



DOCKET ITEM #4

Encroachment #2012-0006

105 King Street – Fish Market Restaurant

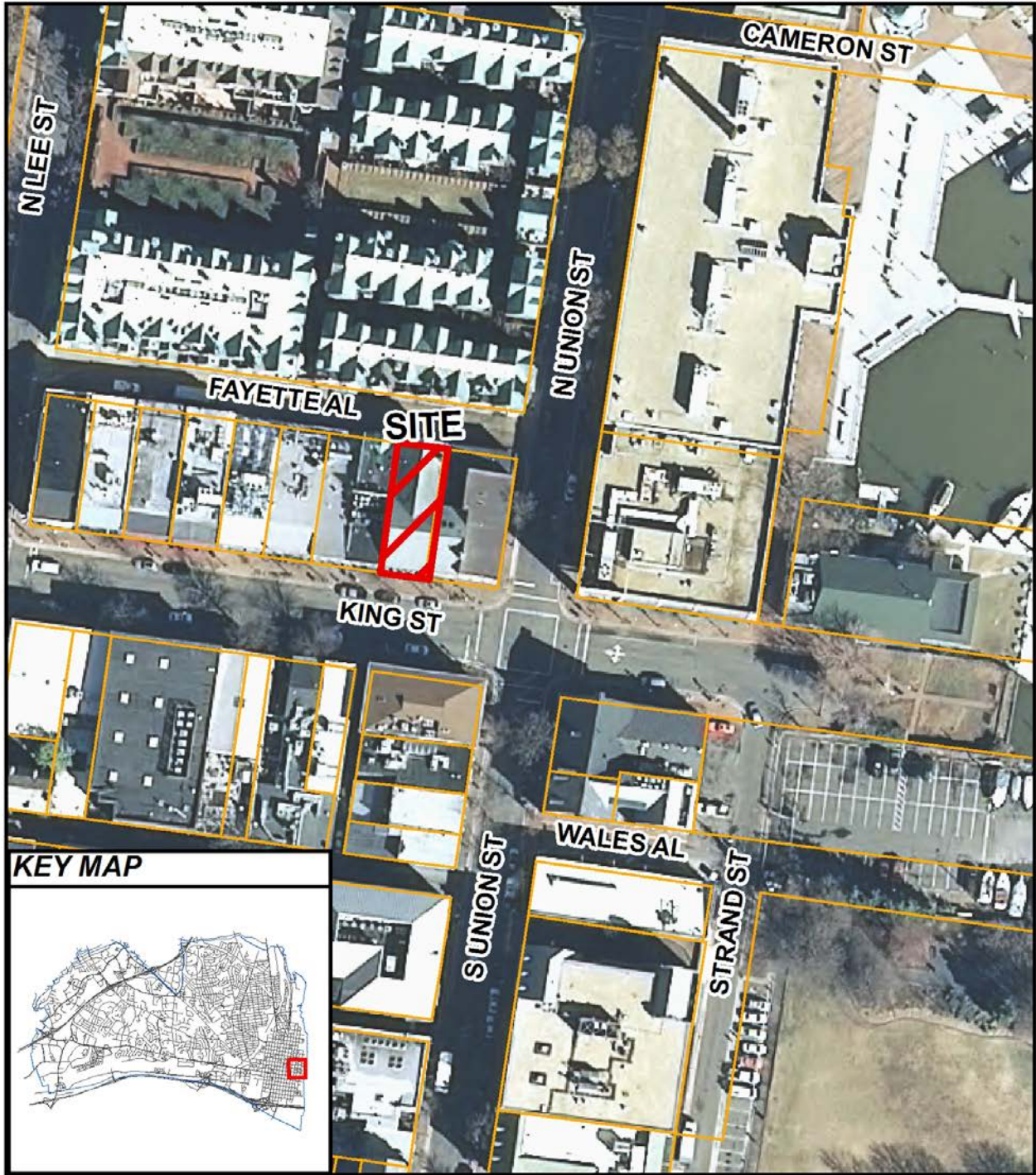
Application	General Data	
Request: Consideration of a request for an encroachment into the public right-of-way.	Planning Commission Hearing:	December 4, 2012
	City Council Hearing:	December 15, 2012
Address: 105 King Street	Zone:	KR/King Street Urban Retail
Applicant: Fish Market by Noe Landini	Small 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: Nathan Randall nathan.randall@alexandriava.gov

PLANNING COMMISSION ACTION, DECEMBER 4, 2012: 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 #2012-0006

12/4/2012



I. DISCUSSION

The applicant, Fish Market by Noe Landini, requests approval of an encroachment ordinance for a new bay window at 105 King Street.

SITE DESCRIPTION

The property at issue is the right-of-way located directly in front of 105 King Street, a three-story historic building which houses a portion of The Fish Market restaurant. The entire restaurant operation spans three storefronts at 105, 107, and 109 King Street and includes Pop's ice cream shop.

The surrounding area along and near King Street is comprised of a mix of commercial and residential uses, including other restaurants and retail shops, as well as the Torpedo Factory Condominium located directly to the north behind the restaurant.

BACKGROUND

A restaurant has operated in part of the subject tenant space since 1976. An addition to the then-grandfathered business was approved by City Council in 1985 (SUP#1820). Approval of SUP#2004-0072 consolidated both restaurant operations at 105-109 King Street under one Special Use Permit. In 2007, City Council approved SUP#2007-0063 for a seating increase at the site. Most recently, in February of this year, staff administratively approved SUP#2012-0014 for a change of ownership from Glenna Giovannoni to the applicant, Noe Landini.



The existing two bay windows at the site are believed to have been added in the late 1970s without City Council approval of an encroachment ordinance.

On November 7, 2012, the applicant received approval from the BAR for the proposed new bay window and other façade improvements such as new awnings and lighting (BAR#2012-0339 and BAR#2012-0340).

SCOPE OF APPROVAL

The applicant requests approval of an encroachment onto the public right-of-way for a new bay window located in front of the 105 King portion of the restaurant operation. The new bay window will replace two smaller, existing bay windows that presently encroach into the public right-of-way in the same area. The changes will also consolidate the entrance to the Fish Market

to one location immediately to the west of the new window. Although the proposal does not exceed the depth of the existing, encroaching bay windows, it does increase the length and overall area of the encroachment into the public right-of-way. The proposed encroachment area measures 1.5 feet by 15.6 feet, for a total area of 23.4 square feet. See picture of proposal in attached application.

ZONING/MASTER PLAN

The subject property is located in the KR/King Street Retail Zone. The restaurant use at the site 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 supports the applicant's proposal. The requested encroachment is a reasonable addition to the building that is historically appropriate and adds architectural and visual interest for King Street pedestrians. The proposal will allow for the improvement of the façade of a locally-owned and long-standing Old Town restaurant. Staff acknowledges that sidewalk space in this prominent location on King Street experiences heavy pedestrian use, but importantly, the new bay window will extend only 1.5 feet into the public right-of-way, which is no more of a projection than the encroachment of the two existing bay windows. The remaining sidewalk width in front of the windows, which is 8.6 feet at the narrowest point, is sufficient for pedestrian movement.

Subject to the conditions contained in Section III of this report, staff recommends approval of the encroachment request.

III. STAFF RECOMMENDATION

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

1. The applicant (and his 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)
2. 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)
3. 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: Barbara Ross, Deputy Director, Planning and Zoning;
Nathan Randall, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 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-2 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-3 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:

- F-1 The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plan Review Services Division Chief, at ken.granata@alexandriava.gov or 703.746.4193.
- C-1 It appears an exit/exit discharge doorway is proposed to be removed. Ensure minimum required exits/exit discharges are maintained based on the existing occupant load and exit access travel distance. 2009 VCC §103.5, § 1016, §1021 & 1027

Health Department:

- F-1 The applicant shall submit food service plans to the Alexandria Health Department showing the change in configuration of the Bay Window and the food it will be displaying in the window.

Police Department:

- F-1 No objections.

Fire and EMS Department:

- F-1 Applicant needs to demonstrate that elimination of door does not compromise the means of egress, the amount of exit capacity, and minimum number of exits required for this Assembly use.



APPLICATION

ENCROACHMENT



ENC# 2012-00006

PROPERTY LOCATION: 105 KING STREET

TAX MAP REFERENCE: 075.01-03-10 ZONE: KR

APPLICANT

Name: FISH MARKET - NOE LANDINI

Address: 105 KING STREET, ALEXANDRIA VA 22314

PROPERTY OWNER

Name: DEWEY INVESTMENT ASSOCIATES

Address: 8400 BYERS DR, ALEXANDRIA VA 22309

PROPOSED USE: STOREFRONT / RESTAURANT

INSURANCE CARRIER (copy attached) TRAVELERS POLICY # 16862411M687TIL11

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 do attest 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.

NOE LANDINI
Print Name of Applicant or Agent

115 KING STREET
Mailing/Street Address

ALEXANDRIA VA 22314
City and State Zip Code

[Signature]
Signature

571.238.7613 703.549.3590
Telephone # Fax #

NOE@NOELANDINI.COM
Email address

10.24.12
Date

Application Received: 10/25/2012 Date and Fee Paid: \$ 500 10/25/2012
ACTION - PLANNING COMMISSION: _____ ACTION - CITY COUNCIL: _____

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. NOE LANDINI / FRANCO LANDINI	115 KING ST. ALEX. VA. 22314	33.3%
2. GIOIA FAMILY PARTNERSHIP	115 KING ST. ALEX VA 22314	33.3%
3. CAROL SOLOMON	526 KING ST. #211 ALEX VA 22314	33.3%

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 105 KING (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. DEWEY INVESTMENT ASSOCIATES	8409 RYERS DR. ALEX. VA. 22309	100%
2.		
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require 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. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity below and "None" in the corresponding fields)**

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. NOE LANDINI / FRANCO LANDINI GIOIA FAMILY PARTNERSHIP	115 KING ST. ALEX VA 22314	NONE
2. CAROL SOLOMON	526 KING ST. ALEX VA 22314	NONE
3. NOE LANDINI / FRANCO LANDINI	115 KING ST. ALEX. VA. 22314	NONE

NA

PLANNING Commission; City Council

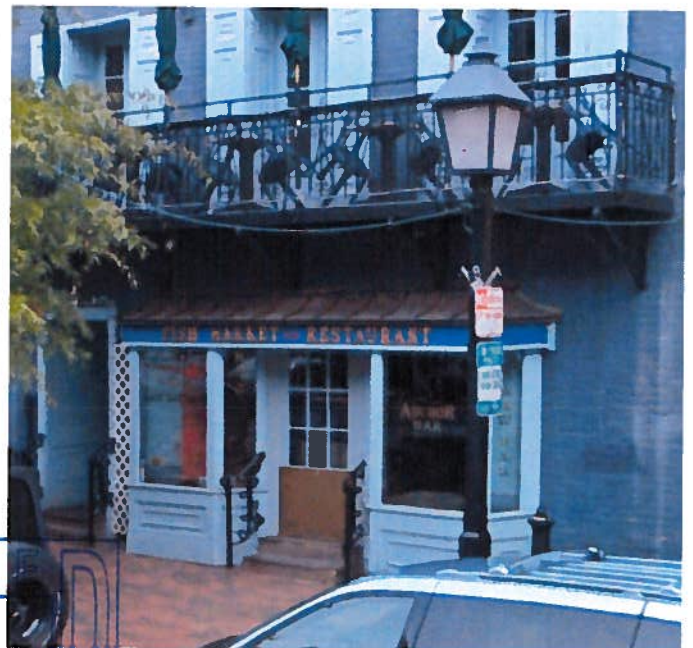
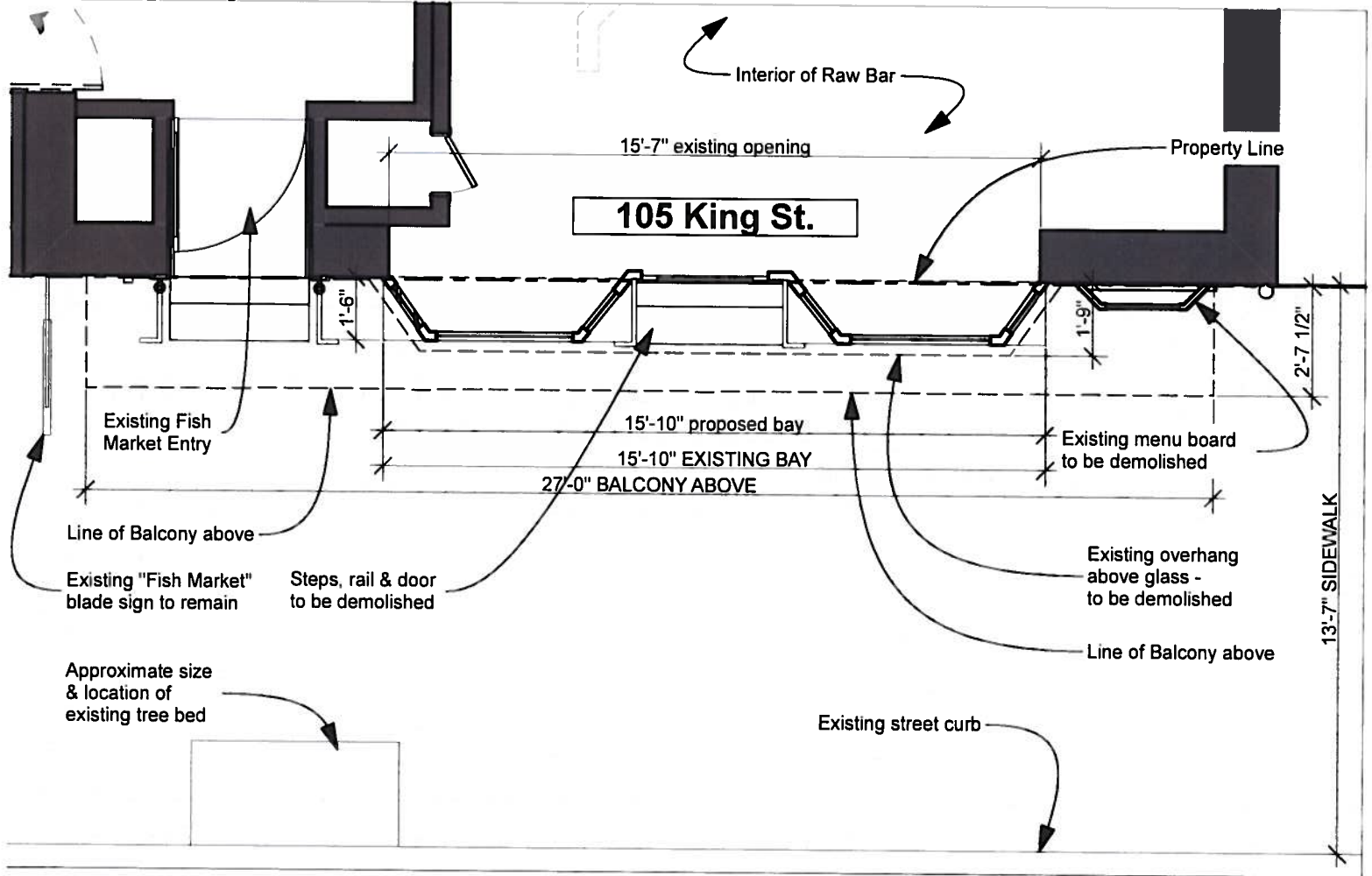
↓

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.

10-25-12 NOE LANDINI _____
Date Printed Name Signature

Existing Bay Plan - Scale: 1/4" = 1'-0"



RECEIVED
OCT 25 2012
PLANNING & ZONING

CORE

1010 wisconsin ave nw, suite 405
 washington, dc 20007
 t 202.466.6116 f 202.466.6235
 w coredc.com e gen@coredc.com

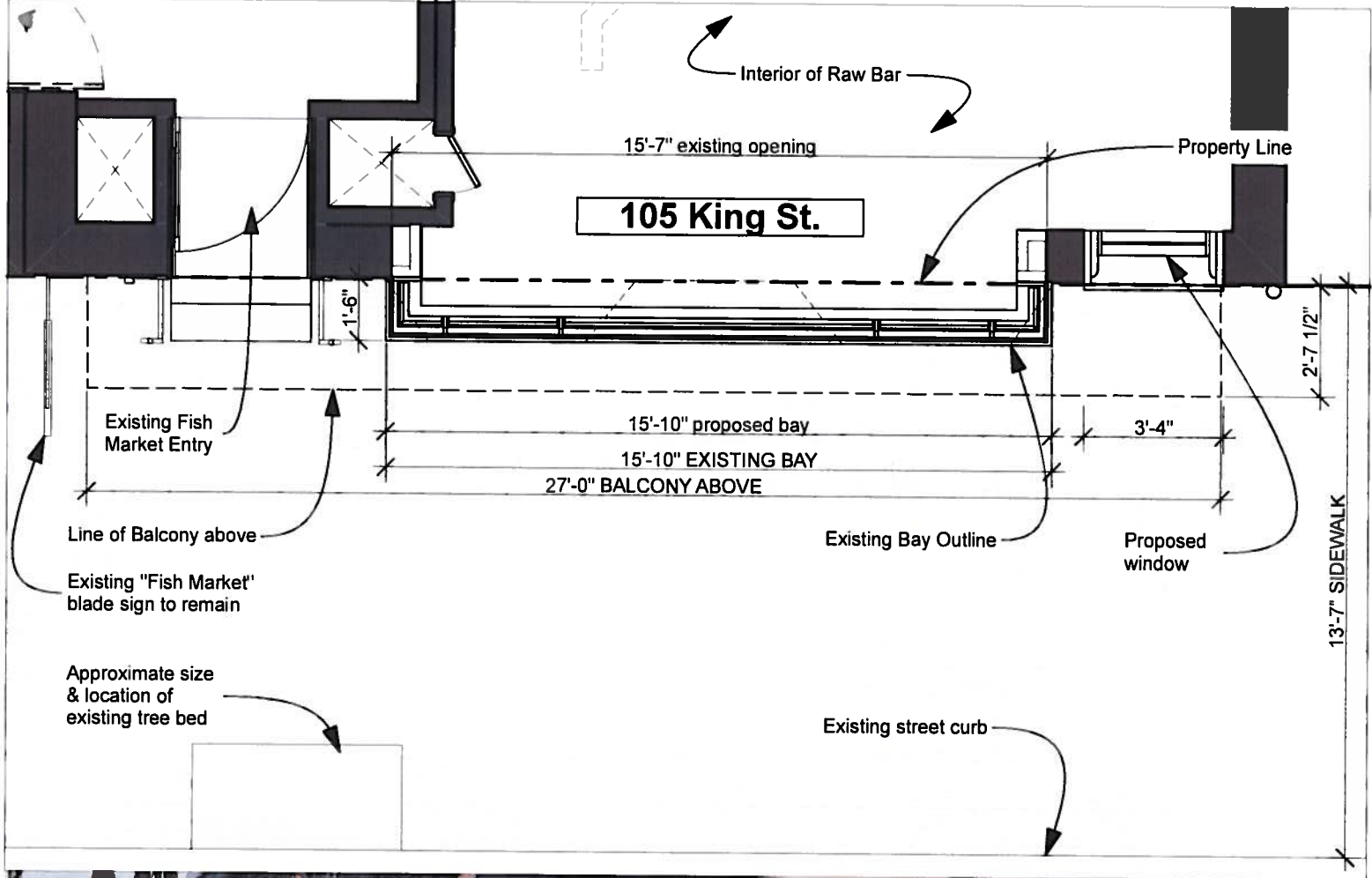
Fish Market
 Noe Landini

1

Project Number 12033.00
 Printed 10/24/12
 © core group, pc 2012

Existing Encroachment Area

Proposed Bay Plan - Scale: 1/4" = 1'-0"



CORE

1010 wisconsin ave nw, suite 405
 washington, dc 20007
 t 202.466.6116 f 202.466.6235
 w coredc.com e gen@coredc.com

Fish Market **2**
Noe Landini

Proposed Encroachment Area

Project Number 12033.00
 Printed 10/24/12
 © core group, pc 2012