # 2001-0005

[must use black ink or type]

PROPERTY LOCATION: 829 So Washington St

TAX MAP REFERENCE: _____ ZONE: _____

APPLICANT'S NAME: THOMAS LALLY

ADDRESS: 2810 CAMERON MILLS Rd ALEX VA 22302

PROPERTY OWNER NAME: WRIT

ADDRESS: 6110 EXECUTIVE Blvd suite 800 Rockville MD 20852

ENCROACHMENT DESCRIPTION: 3 TABLES WITH NINE SEATS

INSURANCE CARRIER (copy attached) _____ POLICY # _____

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

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

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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

THOMAS LALLY
Print Name of Applicant or Agent

Thomas Lally
Signature

2810 CAMERON MILLS Rd
Mailing/Street Address

703-836-8140
Telephone # Fax #

Alex VA 22302
City and State Zip Code

6-14-01
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: 6-25-01
see SUP #2001-0070 for net.

Date & Fee Paid: 150.- \$ 6-25-01

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

We propose to place three tables w Nine seats outside. The area would be 8" wide and 13" feet long with a planter on the corners. we will put a fence ~~is~~ similar to the other sidewalk edge on the block between the planters.

The clearance between the proposed area and a tree in the front is 62". Facing Lane clearance is 55" and Southside 815 clearance is 60".

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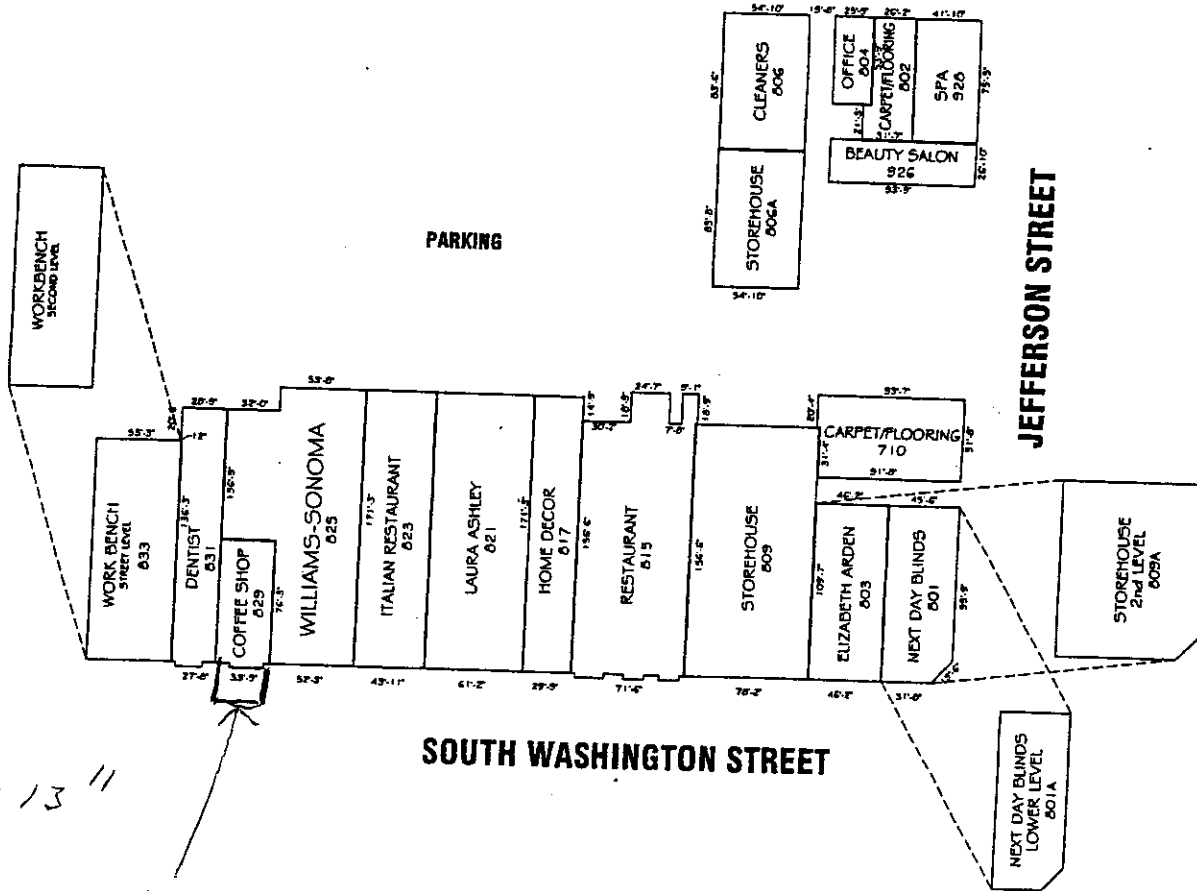
COLUMBUS STREET

GREEN STREET

JEFFERSON STREET

PARKING

SOUTH WASHINGTON STREET

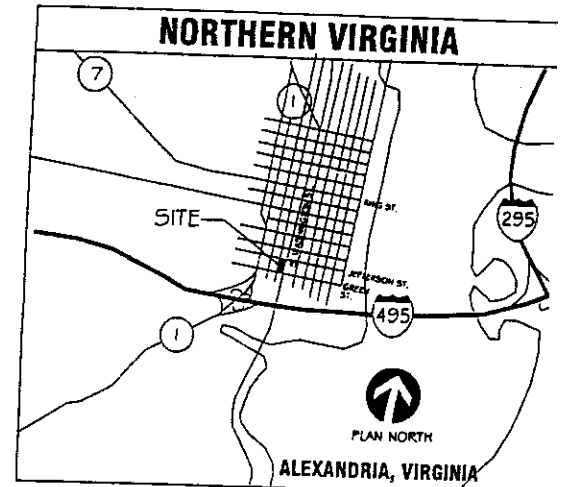


TENANT DATA		
NUMBER	TENANT NAME	ARE
710	CARPET/FLOORING	1.9
801	NEXT DAY BLINDS	2.0
801A	NEXT DAY BLINDS - LOWER LEVEL	2.0
802	CARPET/FLOORING	8
803	ELIZABETH ARDEN	2.0
804	OFFICES	2.0
806	CLEANERS	5
806A	STOREHOUSE (WAREHOUSE)	1.8
809	STOREHOUSE	1.9
809A	STOREHOUSE - 2nd FLOOR	5.0
815	RESTAURANT	4.0
817	HOME DECOR	4.98
821	LAURA ASHLEY	2.0
823	ITALIAN RESTAURANT	4.21
825	WILLIAMS-SONOMA	3.0
829	COFFEE SHOP	4.7
831	DENTIST	1.04
833	WORKBENCH - STREET LEVEL	1.84
	WORKBENCH - SECOND LEVEL	3.57
826	BEAUTY SALON	3.57
320	SPA	1.03
		1.25

ENC. 2001-0005
SUP. 2001-0070

8" by 13"

LOCATION OF
OUTDOOR SEATING



WRIT

Washington Real Estate Investment Trust
6110 EXECUTIVE BOULEVARD, SUITE 800
ROCKVILLE, MARYLAND 20852

SOUTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA

APPLICATION for ENCROACHMENT

ENC # 2001-0005

[must use black ink or type]

PROPERTY LOCATION: 829 So Washington St

TAX MAP REFERENCE: 8000-00-12 ZONE: _____

APPLICANT'S NAME: THOMAS LALLY

ADDRESS: 2810 CAMERON MILLS Rd ALEX VA 22302

PROPERTY OWNER NAME: WRIT

ADDRESS: 6110 Executive Blvd suite 500 Rockville MD 20852

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Date

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Application Received: 6-25-01 Date & Fee Paid: 150.- \$ 6-25-01
see SUP #2001-0070 for net.

ACTION - PLANNING COMMISSION: 9/4/01 RECOMMENDED APPROVAL UC

ACTION - CITY COUNCIL: 9/15/01PH--CC approved the Planning Commission recommendation.