

DOCKET ITEM #3

Encroachment #2010-0006

**818 N. Saint Asaph Street -Outdoor Dining
(Parcel Address: 600 Montgomery Street)**

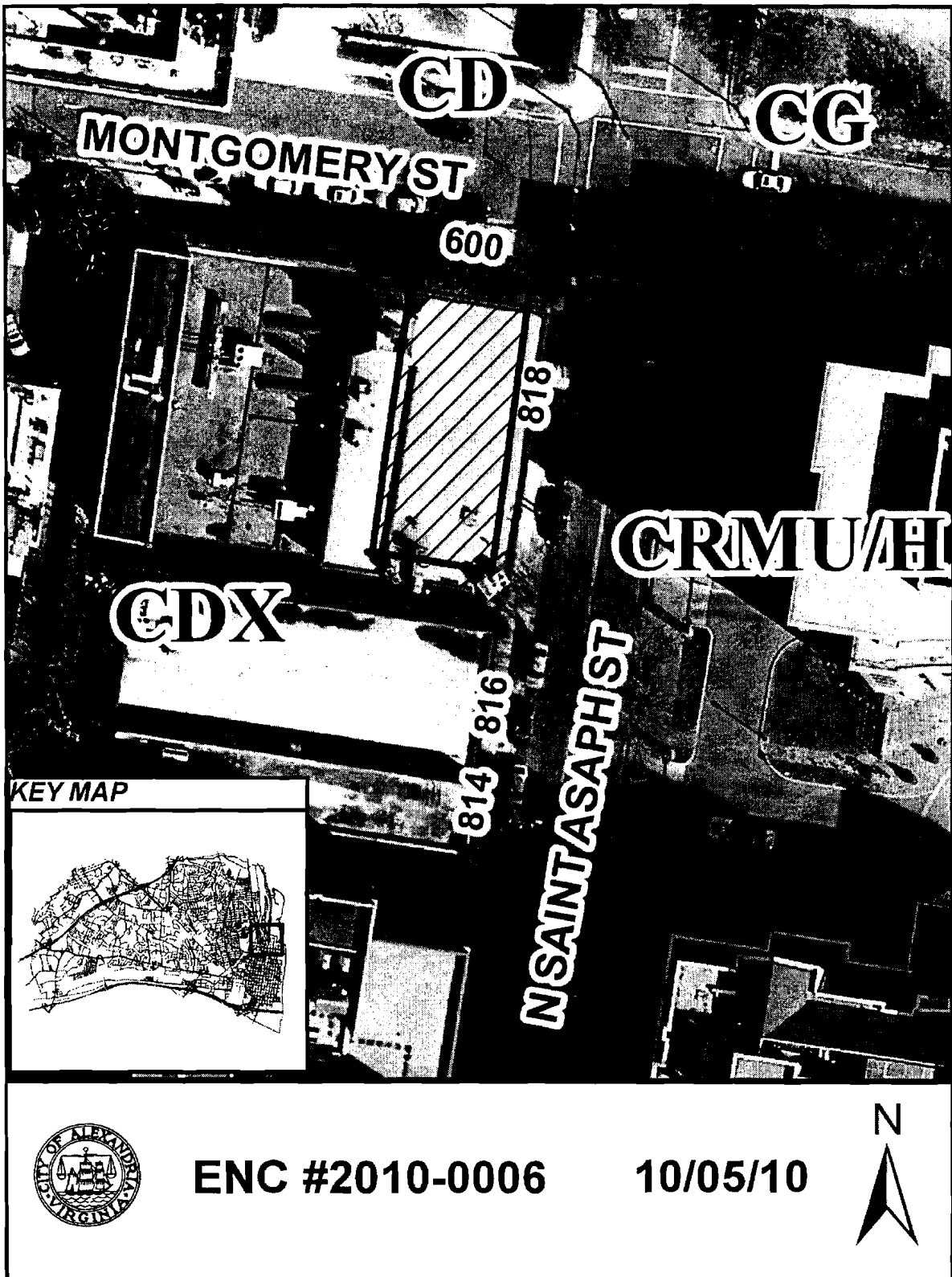
Application	General Data	
Request: Consideration of a request for an encroachment into the public right-of-way for outdoor dining.	Planning Commission Hearing:	October 5, 2010
Address: 818 N. Saint Asaph Street (Parcel Address: 600 Montgomery Street)	Zone:	CD-X/Commercial Downtown (Old Town North)
Applicant: Maria Quilla	Small Area Plan:	Old Town North

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

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

PLANNING COMMISSION ACTION, OCTOBER 5, 2010: 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.



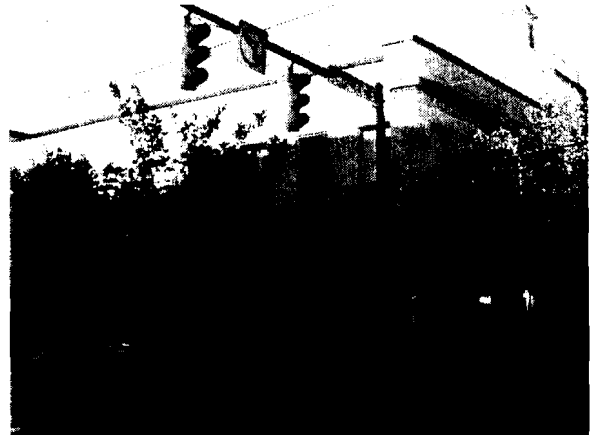
I. DISCUSSION

REQUEST

The applicant, Maria Quilla, requests approval for an encroachment into public right-of-way for the addition of outdoor dining seats at her existing restaurant at 818 North Saint Asaph Street.

SITE DESCRIPTION

The subject property is one lot of record with approximately 39.5 feet of frontage on Montgomery Street, 92 feet of frontage of North Saint Asaph Street, and a total lot area of 3,634 square feet. The lot is developed with a two-story commercial building housing Villa D'Este restaurant on the first floor.



The surrounding area is occupied by a mix of office and commercial uses. Office buildings are located to the north and to the east. The Virginia Alcohol Beverage Control retail store and its now-closed office are located to the northeast. An architect's office and the space previously occupied by the Stardust restaurant are located to the west. A dance studio and the Sheraton Suites hotel are located to the south and southeast respectively.

BACKGROUND

On June 16, 1990, City Council approved SUP #2346 to Aman Sulaimani for the operation of a 99-seat restaurant. Previous to this approval, on May 10, 1990, the Board of Zoning Appeals approved a 25-space parking variance (BZA #5992), which reduced the restaurant's parking requirement to zero. On May 13, 1995, City Council approved SUP#95-0035 to increase the hours of operation and to allow live entertainment. Staff administratively approved a change of ownership (SUP#96-0096) to Bolital, LC on June 11, 1996.

As a result of the Small Business Zoning text amendment approved by City Council in June 2010, outdoor dining is eligible for Administrative Special Use Permit approval. The applicant has applied for an Administrative SUP (SUP#2010-0046) for the outdoor dining use, but in order to locate the outdoor dining on the public right-of-way, approval of an encroachment ordinance is also required.

PROPOSAL

The applicant proposes to add outdoor dining seats along the North Saint Asaph Street side of her existing restaurant. Staff has worked with the applicant to create an outdoor dining plan that is reasonable given the amount of available space and the goal of preserving two private trees. The resulting plan (see attached) includes a total of ten outdoor dining seats in two outdoor dining areas on either side of the restaurant's North Saint Asaph Street entrance. Both areas are proposed to be located entirely within the public right-of-way between the building wall and the sidewalk. The encroachment area to the right of the entrance and closest to Montgomery Street measures 19.33 feet by 5.5 feet. The encroachment area to the left of the entrance and farthest from Montgomery Street measures 16 feet by 5.66 feet. The applicant has agreed to install a brick surface in both outdoor dining areas.

ZONING/MASTER PLAN

The subject property is located in the CD-X/Commercial Downtown (Old Town North) zone. Section 5-402.1 (E) of the Zoning Ordinance allows outdoor dining in the CRMU-X zone with an Administrative Special Use Permit.

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

II. STAFF ANALYSIS

Staff supports the applicant's encroachment request. The outdoor dining use at this corner will add a positive element of activity, which is especially beneficial given that two sites in the vicinity, the former Stardust restaurant and the old Virginia ABC office, are currently vacant. Pedestrian movement along the sidewalk will not be impacted by the proposal because the entire outdoor dining area will be located between the building wall and the existing sidewalk.

The applicant initially brought forward an outdoor dining plan that included a wooden deck structure and too many seats for the amount of space proposed. Staff has worked with the applicant to create a new outdoor dining plan. The plan expands the seating into two separate outdoor dining areas on either side of the entrance, provides sufficient maneuvering room for customers, and now includes a brick surface.

In creating the revised plan staff has also recognized the need to balance the benefits of the outdoor dining use with the loss of some landscaping on the site. The proposal will require the removal of one potted tree, one small tree, and a few small shrubs and ground-level plants. However, two medium-sized trees, one located at the corner of the building and the other located about half-way down the restaurant's North Saint Asaph Street frontage, are outside the encroachment area and will be preserved through condition language in the Administrative Special Use Permit (SUP#2010-0046.) Staff is also recommending condition language in the Administrative SUP that will require the applicant to use planters for its outdoor dining barrier.

Staff also notes that since this site is located within the Old & Historic Alexandria District, the Administrative SUP will also include condition language requiring all outdoor dining furniture and barriers to conform to the King Street Outdoor Dining guidelines.

Staff has received a letter of support for the proposal from the Old Town North Community Partnership.

Subject to the conditions contained in Section III of this report, including a requirement that the outdoor dining conform with all conditions of the Administrative SUP (SUP#2010-0046), staff recommends approval of this request.

III. STAFF RECOMMENDATION

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

1. Outdoor dining at the restaurant shall comply with all requirements and conditions of SUP#2010-0046. (P&Z)
2. The applicant shall maintain a minimum 6' wide unobstructed sidewalk. (T&ES)
3. The applicant (and his/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 /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. (T&ES)
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. (T&ES)
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 that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)
6. The brick surface material proposed for the encroachment area shall be approved by the Director of Transportation & Environmental Services and shall be flush with the existing sidewalk. (T&ES)

STAFF: Faroll Hamer, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Nathan Randall, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 Proposal changed from deck to brick, which is acceptable to T&ES.
- R-1 Maintain minimum 6' wide unobstructed sidewalk. (T&ES)
- R-2 The applicant (and his/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 /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. (T&ES)
- R-3 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. (T&ES)
- R-4 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 improvements, including the proposed brick area that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)
- R-5 Brick proposed for encroachment area shall be flush with the existing sidewalk. (T&ES)

Code Enforcement:

- C- 1 The proposed space used for outdoor seating with tables must provide a minimum of 15 square feet per person.
- C-2 Any configuration of outdoor seating shall comply with the following conditions:
- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
 - Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
 - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
 - The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.

- C-3 Any increase in occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code.
- C-4 Any increase in occupancy will only be considered for the exterior of the structure and will not modify the approved interior approved occupant load. At no time shall any approved outdoor seating be incorporated inside due to foul weather or other situations.

Health Department:

F-1 No Comment

Parks and Recreation:

F-1 No Comment

Police Department:

F-1 The Police Department has no comments or objections to the encroachment.



APPLICATION

ENCROACHMENT

ENC# 2010-0006

PROPERTY LOCATION: 600 Montgomery St. Alex., VA. 22314

TAX MAP REFERENCE: _____ **ZONE:** _____

APPLICANT

Name: Maria L. Quilla

Address: 6301 Stevenson Ave. #201

PROPERTY OWNER

Name: Rose Asner LLC

Address: 104 Edgewale Rd. Baltimore Md 21210

PROPOSED USE: Dinning patio

INSURANCE CARRIER (copy attached) General Casualty POLICY # EBOP4504123

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 hereby applies for an Administrative Use Permit in accordance with the provisions of Article VI, Section 6-600 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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 I so 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.

Maria L. Quilla
Print Name of Applicant or Agent
6301 Stevenson Ave. #201
Mailing/Street Address
Alexandria, VA. 22304
City and State Zip Code

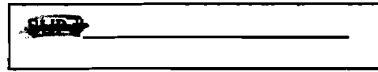
Maria L. Quilla
Signature
703-346-9324 703-549-8809
Telephone # Fax #

Email address

07-15-10
Date

Application Received: _____ Date and Fee Paid: \$ _____
ACTION - PLANNING COMMISSION: _____ ACTION - CITY COUNCIL: _____

ENC 2010-0006



PROPERTY OWNER'S AUTHORIZATION

As the property owner of 600 moutgomery st. I hereby
(Property Address)

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

described in this application.

Name: ILene Asner, manager Phone 410 532 8993
Please Print Rose Asner LLC

Address: 104 Edgevale Rd Email: IASNER@Hotmail.com

Signature: [Handwritten Signature] Date: 8/3/08

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

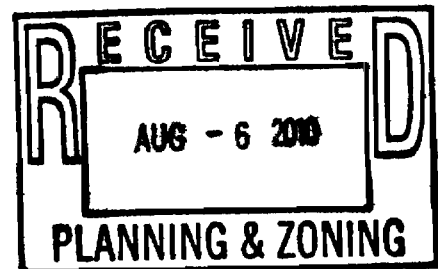
- Required floor plan and plot/site plan attached.
- Requesting a waiver. See attached written request.

2. The applicant is the (check one):

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

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

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OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Maria L. Quilla	6301 Stevenson Ave #201	50%
2. Umberto Giannori	5904 Mount Eagle Dr #601	50%
3.	44 VA, 22363	

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at _____ (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Rose Asner	Baltimore Md 21210 104 Edgevale Rd.	100%
2.		
3.		

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

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Maria L. Quilla	None	None
2. Umberto Giannori	None	None
3. Rose Asner	None	None

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

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

07-20-10 Maria L. Quilla
Date Printed Name

Maria L. Quilla
Signature



CERTIFICATE OF LIABILITY INSURANCE

OP ID CG

DATE (MM/DD/YYYY)
07/21/10

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Ashcraft Associates Ins Agency 4604-H Pinecrest Office Pk Dr Alexandria VA 22312 Phone: 703-354-3501 Fax: 703-914-8748	CONTACT NAME: _____	
	PHONE (A/C, No, Ext): _____	FAX (A/C, No): _____
E-MAIL ADDRESS: _____		
PRODUCER CUSTOMER ID #: BOLIT-1		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURED Bolital, Inc. Villa Di Este 818 N. Saint Asaph Street Alexandria VA 22314	INSURER A: Gen Casualty 045-0689	24414
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

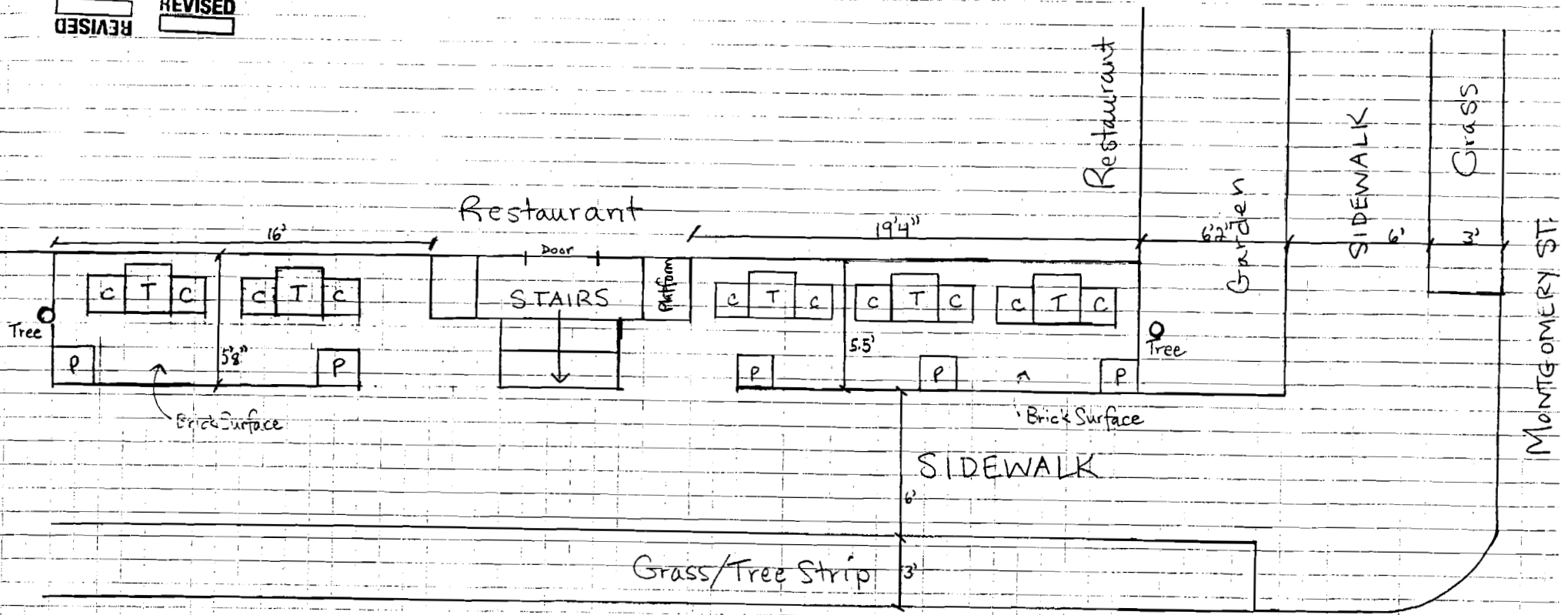
COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBS INSR WVO	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY	X	EBOP4604123	07/01/10	07/01/11	EACH OCCURRENCE \$ 1000000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					MED EXP (Any one person) \$ 5000
	<input type="checkbox"/> _____					PERSONAL & ADV INJURY \$ 1000000
	<input type="checkbox"/> _____					GENERAL AGGREGATE \$ 1000000
	GEN'L AGGREGATE LIMIT APPLIES PER:					PRODUCTS - COMP/OP AGG \$ 1000000
	<input type="checkbox"/> POLICY <input type="checkbox"/> PROJ-JECT <input type="checkbox"/> LOC					\$
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS					PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS					\$
	<input type="checkbox"/> NON-OWNED AUTOS					\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB		CCU4604123	07/05/10	07/05/11	EACH OCCURRENCE \$ 1000000
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE				AGGREGATE \$ 1000000
	<input type="checkbox"/> DEDUCTIBLE					\$
	<input checked="" type="checkbox"/> RETENTION \$ 10000					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A			E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Certificate holder is an additional insured.

CERTIFICATE HOLDER City of Alexandria 301 King Street, Ste 4200 Alexandria VA 22314	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>S. Candace Gilson</i>



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Staff Assisted
Outdoor Dining Plan
Villa d'Este Restaurant
9/15/2010 Rev 9/20/2011

ENC 2010-0006

In Support of Special Use Requests
Elizabeth Frommer
to:
nathan.randall
07/28/2010 01:33 PM
Show Details

Old Town North Community Partnership
300 Montgomery Street
Alexandria, Virginia 22314
Fax (703) 836-8091
www.oldtownnorth.org
Tax ID#54-1839038

July 28, 2010

Mr. Nathan Randall
Planning & Zoning

Re: Special Use Permit #2010-00
818 North Saint Asaph Street

Dear Mr. Randall:

The Old Town North Community Partnership wishes to go on record as supporting the request of Villa d'Este for outdoor dining.

Sincerely,

Bruce Machanic
Treasurer

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APPLICATION

ENCROACHMENT

ENC# 2010-0006

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TAX MAP REFERENCE: _____ **ZONE:** _____

APPLICANT

Name: Maria L. Quilla

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PROPERTY OWNER

Name: Rose Asher LLC

Address: 104 Edgewale Rd. Baltimore Md 21210

PROPOSED USE: Dinning patio

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Maria L. Quilla
Print Name of Applicant or Agent

Maria L. Quilla
Signature

6301 Stevenson Ave. #201
Mailing/Street Address

703-346-9324 703-549-8809
Telephone # Fax #

Alexandria, VA. 22304
City and State Zip Code

Email address

07-15-10
Date

Application Received: _____	Date and Fee Paid: \$ _____
ACTION - PLANNING COMMISSION: _____	ACTION - CITY COUNCIL: _____

PC Action: ^{X 8} By unanimous consent, Rec Approval 10/5/10
CC Action: CC approved PC recommendation 7-0 10/16/10