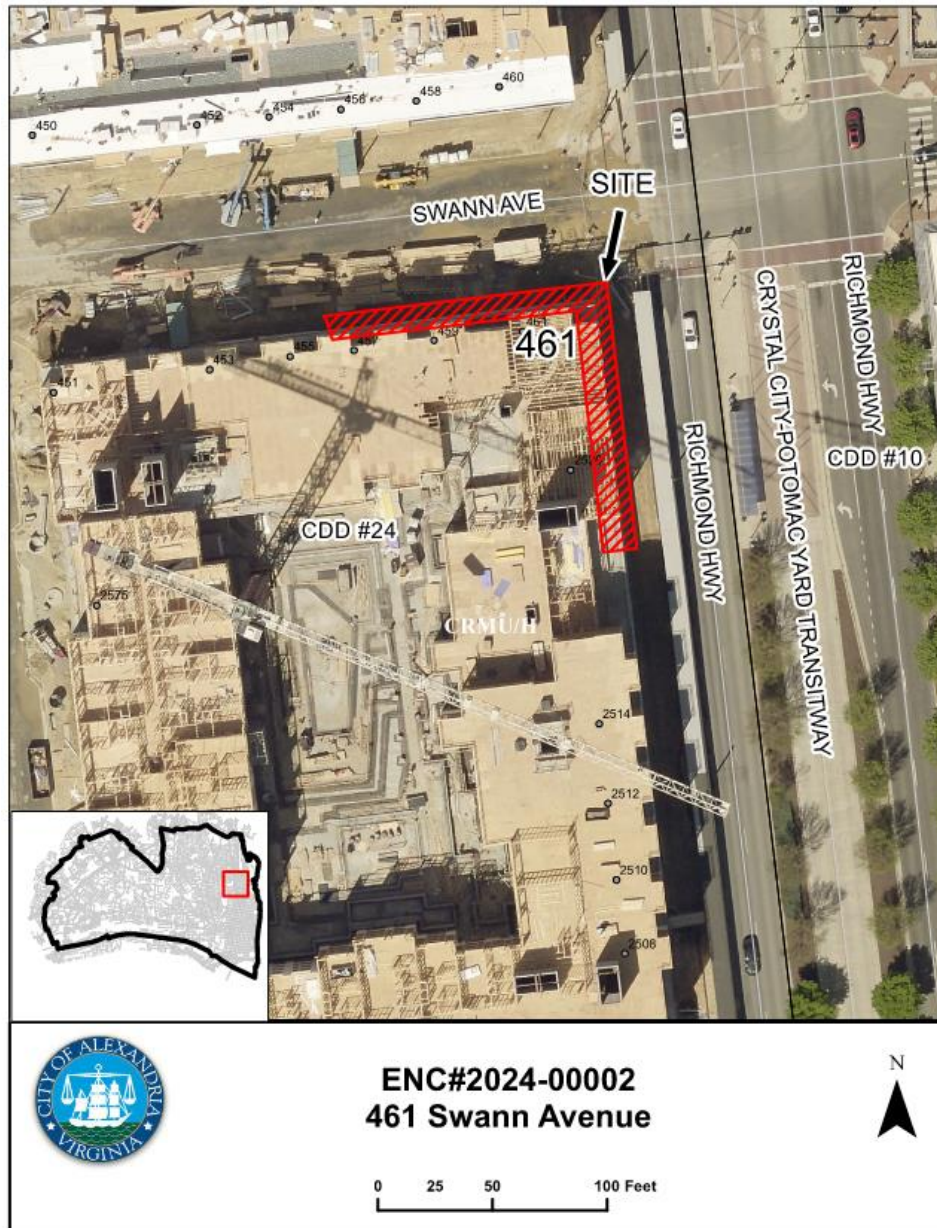




Docket Item #
Encroachment #2024-00002
461 Swann Avenue – Founding Farmers Outdoor Dining
Encroachment

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 461 Swann Avenue	Planning Commission Hearing:	September 5, 2024
	City Council Hearing:	September 14, 2024
Address: 461 Swann Avenue	Zone:	CDD #24/Coordinated Development District #24
Applicant: OT Block A1 Sub, LLC	Small Area Plan:	Potomac West / Oakville Triangle & Route 1 Corridor Plan
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: Brian Dofflemyer, PE, Division Chief, brian.dofflemyer@alexandriava.gov Julian Swierczek, Urban Planner, julian.swierczek@alexandriava.gov Nathan Imm, Principal Planner, nathan.imm@alexandriava.gov Robert Kerns, AICP, Division Chief, robert.kerns@alexandriava.gov		
<u>PLANNING COMMISSION ACTION, SEPTEMBER 5, 2024:</u> On a motion by Commissioner McMahon, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Encroachment #2024-00002 as an item of consent, as submitted. The motion carried on a vote of 7 to 0.		
<u>Reason:</u> The Planning Commission agreed with the staff analysis.		

PROJECT LOCATION MAP



I. DISCUSSION

The applicant, OT Block A1 Sub, LLC, requests approval for a 1,651 square foot encroachment into the Swann Avenue and Richmond Highway right-of-way to allow for an outdoor dining use, including an enclosed pergola structure, revolving door, and other outdoor dining furnishings (including tables, seating, lighting, and non-permanent planters) in connection with an approved restaurant at 461 Swann Avenue.

SITE DESCRIPTION

The proposed encroachment is located in the area adjacent to the sidewalk along Swann Avenue and Richmond Highway that has been designated as the “Retail Area” in previous plans, on the northeastern corner of the building at 461 Swann Avenue. This building is now branded as the “Raeburn,” and is a 7-story building that is nearing

completion with ground-floor retail along Swann Avenue and Richmond Highway and residential apartments above, with an entry on Swann Avenue to the apartment lobby in the northwestern corner of the building. Adjoining the building directly to the south is the new Inova Hospital building. Additional planned first floor retail uses will complete the Richmond Highway façade between Founding Farmers and the Inova Hospital. The 1.95-acre subject property is bound by Oakville Street to the west, Swann Avenue to the north, Route 1 (Richmond Highway) to the east, and the Inova Hospital building to the south, with the south end of the block bordered by Fannon Street. The property is located in the center of Oakville Triangle and the restaurant will have direct visibility from Route 1, particularly from southbound traffic.

BACKGROUND

The building on the subject property was approved as DSUP2020-10028 in January 23, of 2021 as Block A1, a part of the planned Oakville Triangle development by Stonebridge. The project replaced a collection of warehouse self-storage and auto repair shops with a mixed used building including the upper levels of multi-family development containing 324 units of residential apartments, and approximately 40,000 square feet of ground floor retail. The building has been named the Raeburn and is finishing construction and beginning leasing of units in the coming months.

Founding Farmers is currently in progress with the tenant fit-out for the corner retail space of the building, approximately 9,190 square feet, and is not yet open to the public.

PROPOSAL

The applicant requests approval of an encroachment into the public right-of-way on Swann Avenue and Richmond Highway to provide outdoor dining for Founding Farmers restaurant in the sidewalk areas adjacent to the building.

As shown in Figure 1 below, the 1,651 square foot encroachment is proposed as a continuous narrow band along the majority of the restaurant frontage at the northeast corner of the building along Swann Avenue and Richmond Highway. The area is proposed to be delineated by fencing and decorative planters and a permanent pergola to provide for all-weather seating. The covered outdoor seating area would include 72 seats for outdoor dining associated with the restaurant. Also included in the encroachment area will be the revolving door that serves as an entrance to the restaurant.



The proposed encroachment covers 1,651 square feet of public right-of-way. The total outdoor eating area will be slightly larger due to variations in the building façade, however the Right of Way (ROW) line effectively abuts the building face. The encroachment has 113.87 feet of frontage on the south side of Swann Avenue with a depth of 7.5 feet and 92.07 feet of frontage on the west side of Richmond Highway with a depth of 8.0 feet. With the landscaped areas between the sidewalk on both Swann Avenue and Richmond Highway, the enclosed seating area will reduce the width of the sidewalk adjacent to the enclosure to about a 6-foot width on Swann Avenue and a 6-foot width on Richmond Highway. The enclosure is 6.0 feet from the back of the ADA accessible ramp on Swann Avenue and 8.0 feet from the back of the ADA accessible ramp on Richmond Highway.

As noted, the applicant is proposing to construct a pergola structure to accommodate 72 outdoor seats within the right-of-way. A Right of Way– Administrative Encroachment Permit is required through Transportation & Environmental Services (T&ES) to allow the outdoor dining, subject to the requirements of City Code Section 5-2-29. The right-of-way permit is processed administratively as a separate application.

ZONING/MASTER PLAN DESIGNATION

The subject property is in Coordinated Development District (CDD)#24 – Oakville Triangle. The Founding Farmers restaurant outdoor dining use is consistent with the Oakville Triangle Route 1 Corridor Plan recommendations to activate street life and the public realm. The Oakville Triangle Route 1 Corridor Plan specifically designates the section of the building fronting on Swann Avenue as “Primary Retail”, which is further defined as restaurant and shopping establishments. Per the Streets section of the Corridor Plan, Swann Avenue is envisioned with a streetscape specifically designed to accommodate retail and restaurants. The Potomac West Small Area Plan / Corridor Plan was further amended through MPA202-00003 and CDD2020-00003 to accommodate the proposed uses associated with the Inova and Stonebridge development for these blocks.

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 assessed the land component of the adjacent property at \$75.00 per the Floor Area Ratio (FAR) and the encroachment contains 1,651 square feet. Using the per FAR rate as the most appropriate measure, the size of the encroachment, and the 2024 tax rate of \$1.135/\$100 of assessed value, the indicated **annual fee for the encroachment is \$1,405, or \$1,400 (rounded)**

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 Founding Farmers restaurant location. The proposed area of encroachment will allow for greater activation of the retail centric street corner in the Oakville Triangle neighborhood and allow the new

restaurant to provide additional seating (subject to approval of a separate Right of Way– Administrative Encroachment Permit through Transportation & Environmental Services (T&ES)). Additionally, the areas of encroachment have been reviewed by City Departments to ensure the location 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.

Staff finds the proposed area of encroachment to be largely in keeping with other recent encroachments in the City approved as associated with outdoor dining. The depth of the proposed encroachment (7'6" along Swann Avenue frontage; 8' along the Richmond Highway frontage) are of an appropriate depth to allow for outdoor seating, with the associated 72 outdoor dining seats being proportional to overall restaurant seating. The proposed development associated with the encroachment is also in keeping with the goals of the Oakville Triangle & Route 1 Corridor Vision Plan, as well as Coordinated Development District #24.

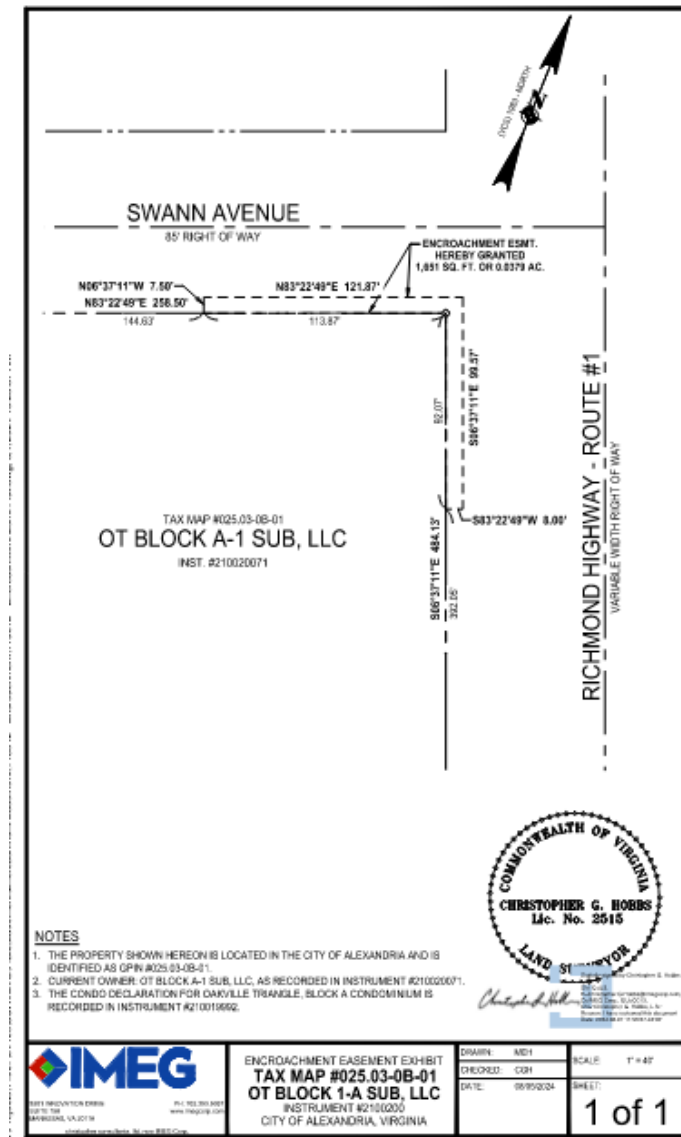
Subject to the conditions contained in Section III of this report, Staff recommends approval of this request.

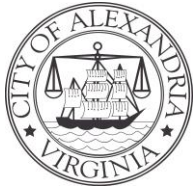
III. RECOMMENDED CONDITIONS

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

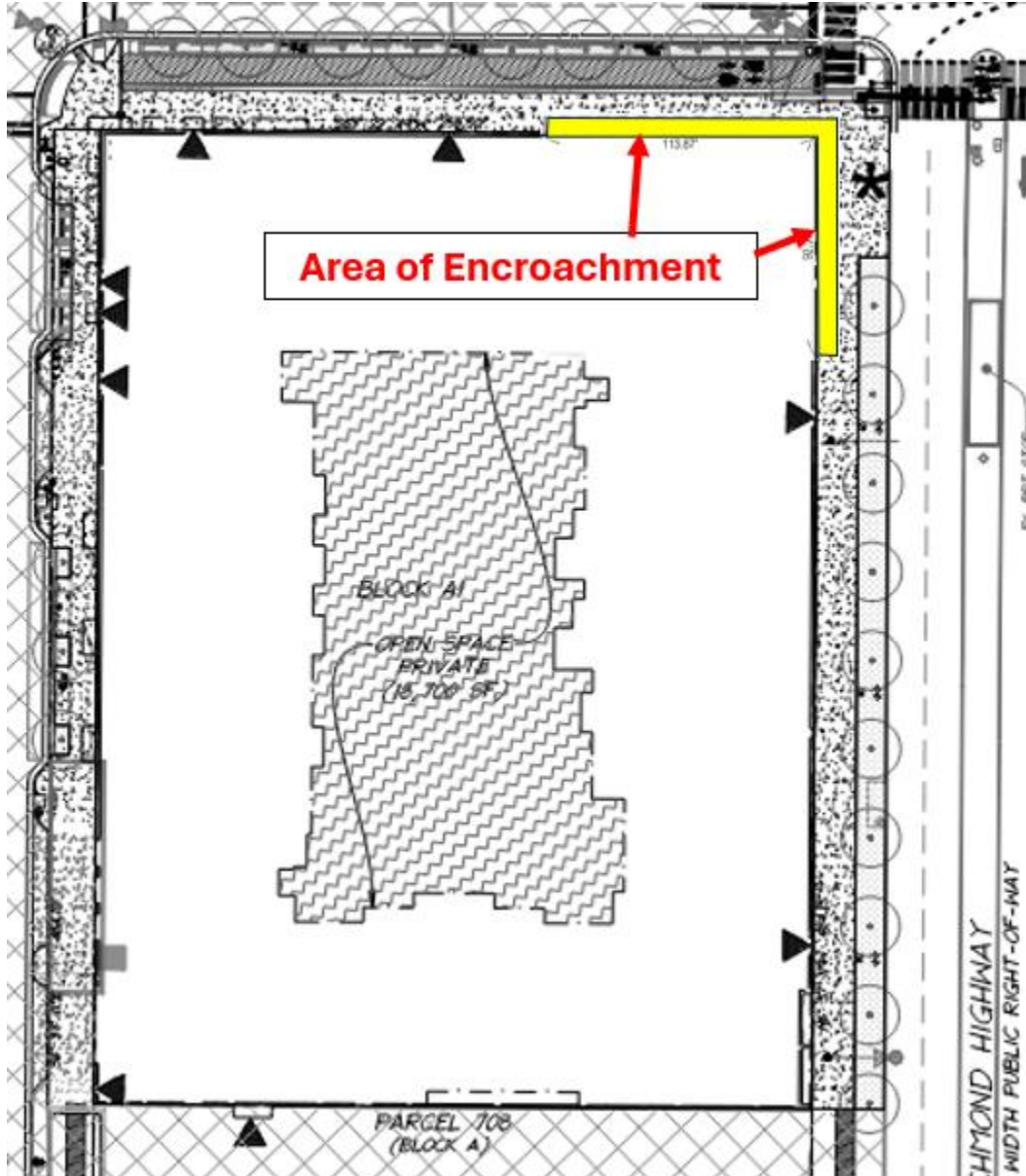
1. The owner shall obtain and maintain an encroachment permit and policy of general liability insurance in compliance with the permit requirements in [§ 5-2-29\(a\)\(3\)](#). Follow the link for details. **(T&ES)**
2. Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance, or replacement of any utilities that may exist within the area of the proposed encroachment. **(T&ES)**
3. If the City in the future needs the encroachment area, then 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 is responsible for replacement and repairs to adjacent public right-of-way, including any areas damaged during construction of the encroaching element. **(T&ES)**
5. Within the encroachment areas identified in the metes and bounds exhibit, the applicant may not erect any additional equipment or structures or enlarge or intensify any existing equipment or structures shall without prior approval of the Directors of P&Z and T&ES. No administrative changes may be made after approval of the encroachment ordinance. **(P&Z)**
6. The applicant shall bear all costs associated with the removal of any infrastructure installed within the encroachment. **(T&ES)**
7. The proposed encroachment must comply with DSUP2020-10028. (Zoning)

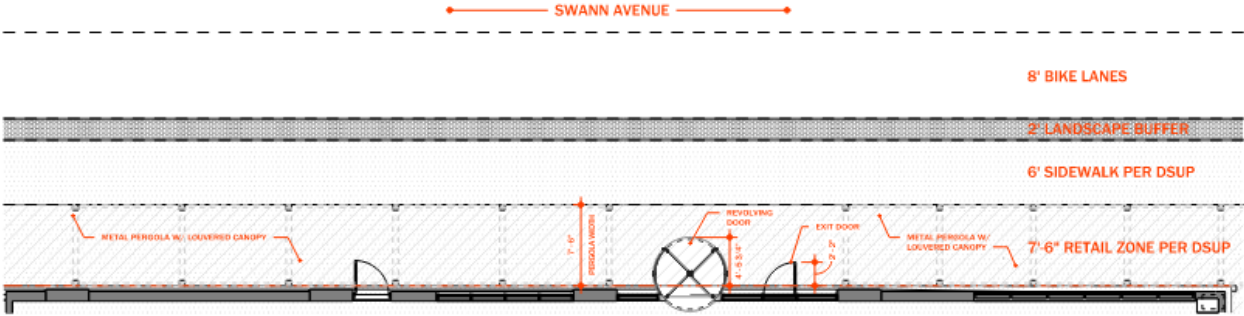
IV. ENCROACHMENT EXHIBIT



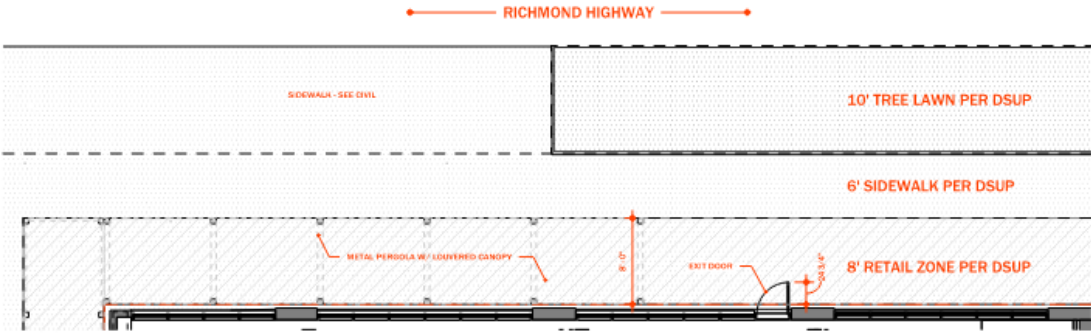


Docket Item #
Encroachment #2024-00002
461 Swann Avenue – Founding Farmers Outdoor Dining
Encroachment





② Swann Avenue - Projections @ Retail Zone
SCALE: 1/8" = 1'-0"



① Richmond Highway - Projections @ Retail Zone
SCALE: 1/8" = 1'-0"



APPLICATION

ENCROACHMENT

PROPERTY LOCATION: 461 Swann Ave, Alexandria VA 22301

TAX MAP REFERENCE: 60040700 ZONE: CDD #24

APPLICANT

Name: OT Block A1 Sub, LLC

Address: 7373 Wisconsin Ave, Suite 700, Bethesda MD 20814

PROPERTY OWNER

Name: OT Block A1 Sub, LLC

Address: 7373 Wisconsin Ave, Suite 700, Bethesda MD 20814

PROPOSED USE: This encroachment request is for outdoor restaurant seating and a revolving entry door on Swann Ave/Route 1 for retail tenant Founding Farmers. This is placed within the "retail zone" allocated in DSUP2020-10028.

INSURANCE CARRIER (copy attached) American Casualty Company POLICY # 6076141533

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.

OT Block A1 Sub, LLC

Print Name of Applicant or Agent

7373 Wisconsin Ave, Suite 700

Mailing/Street Address

Bethesda, MD 20814

City and State

Zip Code

Signature

301.913.9610

Telephone #

Fax #

hackel@stonebridge.us.com

Email address

4/28/2024

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
1. OT Block A1 Sub, LLC	7373 Wisconsin Ave, Suite 700, Bethesda MD 20814	0%
2. Oakville Triangle Owner, LLC	7373 Wisconsin Ave, Suite 700, Bethesda MD 20814	100%
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 461 Swann Avenue, Alexandria, VA 22301 (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. OT Block A1 Sub, LLC	7373 Wisconsin Ave, Suite 700, Bethesda MD 20814	0%
2. Oakville Triangle Owner, LLC	7373 Wisconsin Ave, Suite 700, Bethesda MD 20814	100%
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 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. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate 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. OT Block A1 Sub, LLC	None	None
2. Oakville Triangle Owner, LLC	None	None
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.

4/28/2024
Date

Douglas M. Firstenberg
Printed Name

Douglas M. Firstenberg
Signature

INSTRUCTIONS ENCROACHMENT INTO RIGHT-OF-WAY APPLICATION

An encroachment is the projection of a building, structure, stoop, step, or other improvement beyond a property line into a public right-of-way such as a sidewalk, street or alley. The encroachment must be approved by the Alexandria City Council through public hearings.

FILING DEADLINE. Applications are encouraged to be submitted by the 'Recommended Submission Date for Completeness Review,' as listed on the Hearing Schedule and Filing Deadlines form on our [Forms webpage](#). Applications are not docketed for a particular hearing until they are deemed complete by staff. Submission by the final filing deadline for a certain hearing does not guarantee the application being docketed for that hearing.

APPLICATION FORMS. Encroachment applications must contain a certificate of insurance indicating a \$1,000,000 policy and naming the City as an additional insured. Complete the application form using black ink or type. Sign the form, and include a daytime telephone number.

PLANS. Applicants must submit a PDF of a scaled survey and/or other scaled plans showing the proposed area of encroachment with the application.

FILING FEE. See current fee schedule.

PROPERTY OWNER NOTIFICATION. Applicants must send written notice to all adjoining and facing property owners; notices must be sent by certified or registered mail at least 10 days prior to the Planning Commission public hearing and not more than 30 days prior to the City Council public hearing. Applicants may use the notice form supplied with the application forms. In the event the application is deferred, notification must be given again.

The following must be submitted to the Planning Department no later than five calendar days prior to the public hearing:

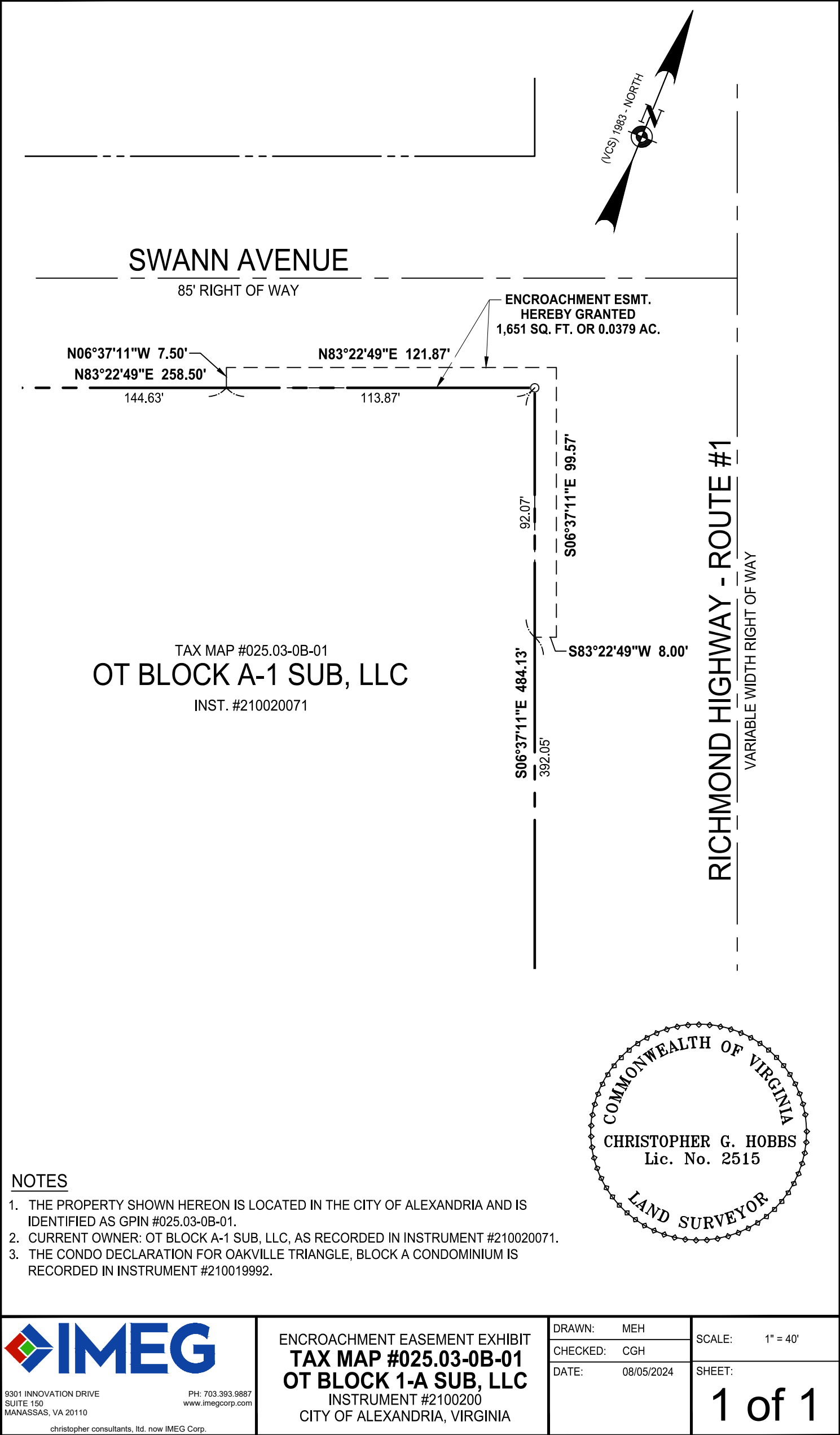
- a copy of the notice letter sent,
- a copy of the list of the names and addresses of those persons to whom notice was sent,
- a copy of the post office receipts for the certified or registered mail,
- a certification of notice statement that notice was sent by certified or registered mail to those to whom notice is required to be given.

Failure to send accurate or correct notices will result in deferral of the application to a later hearing date. Property ownership information may be obtained from the City Real Estate Assessment Office, Room 2600, City Hall, 301 King Street or on the City's website at alexandriava.gov.

STAFF REPORT. A staff report and recommendation will be prepared and made available in the Department of Planning and Zoning office. The report is typically available 7 business days prior to the Planning Commission hearing.

FOR ASSISTANCE WITH ANY OF THESE PROCEDURES,
CALL THE DEPARTMENT OF PLANNING & ZONING AT 703.746.4666

P:\PW\Projects\14007\01100\SURVEYS\Plats\Easement\Encroachment Easement\113612 - Encroachment Esmt Plat.dwg, 8/7/2024 10:25:57 AM



TOTAL DISTURBED AREA = 148,566 SF OR 3.41 AC.

SWANN AVENUE FRONTING GRADING

SWANN AVENUE

DATE	REVISION
02-12-21	FINAL SITE PLAN SUBMISSION #1
05-10-21	GMP SET
05-21-21	FINAL SITE PLAN SUBMISSION #2
06-25-21	ADDENDUM B
07-02-21	FINAL SITE PLAN SUBMISSION #3
08-17-21	PARTIAL RELEASE SUBMISSION
10-04-21	FINAL SITE PLAN SUBMISSION #4
11-19-21	SIGNATURE SET
01-18-24	CCD #035.0

Minor
adjustments
elevations

Planter width
reduced by
1'-4"

Confirm with
SK+I this
elevation can
be 46.28

RICHMOND HIGHWAY FRONTING GRADING

RAMP BLOW UP - WEST SIDE

BUILDING
PROJECTION
—ABOVE

LEGEND

- # DENOTES NUMBER OF STANDARD PARKING SPACES
- BUILDING PROJECTION ABOVE
- CURB AND GUTTER
- HEADER CURB
- CENTERLINE OF STREET
- PROPERTY BOUNDARY
- PROPOSED BUILDING OUTLINE
- ▲ PROPOSED BUILDING ENTRANCE
- LIMITS OF DISTURBANCE
- ×16% PROPOSED SPOT SHOT

NOTES:

- ALL INFRASTRUCTURE WORK (ROADS AND UTILITIES) SHOWN AROUND BLOCK A1 IS PROPOSED WITH THE OAKVILLE INFRASTRUCTURE FINAL SITE PLAN. ALL UTILITY SERVICE CONNECTIONS FOR THIS BUILDING ARE PROPOSED WITH THIS SITE PLAN.
- STOREFRONT AT TENANT OPENINGS WILL BE TEMPORARY ENCLOSED WITH PAINTED PLYWOOD CLADDING, OR SIMILAR, AS REQUIRED BY CODE FOR CERTIFICATE OF OCCUPANCY. PRIOR TO CONSTRUCTION BOND RELEASE, PERMANENT STOREFRONT WILL BE CONSTRUCTED IN RETAIL BAYS WHICH HAVE NOT YET SUBMITTED FOR BUILDING PERMITS.
- A TWO LEVEL BELOW GRADE PARKING GARAGE IS PROPOSED BELOW BLOCKS A1 AND A2 WITH THIS APPLICATION

APPROVED	
DEVELOPMENT SITE PLAN NO. 2020-10028	
DEPARTMENT OF PLANNING & ZONING	
DIRECTOR	DATE
DEPT. OF TRANSPORTATION & ENVIRONMENTAL SERVICES	
SITE PLAN No. _____	
DIRECTOR	DATE
CHAIRMAN, PLANNING COMMISSION	
DATE RECORDED _____	
INSTRUMENT NO. _____	
DEED BOOK NO. _____	PAGE NO. _____

ESI
PEER REVIEW

FINE GRADING PLAN

OAKVILLE
BLOCK A1 FINAL SITE PLAN
CITY OF ALEXANDRIA, VIRGINIA

PROJECT NO: H007.011.00

SCALE: 1"=10'

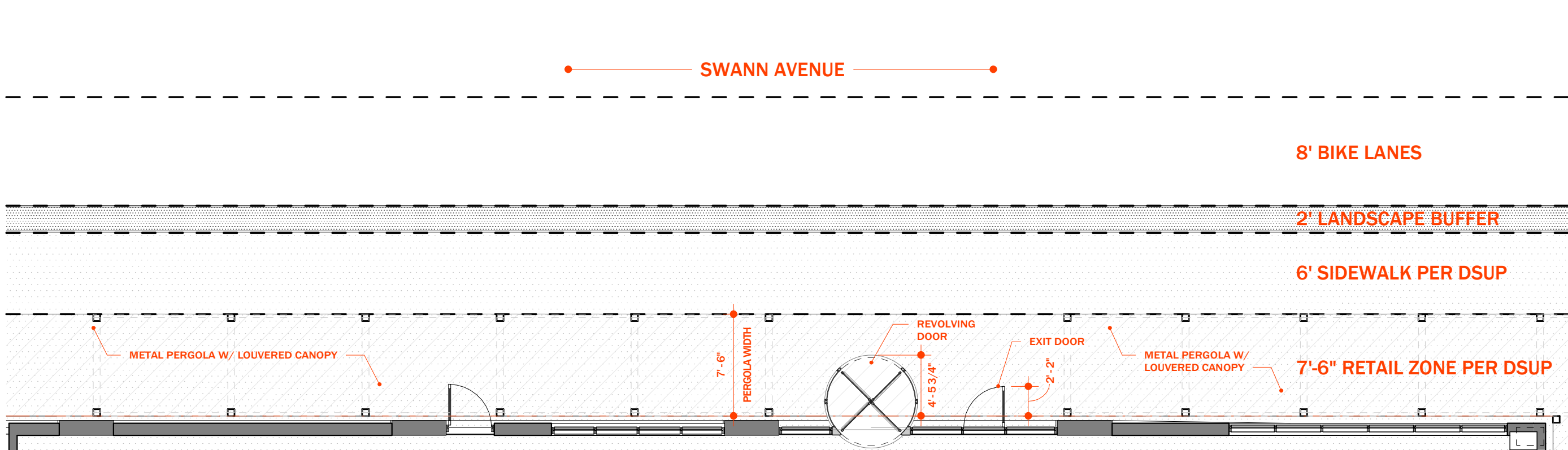
DATE: 02-12-21

DESIGN: EG
DRAWN: JS
CHECKED: K1W

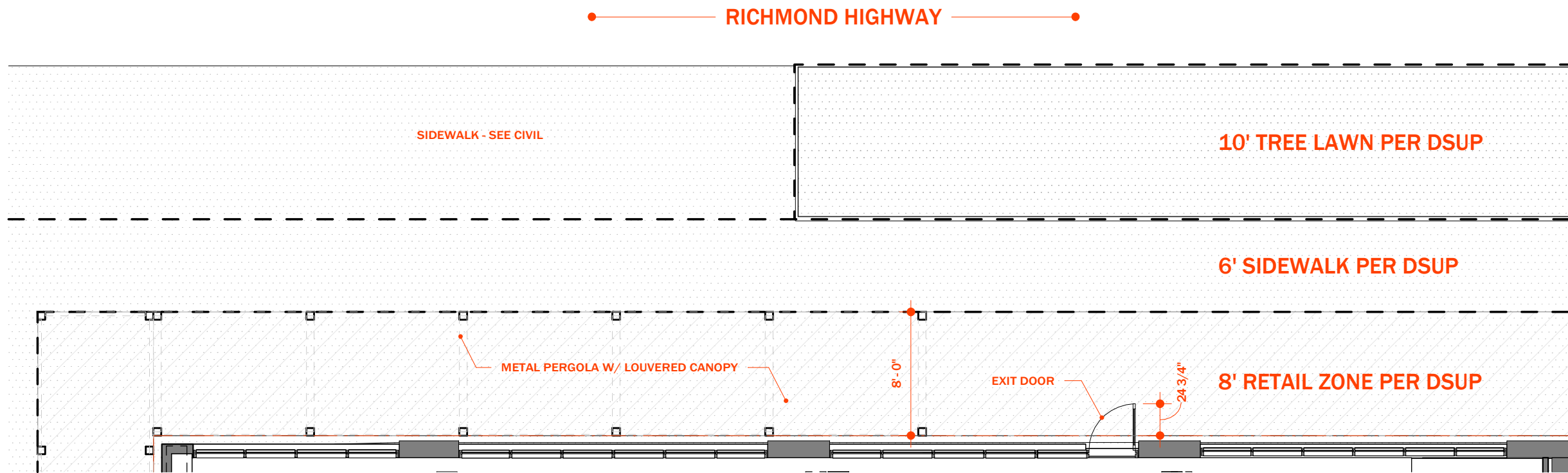
SHEET No.

C403

110435



2 Swann Avenue - Projections @ Retail Zone
SCALE: 1/8" = 1'-0"



1 Richmond Highway - Projections @ Retail Zone
SCALE: 1/8" = 1'-0"



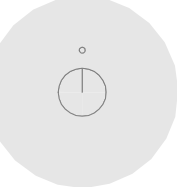
FF ALX

Project No. 23003



Revisions

Project North

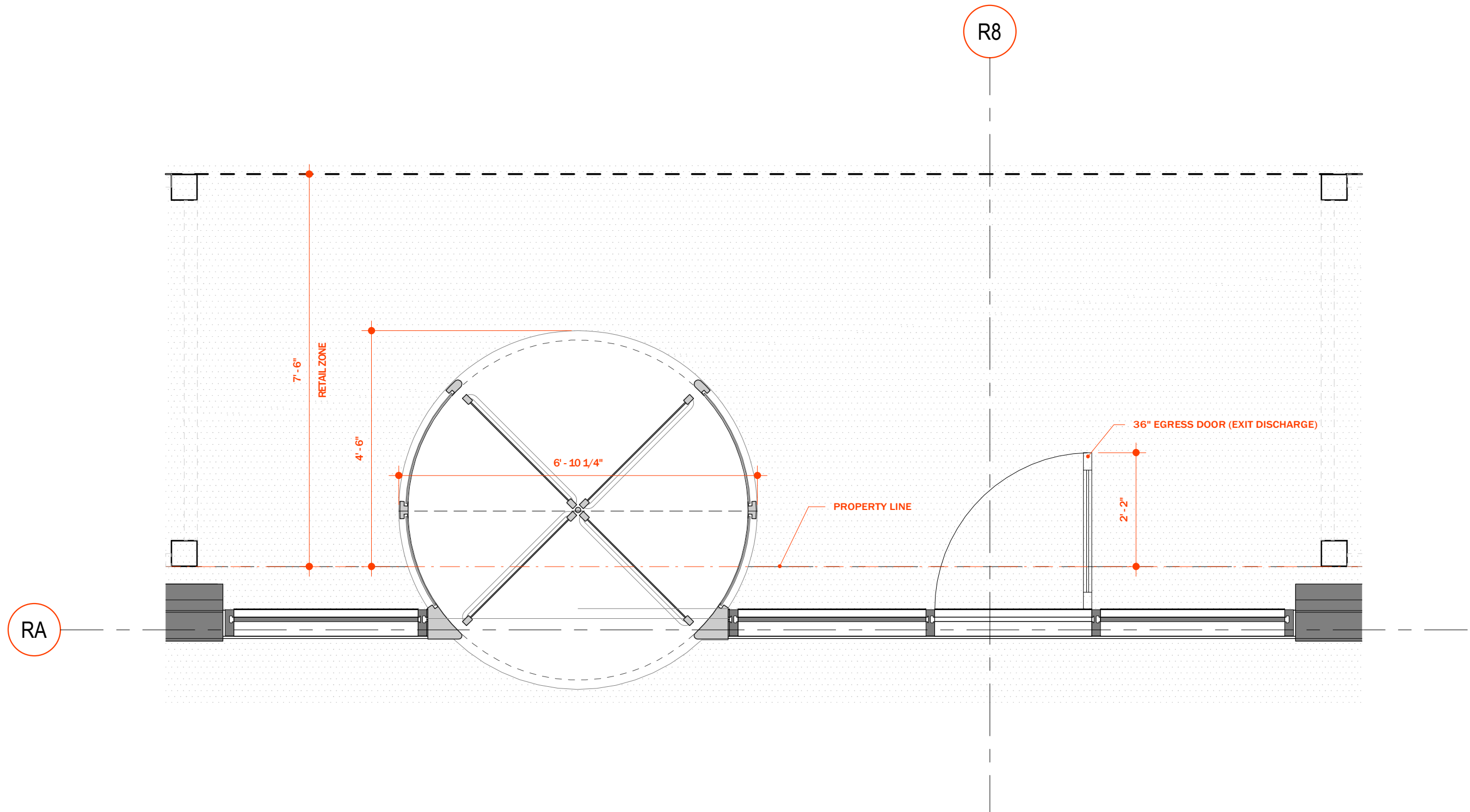


Scale 1/8" = 1'-0"

Projections @ Retail Zone

A4.80

Sheet No. ©2023



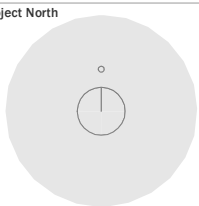
1

Revolving Door Projection @ Property Line

SCALE: 1/2" = 1'-0"



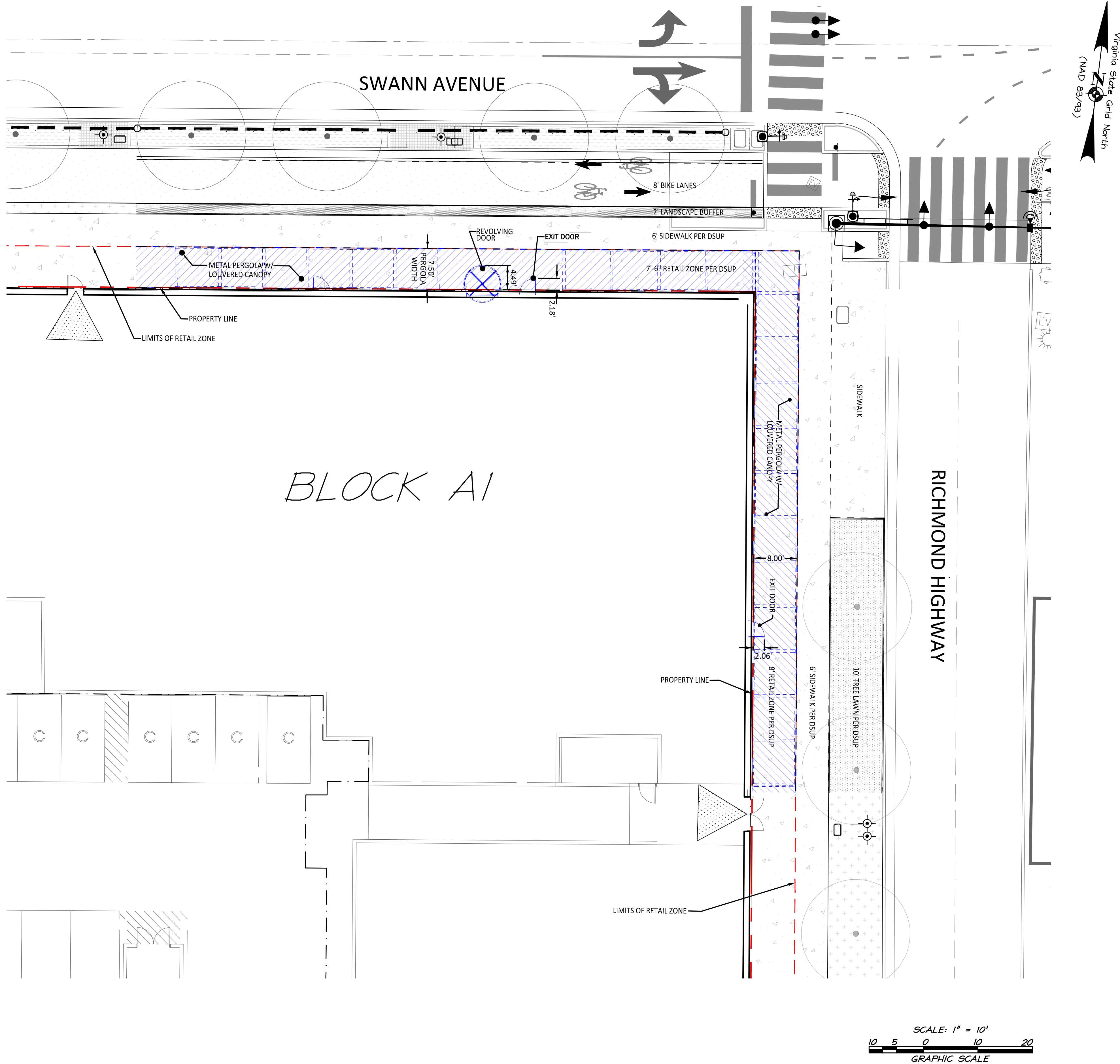
Revisions



Scale 1/2" = 1'-0"

Projections @ Retail Zone

A4.81



BLOCK A1