

DOCKET ITEM #7-B

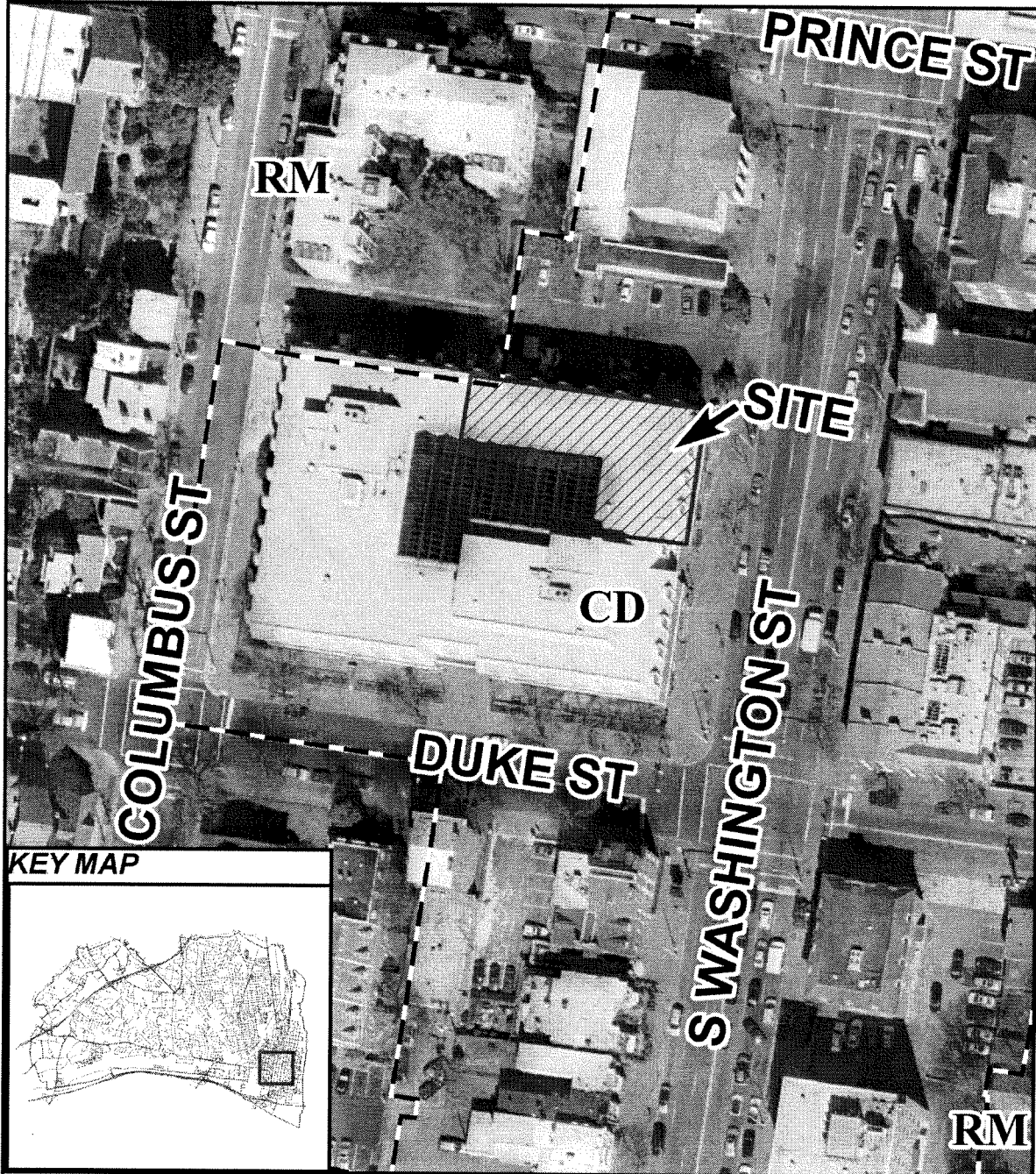
Encroachment #2010-0003

277 South Washington Street – Society Fair Restaurant

Application	General Data	
Request: Consideration of a request for an encroachment into the public right-of-way.	Planning Commission Hearing:	May 4, 2010
	City Council Hearing:	May 15, 2010
Address: 277 South Washington Street	Zone:	CD/Commercial Downtown
Applicant: Cathal and Meshelle Armstrong by Duncan Blair, Attorney	Small Area Plan:	Old Town

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

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



ENC #2010-0003

05/04/10



I. DISCUSSION

REQUEST

The applicants request permission to provide 30 outdoor seats in an area in front of the proposed restaurant and market at 277 North Washington Street. The area consists of both private property and public right-of-way.

SITE DESCRIPTION

The subject property is one lot of record with 178.43 feet of frontage on South Washington Street, 246.83 feet of frontage on Duke Street and 178.43 feet of frontage on South Columbus Street and a total lot area of 44,042 square feet. The site is developed according to Site Plan 75-0018, with the Atrium Building, formerly the headquarters of the Time-Life publishing group.

The surrounding area is occupied by a mix of offices, churches, museums and residences.

PROPOSAL

The applicant is requesting approval of an encroachment for outdoor dining with thirty seats in connection with a proposed restaurant, bakery, butchery and market (SUP2010-0009). The proposed dining area will extend 13.00 feet from the front building towards South Washington Street and 38.00 feet along the sidewalk parallel to the building. The Atrium Building property extends 7.38 feet beyond the front building wall; therefore the depth of the requested encroachment is 5.62 feet. The width of the sidewalk is 24.00 feet from the front building wall to the face of the curb. There is one street tree, which reduce the pedestrian travel way to 6.00 feet for a short distance when the dining area is in place.

ZONING/MASTER PLAN

The subject property is located in the CD, Commercial Downtown zone. Section 4-503(W) of the Zoning Ordinance allows a restaurant in the CD zone only with a special use permit. Section 4-502(M) permits retail establishments in the CD zone.

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

II. STAFF ANALYSIS

Staff is recommending approval of the proposed encroachment for outdoor dining and believes the outdoor dining area will add a positive element of activity on this block of South Washington Street. This portion of South Washington Street has wide sidewalks and staff believes there will be adequate room for pedestrian travel and supports the request for the encroachment.

III. STAFF RECOMMENDATION

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

1. A minimum of 6 feet of unobstructed sidewalk shall be maintained.. (T&ES)
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)
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)
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 that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)

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

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.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- 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 that encroached into the public right-of-way, within 60 days, upon notification by the City. (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.

Health Department:

- F-1 No Comment

Parks and Recreation:

- F-1 No comment

Planning and Zoning-Board of Architectural Review

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

Police Department:

F-2 The Police Department has no objections to the encroachment.

APPLICATION: ENCROACHMENT

ENC # 2010-0003

PROPERTY LOCATION: 277 South Washington Street, Alexandria, Virginia

TAX MAP REFERENCE: 074.02 13 03

ZONE: CD/Commercial Downtown

APPLICANT'S NAME: Cathal Armstrong and Meshelle Armstrong

ADDRESS: 110 South Pitt, Alexandria, Virginia 22314

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

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

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

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

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

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

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

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

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

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

Duncan W. Blair, Esquire



Print Name of Applicant or Agent

Signature

524 King Street, Alexandria, Virginia 22314

703 836-1000

703 549-3335

Mailing Address

Telephone Number

FAX Number

dblair@landclark.com

February 23, 2010

Email Address

date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____

Date and Fee Paid: \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

1

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

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

Name	Address	Percent of Ownership
1. Cathal Armstrong	8325 Old Mount Vernon Road Alexandria, VA 22309	50%
2. Meshelle Armstrong	8325 Old Mount Vernon Road Alexandria, VA 22309	50%
3.		

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

Name	Address	Percent of Ownership
1.		
2.		
3.		

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

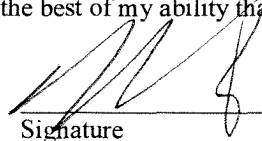
Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Cathal Armstrong	None	Planning Commission, City Council, Board of Architectural Review (OHAD)
2. Meshelle Armstrong	None	Planning Commission, City Council, Board of Architectural Review (OHAD)
3.		

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

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

February 22, 2010
Date

Cathal Armstrong
Printed Name


Signature

OWNERSHIP AND DISCLOSURE STATEMENT
Use additional sheets if necessary

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

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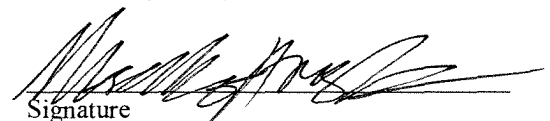
Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Cathal Armstrong	None	Planning Commission, City Council, Board of Architectural Review (OHAD)
2. Meshelle Armstrong	None	Planning Commission, City Council, Board of Architectural Review (OHAD)
3.		

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

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

February 22, 2010
Date

Meshelle Armstrong
Printed Name


Signature

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

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

Name	Address	Percent of Ownership
1.		
2.		
3.		

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

Name	Address	Percent of Ownership
1. Atrium Building, LLC	1776 Eye Street, NW Suite 500. Washington DC 20006	100%
2.		
3.		

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

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. The Atrium Building, LLC ownership has no business or financial relationship with any of the people mentioned.		
2.		
3.		

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

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

(See Name below)

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

See signature in owner's authorization statement.

Date	Printed Name
	<u>Alexandria City Council</u>
	William Euille, Mayor
	Kerry Donnelly, Vice Mayor
	Frank Fannon IV
	Alicia Hughes
	Rob Krupicka
	Redella "Del" Pepper
	Paul Smedberg

Signature
<u>Planning Commission</u>
John Komoroske, Chair
H. Steward Dunn, Vice Chair
Donna Fossum
J. Lawrence Robinson
Mary Lyman
Jesse Jennings
Eric Wagner

Board of Zoning Appeals
 Harold Curry, Chair
 Mark Allen, Vice Chair
 Geoffrey Goodale
 David Lantzy
 Jennifer Lewis
 Eric Zander
 John Keegan

**Board of Architectural Review
 Old and Historic District**
 Thomas Hulfish, Chair
 Oscar Fitzgerald
 Arthur Keleher
 Wayne Neale
 Peter Smeallie
 James Spencer
 John Von Senden

**Board of Architectural Review
 Parker-Gray District**
 Christina Kelley, Chair
 William Conkey
 H. Richard Lloyd, III
 Thomas Marlow
 Douglas Meick
 Philip Moffat
 Deborah Rankin

Definition of business and financial relationship.

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

- (1) a direct one;

PROPERTY OWNER'S AUTHORIZATION

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

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

described in this application.

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

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

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

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

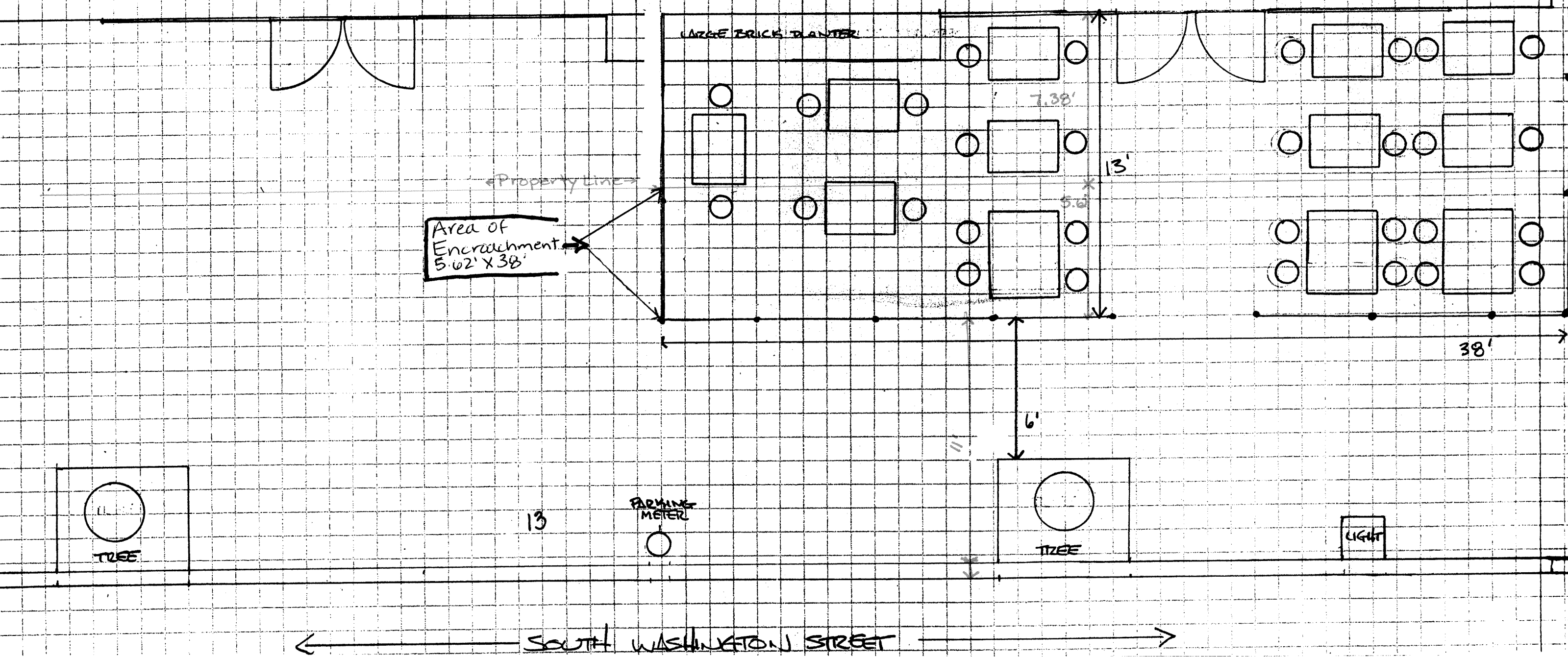
- Required floor plan and plot/site plan attached.
- Requesting a waiver. See attached written request.

2. The applicant is the (check one):

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

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

Scale 1 square = 1 foot



76.01

30°46'00" E ~ 246.83'

OFFICE LEASE SPACE

Conc. Wall

ATRIUM
see architects
plans

FF = 42.00
1st Level Pkng. 32.97
L.L. Pkng. = 24.34

Elevator
shaft

EXIST. PAR. WALK

Hospital Building

OFFICE LEASE SPACE

42.00

402

Sprinkler
N.M. System
Conn.

CONC.
1st floor

Planter

Planter

Planter

413
410
400
Planter

41.01

41.557 500.39'00"

Exist. Brick Walk

EXIST. 6" GROSS STRIP
EXIST. H.C.

6" X 4" RED.

4" WRPD

EXIST. 4" ST

EXIST. H.C.

TREE

CIXSTL

EXIST. 8" C.I. WATER ON E (NO RECORDS)

TH WASHINGTON STREET
100.08' wide

6" X 4" RED.

4" WRPD

EXIST. 4" ST

EXIST. H.C.

CIXSTL

Monument Line

OUTDOOR SEATING
LOCATION

SEATING
TRAFFIC SIGNAL

SEATING
TRAFFIC SIGNAL

SEATING
TRAFFIC SIGNAL

SEATING
TRAFFIC SIGNAL

100.08'

50.04'

71.01

Ver. 00
138.40

EXIST. H.C.

TREE

TREE

4" ST
REMOVE ON
and install

CURB