



**DOCKET ITEM #3**  
**Encroachment #2010-0006**  
**818 N. Saint Asaph Street -Outdoor Dining**  
**(Parcel Address: 600 Montgomery Street)**

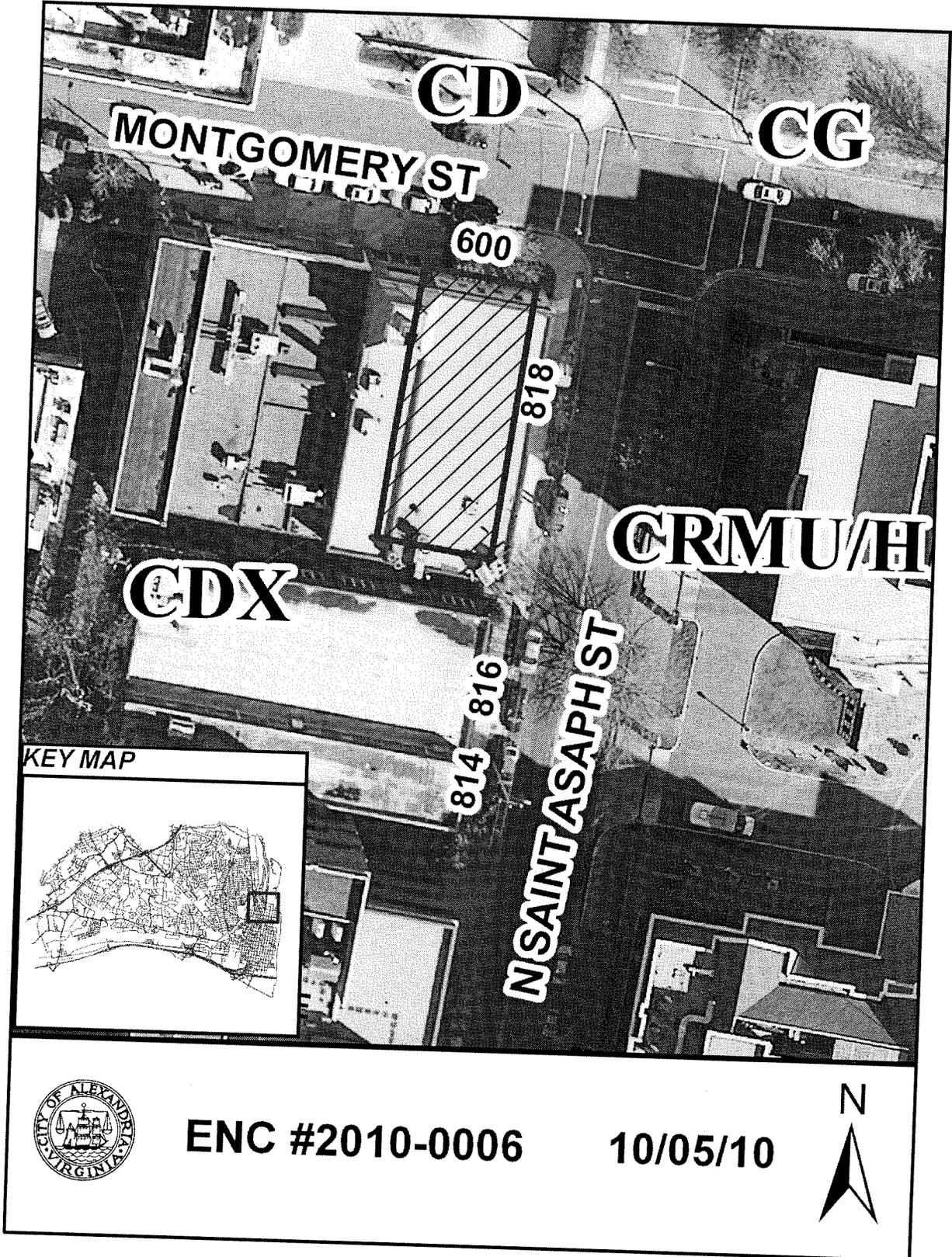
**CONSENT AGENDA ITEM**

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Application	General Data	
<b>Request:</b> Consideration of a request for an encroachment into the public right-of-way for outdoor dining.	<b>Planning Commission Hearing:</b>	October 5, 2010
<b>Address:</b>  818 N. Saint Asaph Street (Parcel Address: 600 Montgomery Street)	<b>City Council Hearing:</b>	October 16, 2010
<b>Applicant:</b> Maria Quilla	<b>Zone:</b>	CD-X/Commercial Downtown (Old Town North)
	<b>Small Area Plan:</b>	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](mailto:nathan.randall@alexandriava.gov)



## 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.



ENC 2010-0006

SUP # \_\_\_\_\_

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 600 Montgomery St., I hereby  
(Property Address)  
grant the applicant authorization to apply for the En crockment use as  
(use)  
described in this application.

Name: I Lene Asner, manager  
Rose Asner LLC

Phone: 410 532 8993

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

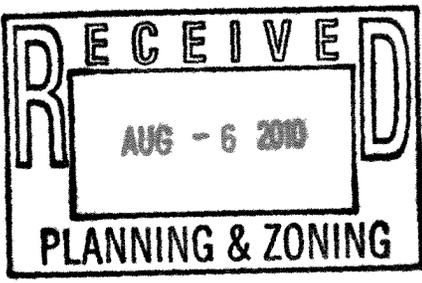
Lessee or

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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2  
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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.		464 Vg. 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

**Alexandria City Council**

William Euille, Mayor  
Kerry Donnelly, Vice Mayor  
Frank Fannon IV  
Alicia Hughes  
Rob Krupicka  
Redella "Del" Pepper  
Paul Smedberg

**Planning Commission**

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;
- (2) by way of an ownership entity in which the member or a member of his immediate household is a partner, employee, agent or attorney;
- (3) through a partner of the member or a member of his immediate household;
- (4) through a corporation in which any of them is an officer, director, employee, agent or attorney or holds 10 percent or more of the outstanding bonds or shares of stock of a particular class. In the case of a condominium, this threshold shall apply only if the applicant is the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium;
- (5) not as an ordinary customer or depositor relationship with a professional or other service provider, retail establishment, public utility or bank, which relationship shall not be considered a business or financial relationship;
- (6) created by the receipt by the member, or by a person, firm, corporation or committee on behalf of the member, of any gift or donation having a value of more than \$100, singularly or in the aggregate, during the 12-month period prior to the hearing on the application from the applicant.

ENC-2010-0006



# 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).

<b>PRODUCER</b> Ashcraft Associates Ins Agency 4604-H Pinecrest Office Pk Dr Alexandria VA 22312 Phone: 703-354-3501 Fax: 703-914-8748		<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS: PRODUCER CUSTOMER ID #: <b>BOLIT-1</b>																						
<b>INSURED</b> Bolital, Inc. Villa Di Este 818 N. Saint Asaph Street Alexandria VA 22314		<table border="1"> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A:</td> <td>Gen Casualty 045-0689</td> <td>24414</td> </tr> <tr> <td>INSURER B:</td> <td></td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> <td></td> </tr> </table>		INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	Gen Casualty 045-0689	24414	INSURER B:			INSURER C:			INSURER D:			INSURER E:			INSURER F:		
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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.

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

**CANCELLATION**

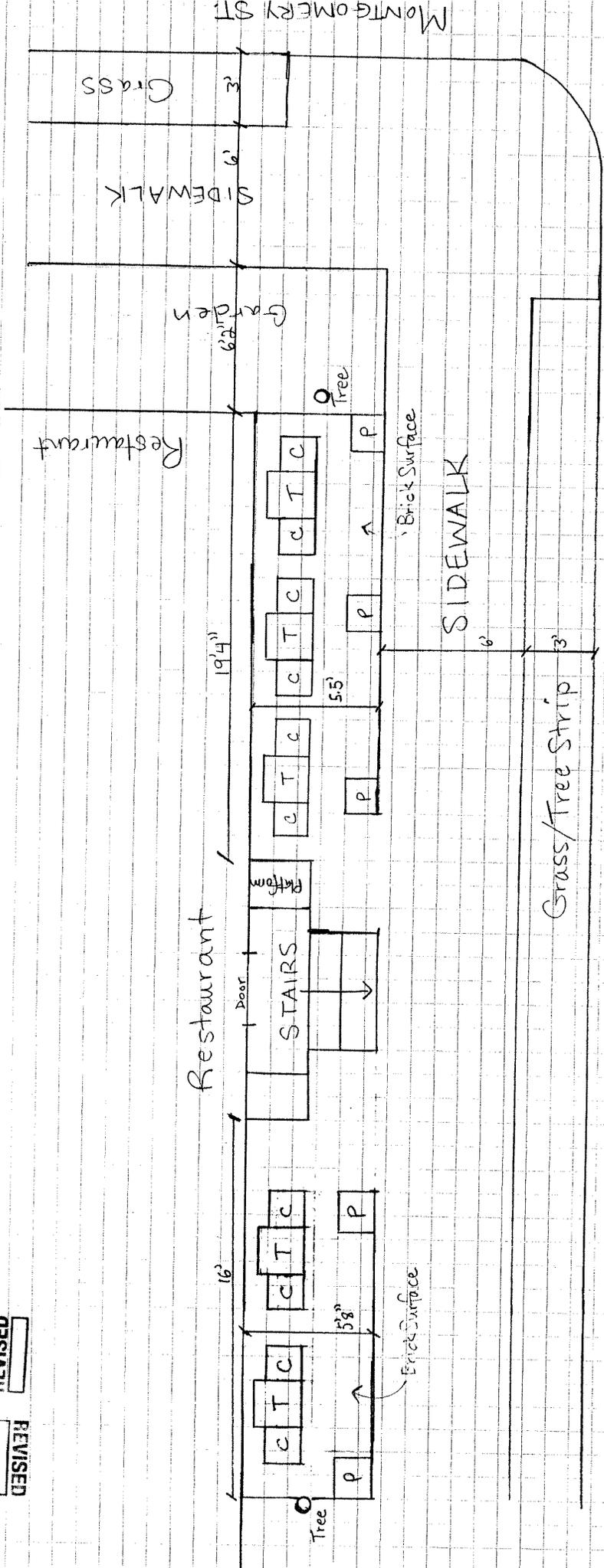
City of Alexandria 301 King Street, Ste 4200 Alexandria VA 22314	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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REVISED

REVISED



Staff Assisted  
 Outdoor Dining Plan  
 Villa d'Este Restaurant  
 9/15/2010 Rev 9/30/2010

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](http://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