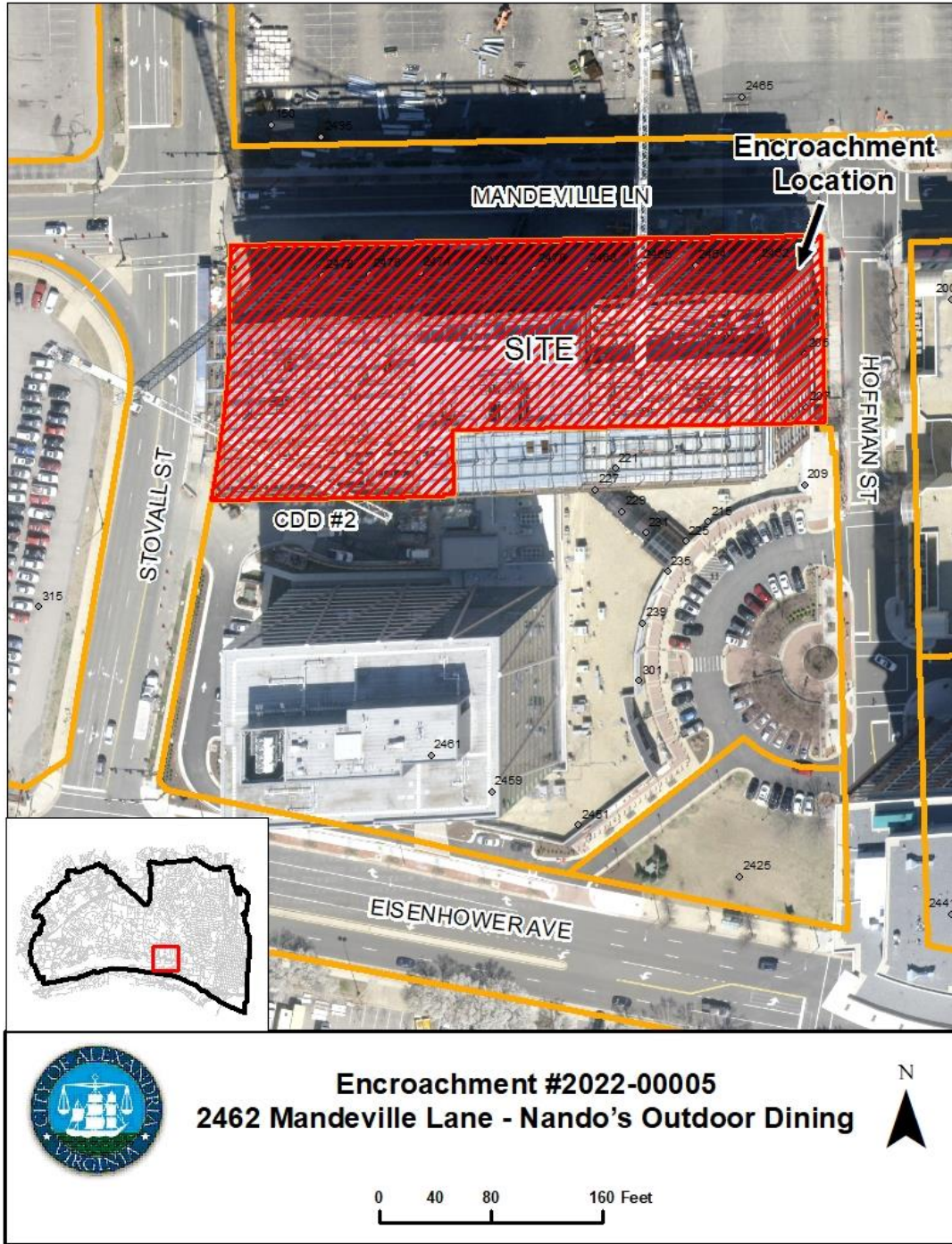




Encroachment #2022-00005
2462 Mandeville Lane – Nando’s Outdoor Dining
Encroachment

Application	General Data	
Request: Public Hearing and consideration of a request for an Encroachment of outdoor dining and related structures into the public right-of-way at 2462 Mandeville Lane	Planning Commission Hearing:	January 5, 2023
	City Council Hearing:	January 21, 2023
Address: 2462 Mandeville Lane	Zone:	CDD #2/Coordinated Development District #2
Applicant: Nando's Restaurant Group, Inc., represented by LJP Architects	Small Area Plan:	Eisenhower East
Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended conditions found in Section III of this report.		
Staff Reviewers: Anna Franco, Urban Planner III, anna.franco@alexandriava.gov Nathan Randall, Principal Planner, nathan.randall@alexandriava.gov Robert Kerns, AICP, Division Chief, robert.kerns@alexandriava.gov		
PLANNING COMMISSION ACTION, JANUARY 5, 2023: On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to recommend approval of Encroachment ENC #2022-00005. The motion carried on a vote of 7-0.		

PROJECT LOCATION MAP



I. DISCUSSION

The applicant, Nando's Restaurant Group, Inc., requests approval for a 505 square foot encroachment into the Mandeville Lane and Hoffman Street (previously Swamp Fox Road) public right-of-way to allow for an outdoor dining use (including tables, seating, pole mounted lighting, and non-permanent planters) in connection with an approved restaurant at 2462 Mandeville Lane.

SITE DESCRIPTION

The proposed encroachment is located in the sidewalk areas on Mandeville Lane and on Hoffman Street, at the northwest corner of the building at 2470 Mandeville Lane, now known as the Foundry. The Foundry is a 16-story building that was recently converted from offices to residential apartments and includes an apartment lobby and ground floor retail uses along Stovall Street, Mandeville Lane, and Hoffman Street. Current first floor retail uses include KinderCare and &Pizza with interior renovations underway for Nando’s Peri Peri restaurant, Bad Ass Coffee of Hawaii, a nail salon, a taco restaurant, and an eyewear store. The 1.5-acre subject property is bound by Stovall Street to the west, Mandeville Lane to the north, Hoffman Street to the east, and an office building on Block 6B to the south. The property is located just south of Hoffman Blocks 4 & 5, more commonly known as Carlyle Crossing, which contains Wegman’s grocery store.

BACKGROUND

The building on the subject property was constructed in 1969 and leased by the General Services Administration for most of its existence. In September 2017, City Council approved several land-use applications, including DSUP#2017-00015, to allow adaptive reuse of the existing office building. The project involved converting the primary building use from office to residential and allowing the addition of three residential floors atop of the existing building, new above-grade parking, rooftop amenity spaces, a re-skinning of the building façade, and approximately 36,475 square feet of ground floor retail. The building has been named the Foundry and leasing of the 582 apartment units began in 2020.

Nando's Peri-Peri received approval earlier this year to relocate to the approximately 2,600 square foot ground floor tenant space at the northwest corner of the Foundry (2462 Mandeville Lane) after closing its Old Town restaurant location at 702 King Street. Tenant fit-out for Nando’s is currently in progress and the restaurant is not yet open to the public.

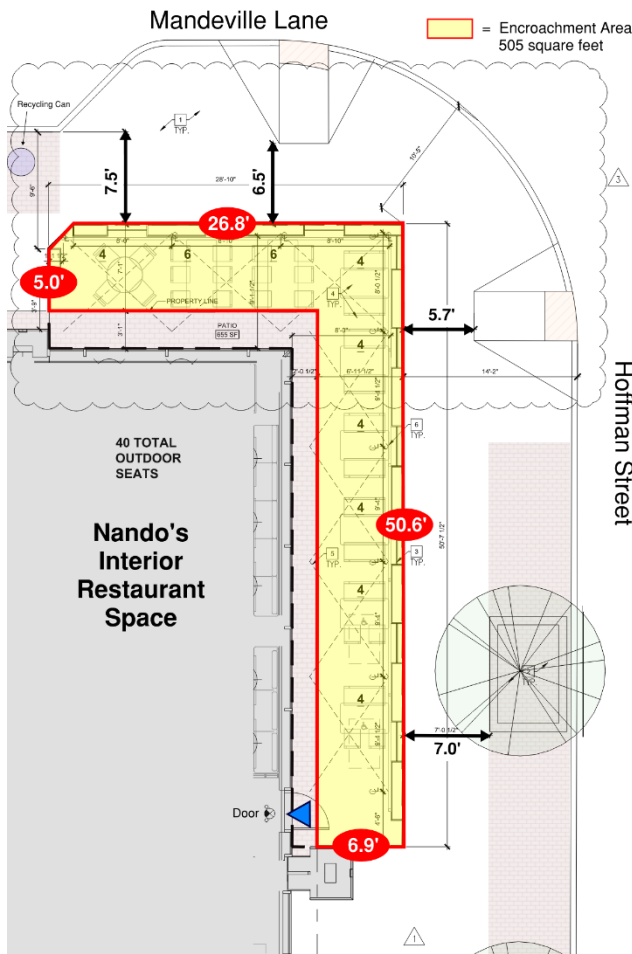
PROPOSAL

The applicant requests approval of an encroachment into the public right-of-way on Mandeville Lane and Hoffman Street to provide outdoor dining for Nando’s Peri Peri restaurant in the sidewalk areas adjacent to the building.

As shown in Figure 1 below, the 505 square foot encroachment is proposed in an L-shaped area in front of the approved Nando’s Peri Peri restaurant frontage at the northeast corner of the building along Hoffman Street and Mandeville Lane. The area is proposed to be delineated by non-permanent decorative planters connected by fabric barriers. The patio space would include 40 seats

2462 Mandeville Lane – Nando’s Outdoor Dining Encroachment

for outdoor dining associated with the restaurant as well as non-permanent steel posts for mounting outdoor string lighting.



The proposed encroachment covers 505 square feet of public right-of-way, while the total patio area is 610 total square feet as it includes 105 square feet of private property directly adjacent to the existing building. The encroachment has 28.08 feet of frontage on the south side of Mandeville Lane with a depth of 10.1 feet and 50.63 feet of frontage on the west side of Hoffman Street with a depth of 6.95 feet. The enclosed patio area will reduce the width of the sidewalk adjacent to the enclosure to about a 7-foot width on Hoffman Street and a 7.5-foot width on Mandeville Lane. The enclosure is 5.7 feet from the back of the ADA accessible ramp on Hoffman Street and 6.5 feet from the back of the ADA accessible ramp on Mandeville Lane.

An Administrative Special Use Permit is required for outdoor dining and is subject to the requirements of Zoning Ordinance Section 11-513(M)(3). As the applicant is proposing 40 seats or less, the Special Use Permit can be processed administratively. The Administrative Special Use Permit will be processed separately.

ZONING/MASTER PLAN DESIGNATION

The subject property is in CDD #2/Coordinated Development District #2. The Nando’s restaurant outdoor dining use is consistent with Eisenhower East Small Area Plan recommendation to activate street life and the public realm in areas designated as retail focus areas.

VALUE OF ENCROACHMENT

Section 3-2-85 of the City Code defines the annual charge for commercial encroachments to be the equivalent of what would be the real estate tax upon the land being encroached if it were owned by the owner of the encroaching property. The Department of Real Estate Assessments has valued the land rights area in question of \$59.17 per square-foot, a combined encroachment area of 505 square feet, and the 2022 tax rate of \$1.11/\$100 of assessed value, for an annual encroachment fee of **\$331.67**.

II. STAFF ANALYSIS

Staff supports the applicant’s request for encroachments into the public right-of-way for outdoor dining in association with the new Nando’s Peri Peri restaurant location. The proposed area of encroachment will allow for greater activation of the retail centric street corner in the Eisenhower East neighborhood and allow the newly relocated restaurant to provide additional seating (subject to approval of an Administrative Special Use Permit). Additionally, the areas of encroachment have been reviewed by City Departments to ensure the location of the easement does not pose an obstacle that would impede pedestrian circulation, does not negatively impact vehicle visibility or traffic, and does not impede existing utilities or easements.

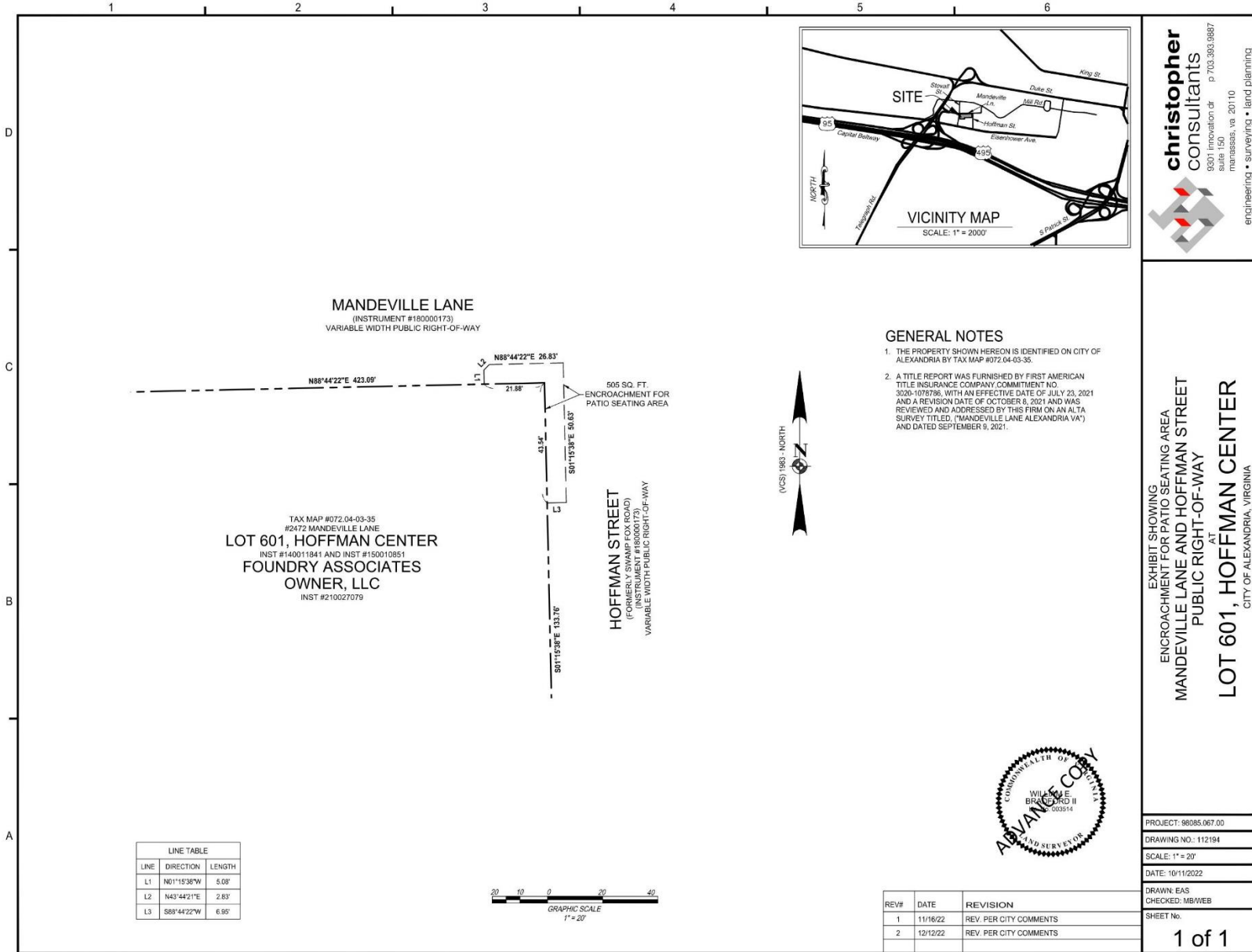
Subject to the conditions contained in Section III of this report, Staff recommends approval of this request.

III. RECOMMENDED CONDITIONS

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

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)
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 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)
4. The applicant shall bear all the cost associated with any future removal of the encroachments and shall repair/replace the sidewalk where the improvements were anchored into the concrete. (T&ES)
5. The applicant shall maintain the following minimum, unobstructed sidewalk widths:
 - a. Seven feet (7’) in between the proposed patio enclosure and the existing street tree wells on Hoffman Street; and
 - b. Five feet, six inches (5’ 6”) in between the proposed patio enclosure and the top of the existing ADA sidewalk ramp on Hoffman Street, and
 - c. Six feet, 6 inches (6’ 6”) in between the proposed patio enclosure and the top of the existing ADA sidewalk ramp on Mandeville Lane. (T&ES)

IV. ENCROACHMENT EXHIBIT





APPLICATION

ENCROACHMENT

PROPERTY LOCATION: 2470 Mandeville Lane Alexandria VA 22314

TAX MAP REFERENCE: 072.04-03-35 ZONE: CDD#2

APPLICANT

Name: Nando's Restaurant Group, Inc.

Address: 2470 Mandeville Lane Alexandria VA 22314

PROPERTY OWNER

Name: Foundry Associates Owner LLC

Address: 2 School Street Rye, NY 10580

PROPOSED USE: Restaurant Patio

INSURANCE CARRIER (copy attached) Crystal Insurance Group, Inc. POLICY # Q42-1551021

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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.
- 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.

David Djukic

 Print Name of Applicant or Agent
 9136 Mayfield Ave.

 Mailing/Street Address
 Oak Lawn, IL 60453

 City and State Zip Code

 Signature
 773.418.9920

 Telephone # Fax #
 dave@ljparchitects.com

 Email address
 7/1/22

 Date

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 three 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
Nando's Restaurant Group Foundry Associates Owner LLC	2470 Mandeville Lane Alexandria VA 22314	0%
Inc Foundry Associates Owner LLC		
Foundry Associates Owner LLC		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 2470 Mandeville Lane Alexandria VA 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three 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.} Foundry Associates Owner LLC	2 School Street Rye, NY 10580	100%
^{2.} Foundry Associates Owner LLC		
^{3.} Foundry Associates Owner LLC		

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 and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

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.} Foundry Associates Owner LLC	N/A	N/A
^{2.} Foundry Associates Owner LLC		
^{3.} Foundry Associates Owner LLC		

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.

7/1/22

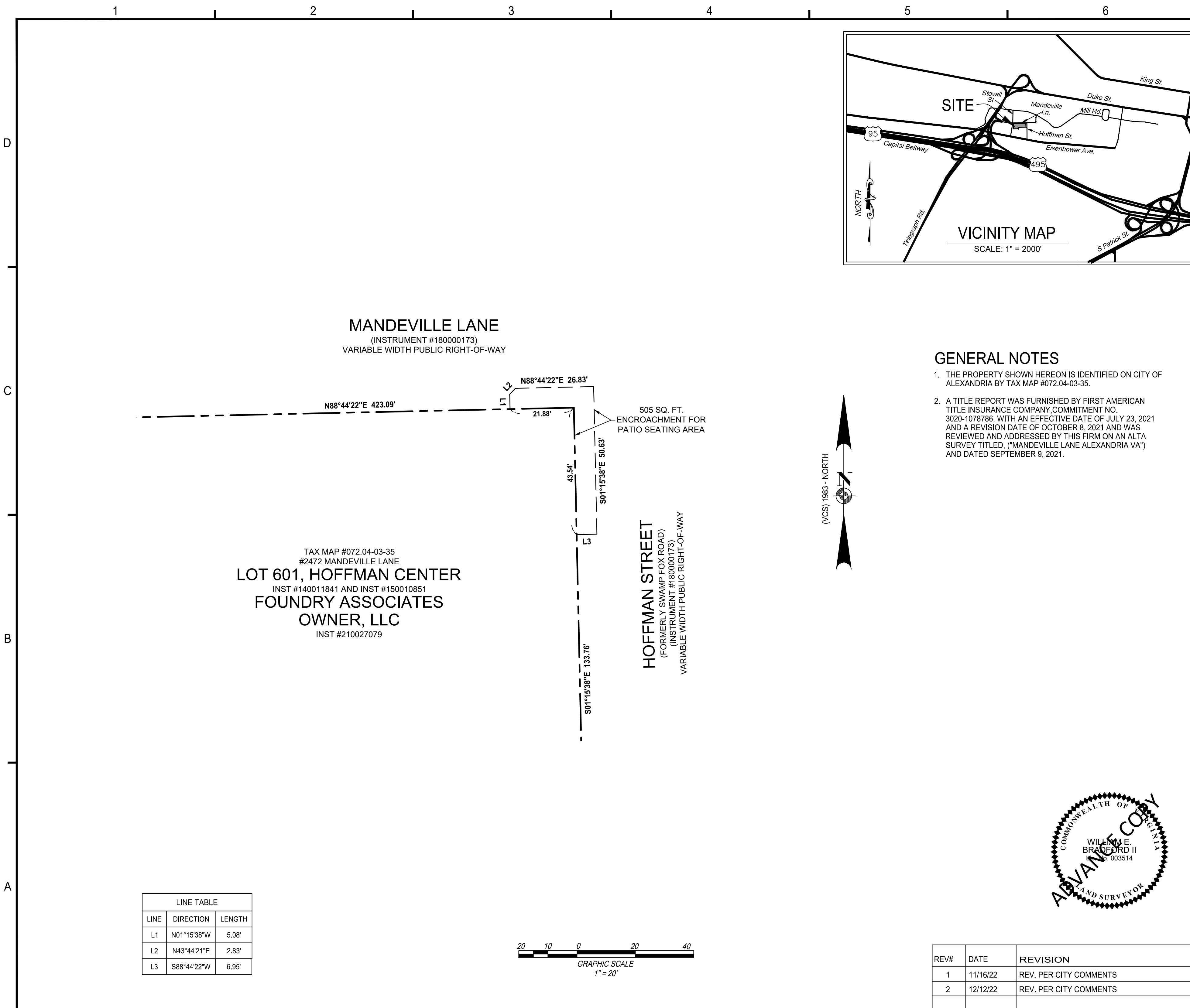
David Djukic

Date

Printed Name

Signature

P:\PWA\Projects\98085\06700\SURVEYS\Exhibits\Encroachment\112194.dwg, 12/13/2022 7:58:46 AM, williambradford, 1.1, christopher consultants, ltd



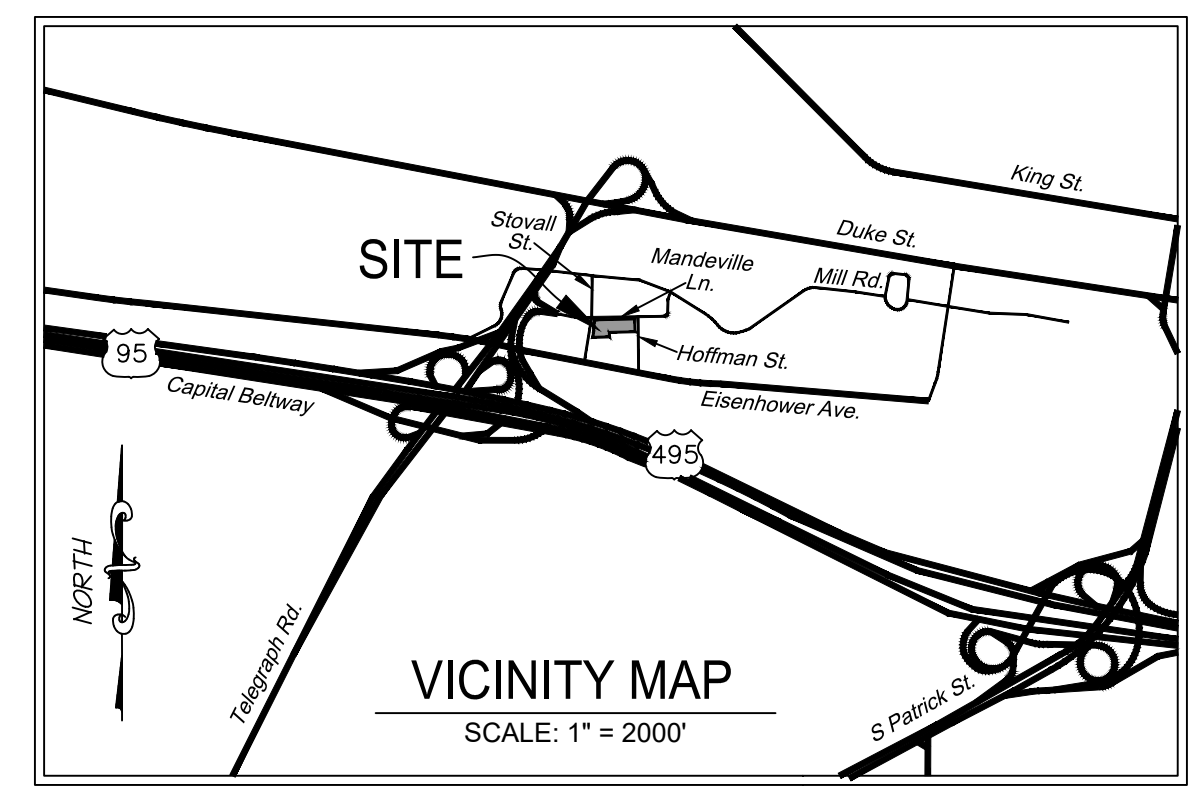
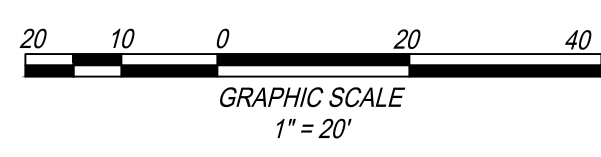
MANDEVILLE LANE
(INSTRUMENT #180000173)
VARIABLE WIDTH PUBLIC RIGHT-OF-WAY

TAX MAP #072.04-03-35
#2472 MANDEVILLE LANE
LOT 601, HOFFMAN CENTER
INST #140011841 AND INST #150010851
FOUNDRY ASSOCIATES
OWNER, LLC
INST #210027079

HOFFMAN STREET
(FORMERLY SWAMP FOX ROAD)
(INSTRUMENT #180000173)
VARIABLE WIDTH PUBLIC RIGHT-OF-WAY

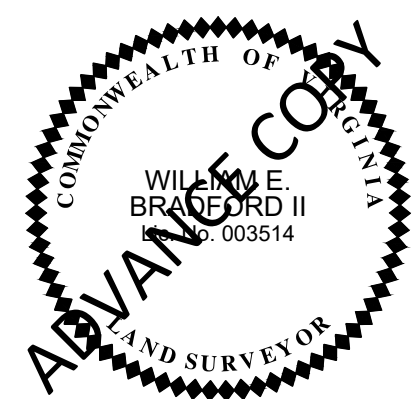
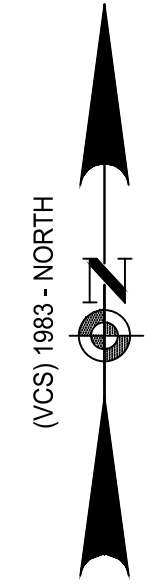
505 SQ. FT.
ENCROACHMENT FOR
PATIO SEATING AREA

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N01°15'38"W	5.08'
L2	N43°44'21"E	2.83'
L3	S88°44'22"W	6.95'



GENERAL NOTES

1. THE PROPERTY SHOWN HEREON IS IDENTIFIED ON CITY OF ALEXANDRIA BY TAX MAP #072.04-03-35.
2. A TITLE REPORT WAS FURNISHED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. 3020-1078786, WITH AN EFFECTIVE DATE OF JULY 23, 2021 AND A REVISION DATE OF OCTOBER 8, 2021 AND WAS REVIEWED AND ADDRESSED BY THIS FIRM ON AN ALTA SURVEY TITLED, ("MANDEVILLE LANE ALEXANDRIA VA") AND DATED SEPTEMBER 9, 2021.



REV#	DATE	REVISION
1	11/16/22	REV. PER CITY COMMENTS
2	12/12/22	REV. PER CITY COMMENTS

christopher consultants
9301 innovation dr p 703.393.9887
suite 150 manassas, va 20110
engineering • surveying • land planning

EXHIBIT SHOWING
ENCROACHMENT FOR PATIO SEATING AREA
MANDEVILLE LANE AND HOFFMAN STREET
PUBLIC RIGHT-OF-WAY
AT
LOT 601, HOFFMAN CENTER
CITY OF ALEXANDRIA, VIRGINIA

PROJECT: 98085.067.00
DRAWING NO.: 112194
SCALE: 1" = 20'
DATE: 10/11/2022
DRAWN: EAS CHECKED: MB/WEB
SHEET No. 1 of 1

Description of
**Encroachment for Patio Seating in
Mandeville Lane and Hoffman Street at
Lot 601, Hoffman Center**
City of Alexandria, Virginia
December 12, 2022

Beginning at a point at the intersection of the southerly right-of-way of Mandeville Lane and the westerly right-of-way of Hoffman Street;

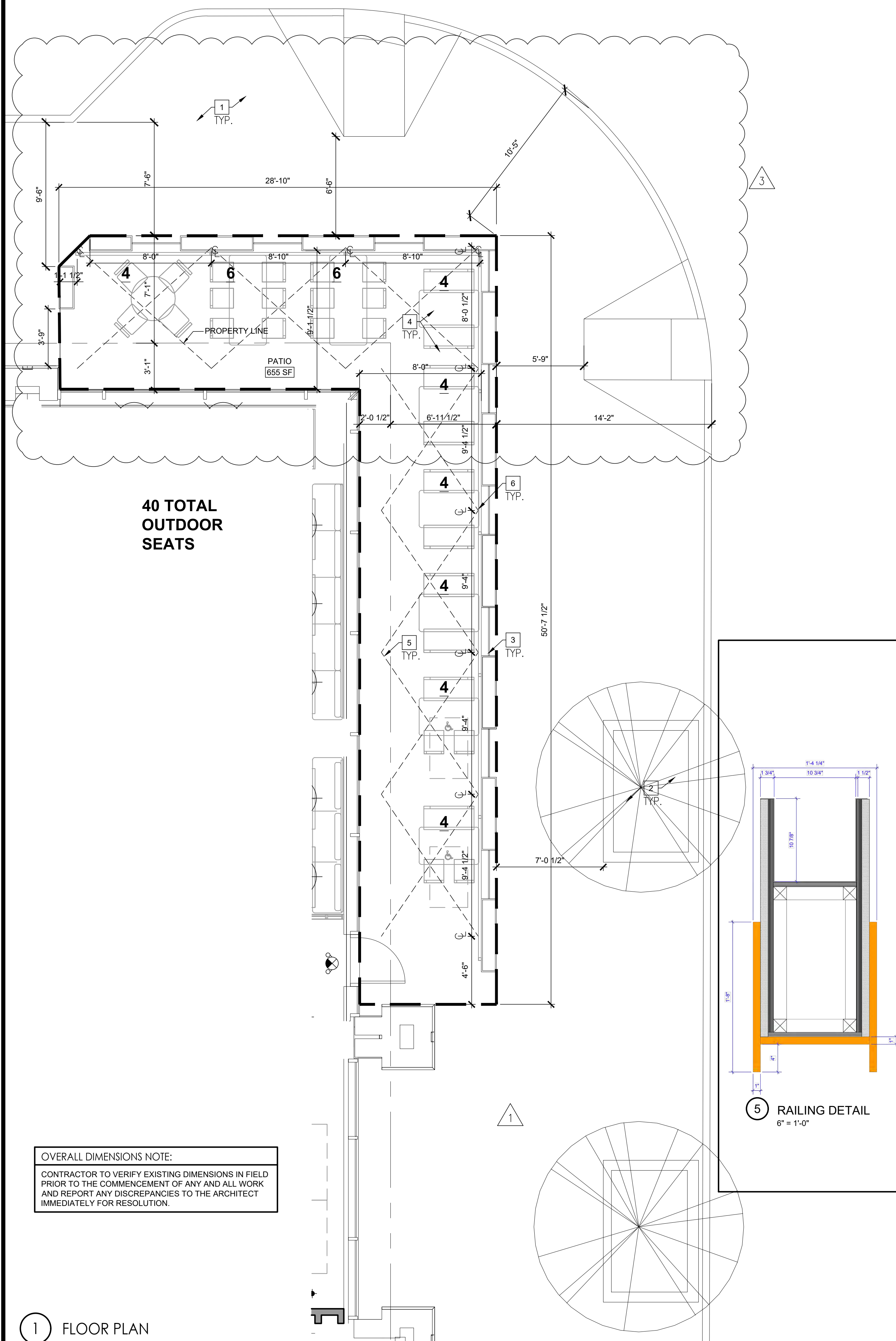
Thence, departing the westerly right-of-way of Hoffman Street and with the southerly right-of-way of Mandeville Lane S 88°44'22" W a distance of 21.88 feet;

Thence, departing the southerly right-of-way of Mandeville Lane and through the right-of way Mandeville Lane and Hoffman Street the following five (5) courses and distances:

1. N 01°15'38" W a distance of 5.08 feet to a point;
2. N 43°44'21" W a distance of 2.83 feet to a point;
3. N 88°44'22" E a distance of 26.83 feet to a point;
4. S 01°15'38" E a distance of 50.63 feet to a point;
5. S 88°44'22" E a distance of 6.95 feet to a point; said point being in the aforementioned westerly right-of-way of Hoffman Street;

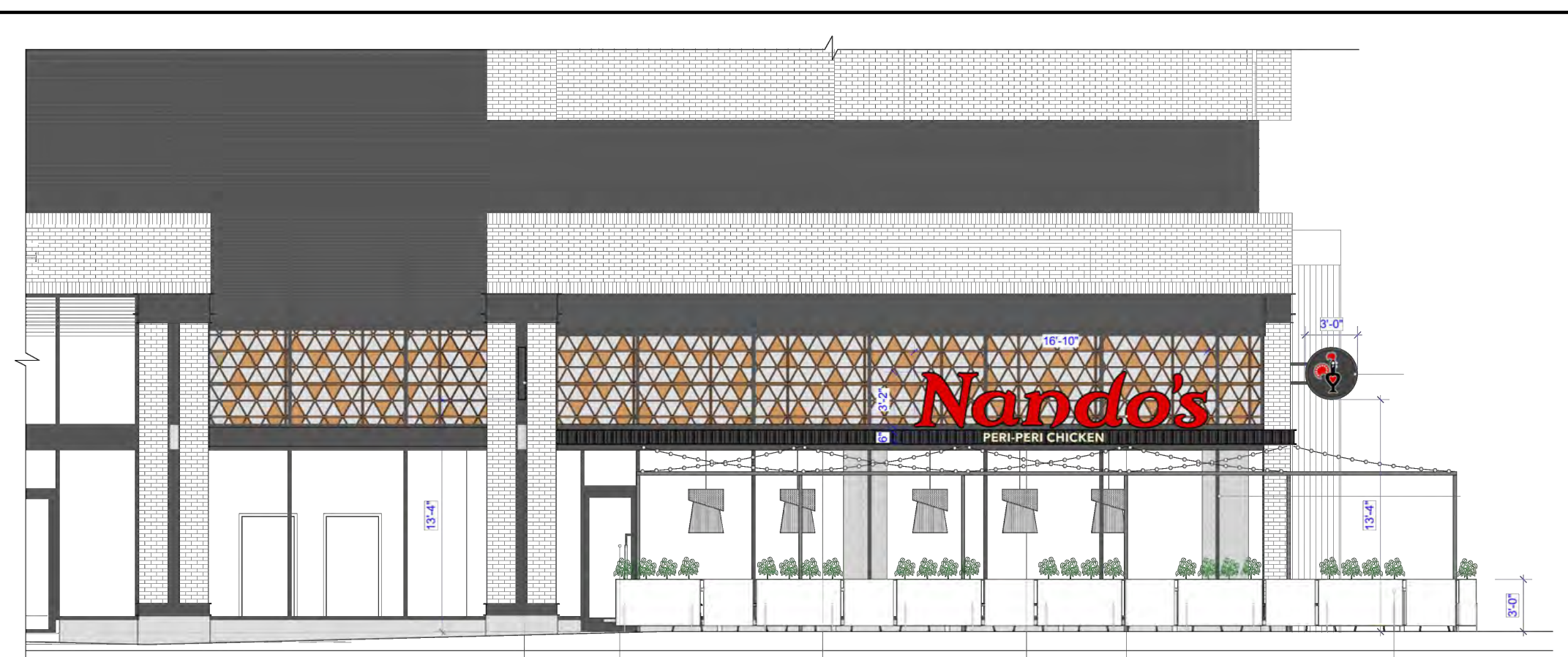
Thence with the westerly right-of-way of Hoffman Street N 01°15'38" W a distance of 43.54 feet to the point of beginning.

Containing an area of 505 square feet



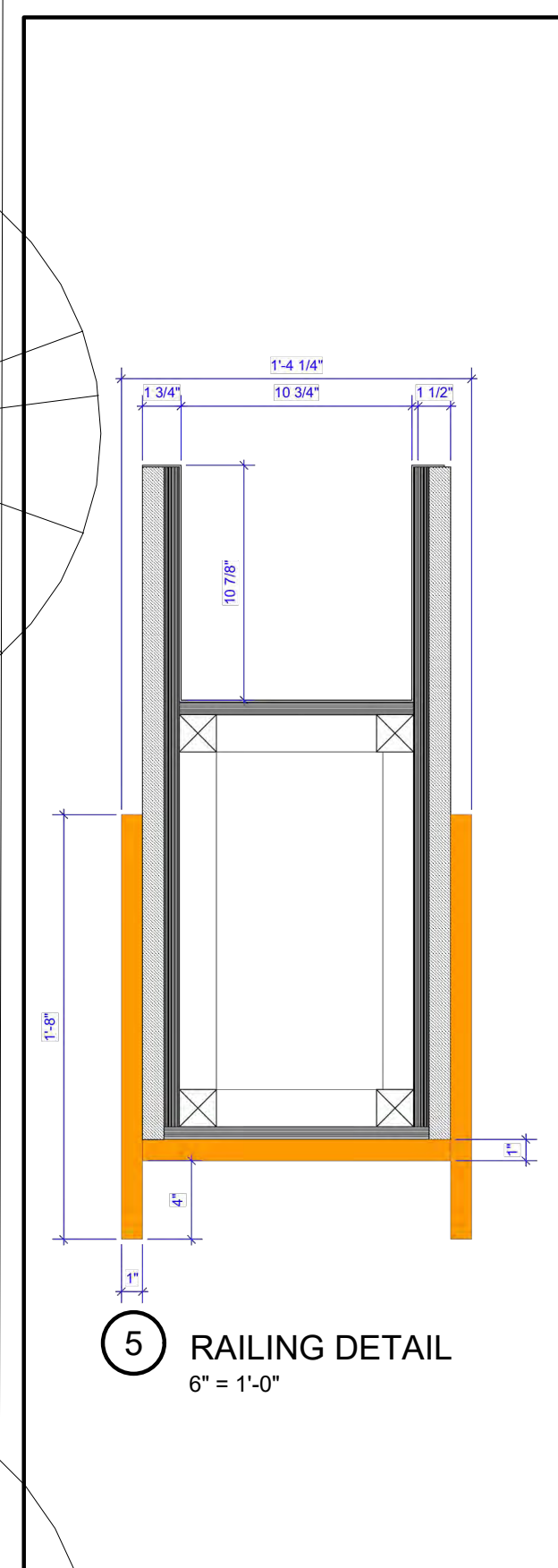
OVERALL DIMENSIONS NOTE:
 CONTRACTOR TO VERIFY EXISTING DIMENSIONS IN FIELD PRIOR TO THE COMMENCEMENT OF ANY AND ALL WORK AND REPORT ANY DISCREPANCIES TO THE ARCHITECT IMMEDIATELY FOR RESOLUTION.

1 FLOOR PLAN

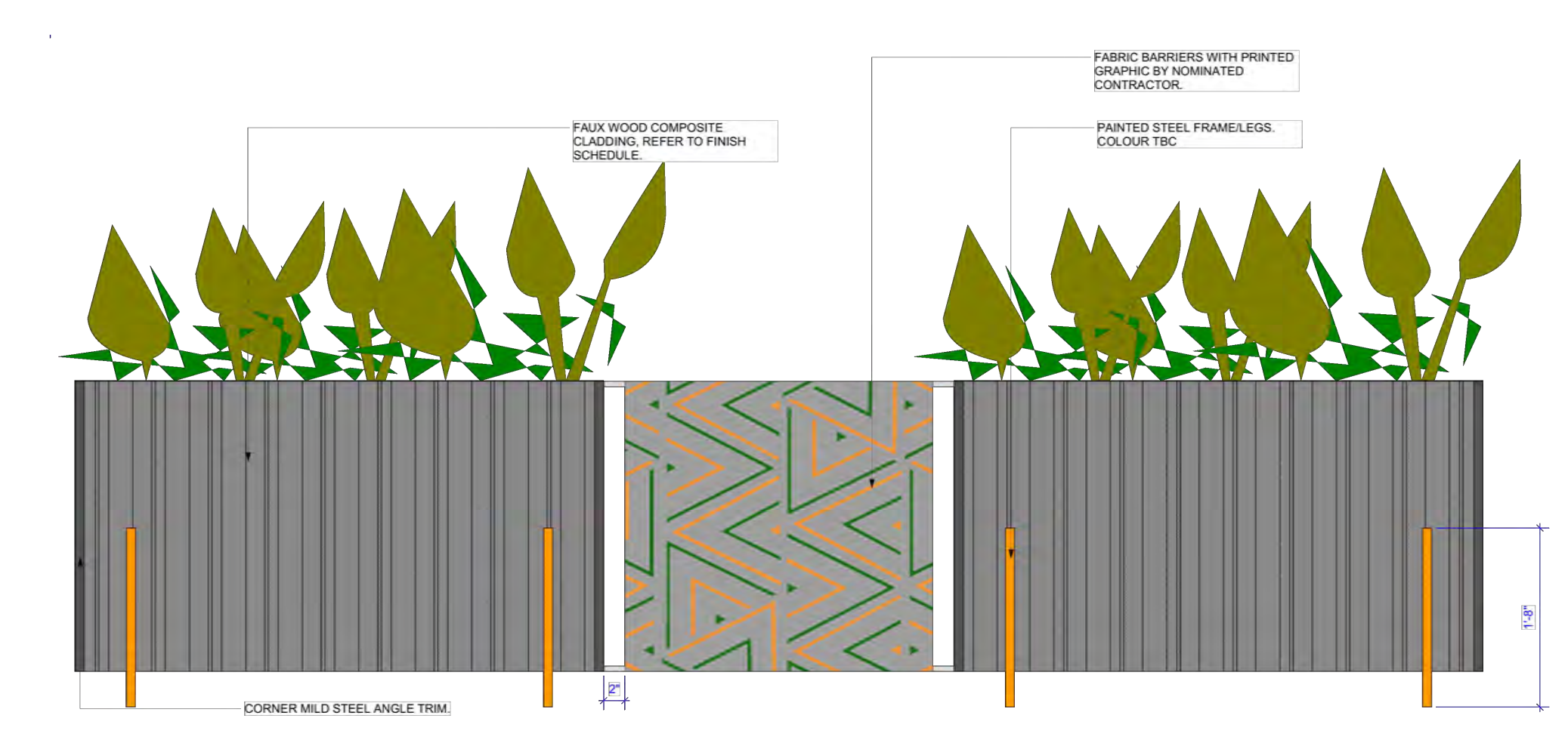


ELEVATION NOTE:
 ELEVATIONS TO SHOW GRAPHICAL INTENT ONLY. EXTERIOR SIGNS TO BE UNDER SEPARATE PERMIT

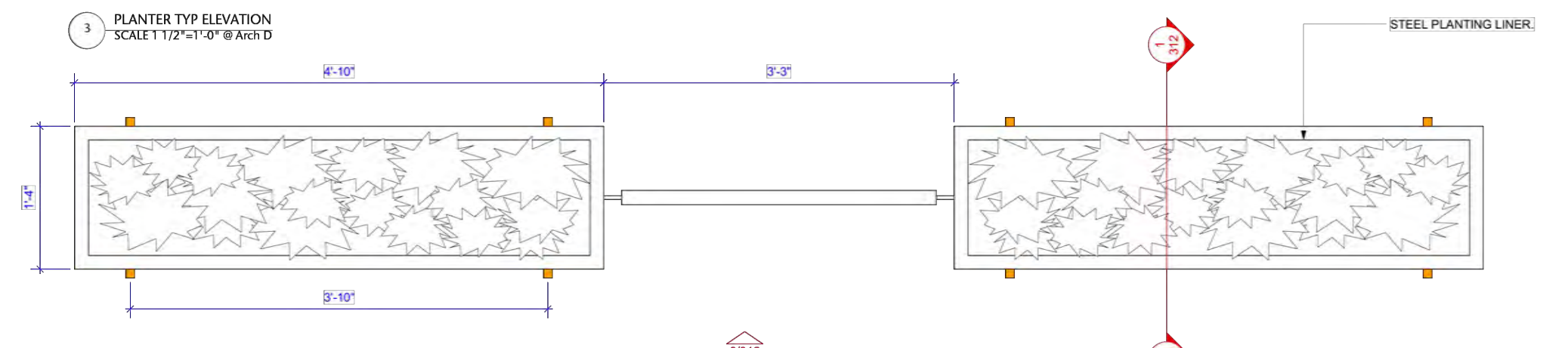
4 EXTERIOR ELEVATIONS
 N.T.S.



5 RAILING DETAIL
 6" = 1'-0"



3 PLANTER TYP ELEVATION
 SCALE: 1/2"=1'-0" @ A611.0

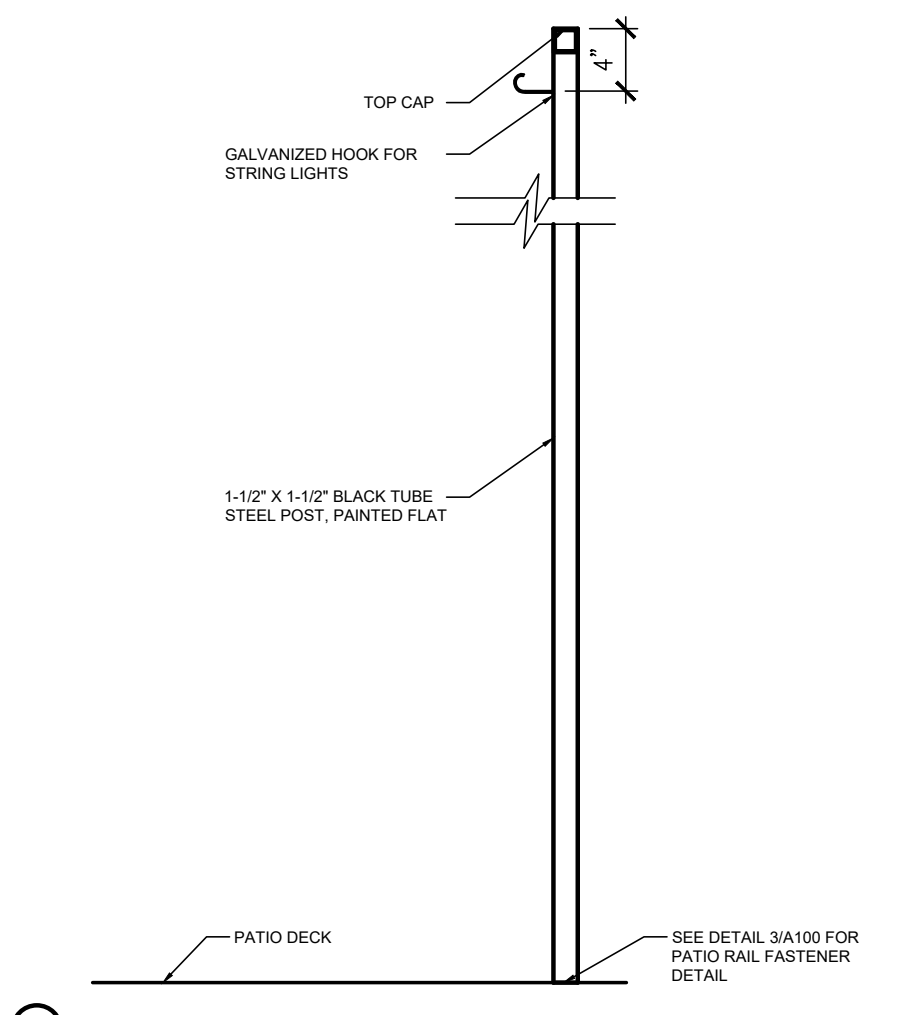


2 PLANTER PLAN VIEW
 SCALE: 1/2"=1'-0" @ A611.0

6 RAILING DETAIL
 6" = 1'-0"

CONSTRUCTION PLAN KEY NOTES:

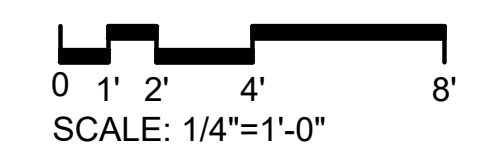
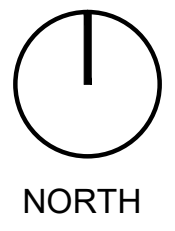
- 1 EXISTING SIDEWALK AND CURBING TO REMAIN
- 2 EXISTING PLANTER BOX TO REMAIN
- 3 NEW RAILING BY OWNER
- 4 NEW OUTDOOR FURNITURE BY OWNER
- 5 NEW PATIO STRING LIGHT BY OWNER'S VENDOR
- 6 NEW SURFACE MOUNTED STEEL POST AND FRAMING TO SUPPORT STRING LIGHTS



2 GUARD RAIL DETAIL
 1" = 1'-0"

GENERAL PLAN NOTES:

- 1. DIMENSIONS ARE FROM THE FACE OF FINISH UNLESS NOTED OTHERWISE.
- 2. SEE SCHEDULE FOR FINISHES, EQUIPMENT AND FURNITURE INFORMATION. COORDINATE WITH OWNER'S DESIGN PACKET AND VENDOR
- 3. FOLLOW ADA STANDARDS FOR FURNITURE INSTALL.
- 4. PLANTERS ARE TO BE PROVIDED AND INSTALLED BY GENERAL CONTRACTOR
- 5. PLANTS WILL BE PROVIDED BY OWNER
- 6. ALL RAILINGS, GATES AND POST TO BE FABRICATED AND INSTALLED BY GENERAL CONTRACTOR PER OWNER'S DESIGN INTENT
- 7. STRING LIGHT TO BE SUPPLIED BY OWNER AND INSTALLED BY GENERAL CONTRACTOR
- 8. ALL FURNITURE TO BE SUPPLIED BY OWNER AND INSTALLED BY GENERAL CONTRACTOR
- 9. SUSPENDED PATIO HEATER TO BE FURNISHED AND INSTALLED BY OWNER
- 10. PATIO ENCLOSURE TO BE A YEAR-ROUND INSTALLATION BUT NOT PERMANENT
- 11. NO FURNISHINGS - SEATING, FENCING, PLANTERS, OR OTHER ITEMS - LOCATED IN THE PUBLIC RIGHT-OF-WAY WILL BE PERMANENT IN DURATION. ALL ITEMS CAN BE EASILY DISASSEMBLED AND REMOVED. NO ITEMS WILL BE PERMANENTLY ATTACHED TO ANYTHING IN THE PUBLIC RIGHT-OF-WAY.
- 12. CITY MAY TAKE BACK THE USE OF THE PUBLIC RIGHT-OF-WAY WITH 60-DAYS NOTICE



LJP ARCHITECTS PC
 9136 MAYFIELD AVE
 OAK LAWN, IL 60453
 708.217.2152
 WWW.LJPARCHITECTS.COM

This drawing is provided for information purposes only. Any republication or reuse of this information in any form is the sole responsibility of the Architect, Engineer, or other entity making use of this information. The entity using the information contained herein takes full responsibility for verifying the adequacy and accuracy of this information.

NANDO'S PERI-PERI CHICKEN - PATIO
 2462 MANDEVILLE LN,
 ALEXANDRIA, VA 22332

4	REVISION 3	12.07.22
3	REVISION 2	11.16.22
2	REVISION 1	10.13.22
1	ISSUE FOR PERMIT	07.01.22

PROJECT NO.	2021.0005
DATE	06.29.22
SHEET	

A100
 FLOOR PLAN

DRAWN BY	DD
CHECKED BY	BP

THESE DRAWINGS AND SPECIFICATIONS ARE COPYRIGHTED AND SUBJECT TO COPYRIGHT PROTECTION AS AN ARCHITECTURAL WORK UNDER SECTION 1702 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED JANUARY 2016. THE PROTECTION INCLUDES, WITHOUT LIMITATION, THE OVERALL FORM, ARRANGEMENT AND COMPOSITION OF SPACES, AND ELEMENTS OF DESIGN, UNDER SUCH PROTECTION, UNAUTHORIZED USE OF THESE DRAWINGS AND SPECIFICATIONS MAY RESULT IN CESSION OF CONSTRUCTION, BUILDING SEIZURE, AND/OR MONETARY LIABILITY.