



Special Use Permit #2016-0019

Encroachment #2016-0003

606 North Fayette Street (Parcel address: 620 North Fayette Street) - Bastille

Application	General Data	
Public hearing and consideration of a request for: A) an amendment to an existing Special Use Permit (SUP #2014-0003) for additional outdoor dining seats, a request for a parking reduction, and off-premises alcohol sales and, B) an encroachment into the public right-of-way.	Planning Commission Hearing:	May 4, 2016
	City Council Hearing:	May 14, 2016
Address: 606 North Fayette Street (Parcel Address: 620 North Fayette Street)	Zone:	CRMU/H: Commercial Residential Mixed Use (High)
Applicant: Le Coq, LLC represented by Duncan W. Blair, Esq.	Small Area Plan:	Braddock Road Metro Station

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: Sara Brandt-Vorel, sara.brandtvorel@alexandriava.gov

PLANNING COMMISSION ACTION, MAY 4, 2016: On a motion by Vice Chairman Macek, seconded by Commissioner McMahon, the Planning Commission recommended approval of Special Use Permit # 2016-0019 and Encroachment #2016-0003, including the memorandum dated May 2, 2016, and the amendment to Condition 6, subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 5 to 0 with Commissioners Wasowski and Lyle absent.

Reason: The Planning Commission agreed with the staff analysis. Vice Chairman Macek inquired if the applicant could abide by Condition 6 requiring the nightly removal of dining equipment from the area of encroachment. Duncan Blair, representing the applicant, responded that the nightly removal was acceptable. Commissioner Brown recommended an amendment to Condition 6 for greater clarity on the applicant's responsibility to remove furniture from the area of encroachment. Vice Chairman Macek supported a broader-based encroachment for outdoor dining. Planning Director Karl Moritz reiterated staff objectives to review the City's encroachment and vacation policies and indicated staff would incorporate outdoor dining into the assessment.

Speaker: Duncan Blair, representing the applicant, spoke in support of the SUP and encroachment request. He added that the community supported this restaurant's application and its ongoing presence is key to the vitality of the community. Mr. Blair requested that the City explore an encroachment process for outdoor dining that could be applied on citywide basis, similar to the existing King Street Outdoor Dining program.

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606 North Fayette Street



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606 North Fayette Street
(parcel address: 620 North Fayette St)



I. DISCUSSION

The applicant, Le Coq, LLC, represented by Duncan W. Blair, Esq requests to amend its Special Use Permit (SUP #2014-0003) to permit additional outdoor seats, a parking reduction, and off-premises alcohol sales. In addition, the applicant requests an encroachment into the public right-of-way to accommodate additional outdoor seating.

SITE DESCRIPTION

The applicant's subject site is located on one parcel of record which encompasses an entire street block. The subject parcel is bounded by Wythe Street to the north, North Fayette Street to the east, Pendleton Street to the south and North Payne Street to the west. The parcel has approximately 465 feet of frontage along the North-South streets and approximately 250 feet of frontage along the East-West streets. The parcel has been developed with two structures; a six story brick mixed-use residential building with ground floor retail uses, known as the Asher, which is separated by an interior alleyway from a row of approximately 20 attached townhomes with frontage on Wythe Street.

The applicant's subject site is a ground floor retail bay of the Asher Building located at the corner of Pendleton Street and North Fayette Street. The retail bay, contains a restaurant of approximately 3,400 square feet. It is accessed from North Fayette Street. The restaurant also utilizes an outdoor patio of approximately 1,000 square feet located on an internal courtyard. The surrounding uses in the adjacent blocks are primarily residential townhomes and multi-family buildings. Commercial uses within close proximity include the U.S. Post Office, a Starbucks Coffee, and a framing shop. There are industrial, automotive and service uses to the south. Directly across North Fayette Street from the applicant's restaurant is a temporary public park.



BACKGROUND

In 2007 City Council approved DSUP #2005-0014 for the construction of two structures on the subject lot. A building with 119 condominium-units and ground floor live/work spaces and a second building with 20 attached townhomes. The entire development was undergirded with a 279-space underground parking garage. As part of the City Council approval, the development was granted a vision clearance modification at the corner of Pendleton and North Fayette Streets where the restaurant is located.

In September 2008, City Council approved DSUP #2008-0008 to increase the number of condominium units to 206 units, and to designate the ground floor for retail use at the subject building. In addition, City Council pre-approved the use of a coffee shop/restaurant with less than 60 seats on the ground floor and a parking reduction of 15 spaces for the restaurant use. In March 2014, City Council approved SUP #2014-0003 for this restaurant use at 606 North Fayette Street with 100 indoor seats and 40 outdoor seats, which would be located on a rear courtyard patio, and on-premises alcohol sales. City Council simultaneously approved a parking reduction of nine parking spaces for the restaurant.

The applicant's restaurant has been cited for installing signage that did not comply with the site's development approval. The applicant resolved the signage issues.

PROPOSAL

Special Use Permit Proposal

The applicant proposes to amend SUP #2014-0003 to permit an additional 12 outdoor seats which would be located in front of the restaurant (described under the Encroachment proposal). These 12 seats would be in addition to the previously approved 100 indoor seats and the 40 outdoor seats located on a patio in the building's courtyard. The hours of operation would remain 10 a.m. – 11 p.m. Sunday through Thursday and 10 a.m. – 12 a.m. midnight Friday and Saturday for indoor dining, and 10 a.m. – 10 p.m. Sunday through Thursday and 10 a.m. – 11 p.m. Friday and Saturday for outdoor dining.

The applicant also requests a parking reduction for three off-street parking spaces to support the increased outdoor dining request due to the applicant's inability to secure additional off-street parking in the building's shared underground parking garage. In addition, the applicant requests an amendment to SUP #2014-0003 to allow for off-premises sale of beer and wine. As there is no delivery service at the restaurant, the sale of off-premises alcohol would be for carry-out only and customers would place an order by phone or in person to purchase beer or wine from the bartender at the restaurant. Customers would be able to purchase bottles of wines from the restaurant's wine cellar, or from a selection of beers located in the bar as single-servings, or in four-pack or six-pack formats.

Encroachment Proposal

The applicant proposes an L shaped encroachment into the public right-of-way in the front of the restaurant (Figures 1, 2, and 3). The proposed area of encroachment protrudes approximately 4' from the building property line in front of the restaurant for approximately 35.5' along Pendleton Street (Figure 1), and turns the corner North, along North Fayette Street where the proposed area of encroachment extends approximately 4.5' into the sidewalk from the building property line and extends approximately 25' down the length of North Fayette Street (Figure 2). The approximate total area of the proposed encroachment is 238 square feet (Figure 3).

The applicant's requested additional 12 outdoor dining seats would be located in the proposed area of encroachment in front of the restaurant.



Figure 1: Existing conditions of proposed area of encroachment along Pendleton Street.



Figure 2: Existing conditions of proposed area of encroachment along North Fayette Street.

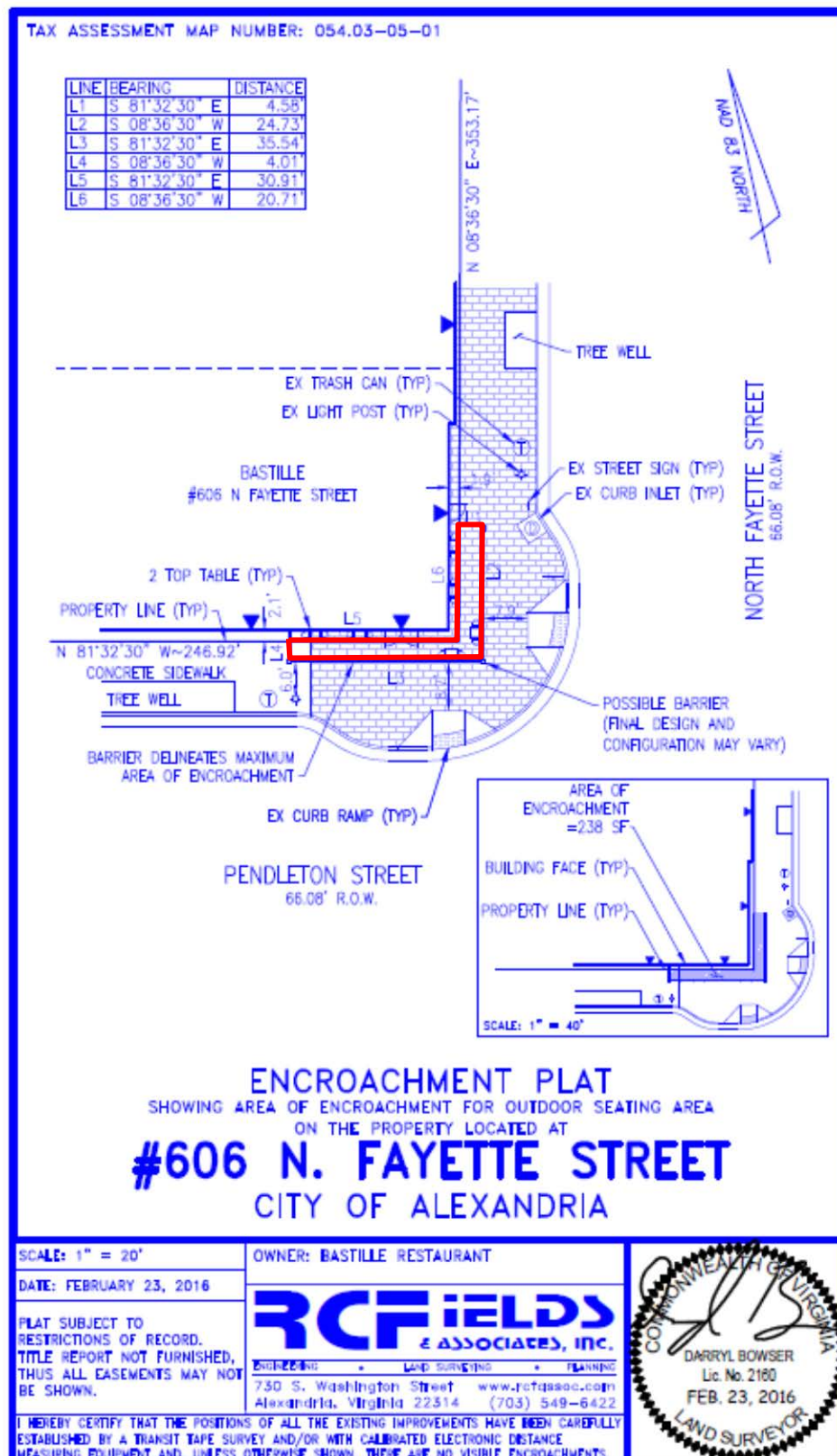


Figure 3: Proposed area of encroachment.

PARKING

Section 8-200(A)(8) of the zoning ordinance requires one off-street parking space for every four restaurant seats. A 152 seat restaurant would have to provide 38 off-street parking spaces. The applicant has received a 24-space parking reduction through its previous DSUP and SUP approvals. The applicant provides 11 parking spaces in the shared underground garage at the site. The applicant is seeking an additional parking reduction of three parking spaces associated with the SUP request for 12 additional restaurant seats.

ZONING/MASTER PLAN DESIGNATION

The site is zoned CRMU/H – Commercial Residential Mixed Use (High) zone, which allows outdoor dining requests to be approved through an Administrative Special Use Permit. However, the accompanying requests for additional seats, off-premises alcohol sales, encroachment into the public right-of-way, and parking reduction require the applicant to seek a full-hearing Special Use Permit approval through the Planning Commission and City Council.

The subject site is located within the Braddock Metro Neighborhood Plan which designates the property for mixed residential and commercial uses, and encourages uses which create a sense of place and are neighborhood-serving.

VALUE OF ENCROACHMENT

The Department of Real Estate Assessments has valued the 238 square feet of land in question at a rate of \$160 per square-foot, and a 6.5 percent return for an annual rent of \$2,475 (rounded). Staff has attached the memorandum from Real Estate Assessments (Attachment A) that discusses the process used to determine this value.

II. STAFF ANALYSIS

Staff finds the applicant's request for added outdoor seats, a parking reduction, off-premises alcohol sales, and an encroachment to be reasonable. Taken together, these requests would enable the restaurant to remain a vibrant neighborhood-serving destination that supports the ongoing revitalization of the Braddock Road neighborhood.

Additional Outdoor Dining:

The applicant's request for an additional 12 seats, to be located outside at the intersection of North Fayette Street and Pendleton Street would enliven the streetscape and further enrich the vibrancy of the community by enhancing street-level activity. Located across the street from the interim Braddock Park, outdoor dining at the restaurant could build on the popularity of the outdoor park amenities and create activity on multiple corners of the intersection. The added outdoor dining is an opportunity for the restaurant to increase its visibility, expand its business, and attract additional customers.

While outdoor dining does create the potential for noise complaints, the applicant's previously approved outdoor dining with 40 seats has been found to be a positive amenity for the community and has not been the subject of any noise complaints since opening. As the operating model for outdoor dining established under the existing patio appears to be working, staff has carried forward the hours of operation under Condition 5 and amended guidelines to secure furniture after-hours found in Condition 6. Staff amended Condition 7 to ensure that new furniture and barriers for the proposed area of encroachment receive similar review and approval from the Director of Planning and Zoning.

Parking Reduction:

Staff finds the applicant's request for a parking reduction of three spaces to be reasonable and would unlikely create an impact on parking availability in the Braddock Road neighborhood. The restaurant is frequented by many neighborhood residents who walk to the restaurant and do not require off-street parking. In addition, the restaurant is approximately four blocks from the Braddock Road Metro Station. The 12 outdoor seats would be seasonal and will likely encourage diners who would previously sit indoors to sit outside. Finally, there have been no parking complaints after the prior parking reduction for nine spaces was granted in March 2014. Nonetheless, staff has revised and included conditions to ensure parking does not negatively impact the community. Staff deleted Condition 22 and replaced it with current language in Condition 25 requiring staff to use off-street parking and Condition 26 to encourage staff to use public transportation to reach the restaurant. In addition, staff included Condition 27 requiring the applicant to provide information to customers and staff on alternative transportation options to reach the restaurant.

Off-Premises Alcohol Sales:

Staff finds the off-premises sales of alcoholic beverages to be a reasonable expansion of the restaurant's offerings and an opportunity for the applicant to meet customer requests for wine and beer to primarily accompany carry-out food orders. Dine-in restaurant patrons would also be able to purchase a beverage to carry-out. As a trained bartender would oversee the pick-up and purchase of off-premises alcohol, in conjunction with food, staff feels the restaurant would adequately ensure the responsible sale of beer and wine. Staff has recently approved other off-premises alcohol sales through restaurants in the nearby community, such as at Lost Dog Café, which has not generated any complaints. Police finds the applicant's request to sell off-premises beer and wine in conjunction with carry-out food orders to be acceptable.

Although the inclusion of off-premises alcohol sales could have the potential to generate negative impacts, the applicant's stated desire to provide off-premises sales for restaurant patrons suggests a low likelihood of negative impacts. As the restaurant primarily offers French cuisine, staff anticipates a majority of purchases will be for bottles of wine from the restaurant's cellar to pair with French entrees from the menu. Nonetheless, staff has ensured that Condition 13 is carried forward requiring staff to be adequately trained to prevent underage alcohol sales. In addition, if any concerns or complaints arise from the off-premises sale of alcohol, Condition 24 enables staff to review the conditions of the Special Use Permit, after six months and again after one year, including off-premises alcohol sales, as part of the standard review process.

Encroachment:

Staff supports the applicant's encroachment request to provide an outdoor area to support the additional 12 outdoor seats. The proposed area of encroachment adequately preserves ample sidewalk space for pedestrians, maintaining at least five feet of clearance on the sidewalk. The proposed corner for the encroachment had received a vision clearance modification, and it is unlikely that small tables with a few patrons would further impede sightlines at the corner. Nonetheless, staff amended Condition 6, so that the area of encroachment cannot be used to store any furniture when not in use to prevent any potential sight impediments.

Standard conditions regulating encroachments have been added by staff as well, including Condition 29 requiring the applicant to obtain standard liability insurance, Condition 30 holding the City and utility companies harmless in the event that encroaching structures are damaged while any utility repairs occur, and Condition 31, reserving the City's right to the area of encroachment and requiring the applicant to remove any structure in the area of encroachment within 60 days upon notification.

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

III. RECOMMENDED CONDITIONS

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #2014-0003)
2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats at the restaurant shall be 100. The maximum number of outdoor seats at the restaurant shall be ~~40~~ 52; with 40 seats allocated to the rear patio and 12 seats allocated to the approved area of encroachment at the intersection of North Fayette and Pendleton Streets. (P&Z) (~~SUP #2014-0003~~)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP #2014-0003)
4. The hours of operation for the indoor portion of the restaurant shall be limited to between 10 a.m. and 11 p.m. Sunday - Thursday and between 10 a.m. and 12 midnight Friday and Saturday. Meals ordered before 11 p.m. Sunday – Thursday and 12 midnight Friday and Saturday may be sold, but no alcoholic beverages may be served and no new restaurant patrons may be admitted after 11 p.m. Sunday-Thursday and 12 midnight Friday and Saturday and all patrons must leave by 12 midnight Sunday – Thursday and 1 a.m. Friday and Saturday. (P&Z)(PC) (SUP #2014-0003)

5. The hours of operation for the outdoor seating shall be limited to between 10 a.m. and 10 p.m. Sunday-Thursday and between 10 a.m. and 11 p.m. Friday and Saturday. The outdoor dining area shall be closed and cleared of all customers by 10 p.m. Sunday-Thursday and by 11 p.m. Friday and Saturday and shall be cleaned and washed at the close of each business day that it is in use. (P&Z)(PC) (SUP #2014-0003)
6. **CONDITION AMENDED BY PLANNING COMMISSION:** Each day after the restaurant closes, tables and chairs used for outdoor dining shall be either brought inside the restaurant or secured outside in such a manner to preclude their after-hours use. Tables, chairs, and other outdoor dining components shall not be secured outside or stored in the encroachment area. (P&Z)(PC) (~~SUP #2014-0003~~)
7. **CONDITION AMENDED BY STAFF:** Outdoor dining at the restaurant shall be substantially consistent with the plan submitted. The applicant shall submit final design specifications for all chairs, tables, barriers, umbrellas, planters, wait stations, other components to be located within the rear outdoor dining area and area of encroachment, and such additional information as the Director may reasonably require, for the review and approval by the Director of Planning & Zoning. ~~The outdoor seating areas shall not include advertising signage, including on umbrellas.~~ (P&Z)(T&ES) (~~SUP #2014-0003~~)
8. Outdoor dining, including all its components such as planters and barriers, shall not encroach onto the public right-of-way unless authorized by an encroachment ordinance. (P&Z) (SUP #2014-0003)
9. **CONDITION AMENDED BY STAFF:** On premises alcohol service shall be permitted and off-premises beer and wine sales for off-premises consumption shall be allowed. ~~but no off-premises alcohol sales shall be allowed.~~ (P&Z) (~~SUP #2014-0003~~)
10. No delivery service of food to customers shall be operated from the restaurant. (P&Z) (SUP #2014-0003)
11. **CONDITION AMENDED BY STAFF:** No live entertainment shall be allowed either inside the restaurant or in the outdoor dining areas. (P&Z) (T&ES) (~~SUP #2014-0003~~)
12. All signage at the site shall comply with Condition #20 of DSUP#2008-0008 and all other applicable codes and ordinances. (P&Z) (SUP #2014-0003)
13. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements and on how to prevent underage sales of alcohol. (P&Z) (SUP #2014-0003)
14. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2014-0003)

15. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #2014-0003)
16. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. ~~(SUP #2014-00003)~~ (T&ES)
17. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP #2014-0003)
18. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP #2014-0003)
19. Loading/unloading activities shall only occur in location(s) to the satisfaction of the Directors of Planning & Zoning. If on-street loading is necessary or desirable, the applicant shall apply for loading zone approval from the Traffic & Parking Board. (P&Z) (SUP #2014-0003)
20. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (T&ES) (SUP #2014-0003)
21. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP #2014-0003)
22. **CONDITION DELETED BY STAFF:** ~~The applicant shall require its employees who drive to use off street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on site for employees. (T&ES) (SUP #2014-0003)~~
23. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security assessment for the business and robbery readiness training for all employees. (Police) (SUP #2014-0003)
24. **CONDITON AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after the use has been operational for six months and again at one year, and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the

Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions; (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed; or (d) the Director has determined in consultation with the West Old Town Civic Association that a pattern of parking-related problems has emerged and that new or revised conditions are needed. (P&Z)(Police) (~~SUP #2014-0003~~)

25. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. (T&ES)
26. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of City Council approval, the business shall contact the Local Motion at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)
27. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Local Motion at 703-746-4686 or www.alexandriava.gov/LocalMotion for more information about available resources. (T&ES)
28. **CONDITION ADDED BY STAFF:** Maintain minimum clearances as shown on the encroachment plat. (T&ES)
29. **CONDITION ADDED BY STAFF:** 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)
30. **CONDITION ADDED BY STAFF:** 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)
31. **CONDITION ADDED BY STAFF:** 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: Alex Dambach, Division Chief, Department of Planning and Zoning;
Sara Brandt-Vorel, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

Special Use Permit Findings:

- F-1 **FINDING AMENDED BY STAFF:** Transportation staff supports the proposed parking reduction of 24 3 additional parking spaces for the following reasons:
- The subject site is well served by transit, with the Braddock Road Metro station two blocks from the site. In addition, the DASH AT-3 and the WMATA 10A and 10B both serve the site.
 - While the restaurant is larger than the definition of a “neighborhood serving” restaurant contained in the Braddock Metro Neighborhood Plan, transportation staff feels that a significant number of patrons will come from the immediate vicinity. There is a large amount of existing and proposed residential and some office density in the neighborhood, and when combined with the walkability of the area, many patrons are likely to arrive on foot.
 - ~~Forty of the 140~~ the 12 additional proposed seats are outdoor seats, which will be seasonal in nature.
 - The 11 off-street parking spaces will allow the employees not using public transportation the ability to avoid utilizing on-street parking spaces, which is important since employees are typically long term parkers. (SUP2014-00003) (T&ES)

Encroachment Findings:

- F-2 Per the City’s forthcoming Complete Streets Design Guidelines, Transportation Planning supports this encroachment request only if the “possible barrier” shown on the diagram be implemented to prevent potential intrusion from the frontage zone of the sidewalk where the outdoor dining will be located into the pedestrian zone which is required to be free of obstructions. (T&ES)

Previous Conditions:

16. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (SUP2014-00003) (T&ES)
17. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (SUP2014-00003) (T&ES)
18. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (SUP2014-00003) (T&ES)

20. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (SUP2014-00003) (T&ES)
21. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (SUP2014-00003) (T&ES)
22. ~~**CONDITION DELETED BY STAFF:** The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)~~

New Special Use Permit Conditions:

- R-1 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-2 The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of City Council approval, the business shall contact the Local Motion at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)
- R-3 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Local Motion at 703-746-4686 or www.alexandriava.gov/LocalMotion for more information about available resources. (T&ES)

New Encroachment Conditions:

- R-4 Maintain minimum clearances as shown on the encroachment plat. (T&ES)
- R-5 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)
- R-6 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-7 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)

City Code Requirements:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (SUP2014-00003) (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (SUP2014-00003) (T&ES)

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C-4 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

- C-8 Bar sections located within an open-air dining area will be limited in preparation activities. The bar section shall be placed in a location that reduces the potential adulteration of beverages served at the establishment. To the maximum extent possible, the location shall be free from dust, dirt, vermin, animals, birds, overhead leakage, or other contamination. Overhead protection shall be provided that fully extends over all beverages, condiments, utensil holding facilities and equipment associated with the bar section. All food, other than beverages, shall be prepared inside an approved, fully enclosed food establishment.

Parks and Recreation:

No comments received.

Police Department:

- F-1 A similar condition to that used by Lost Dog Café would be acceptable. The Department requests a six month and one year review of the restaurant to ensure there are no problems with the approved conditions.

Fire Department:

- F-1 Encroachment plat does not show exit stairway door on the Pendleton Street side of structure. Please ensure that the stairway exit door is not blocked by or enclosed within the exterior dining space.

City of Alexandria, Virginia

MEMORANDUM

DATE: APRIL 12, 2016

TO: KARL MORITZ, DIRECTOR
DEPARTMENT OF PLANNING AND ZONING

FROM: WILLIAM BRYAN PAGE, SRA, REAL ESTATE ASSESSOR
OFFICE OF REAL ESTATE ASSESSMENTS

SUBJECT: ENCROACHMENT TO ACCOMMODATE OUTDOOR DINING AT THE
BASTILLE, 606 NORTH FAYETTE STREET, ALEXANDRIA, VIRGINIA

PROJECT: ENCROACHMENT #2016-0003 IN CONNECTION WITH SUP 2016-0019

Per your request, we have reviewed the requested encroachment for the benefit of The Bastille Restaurant in the pedestrian right-of-way at the southwest quadrant of the intersection of North Fayette Street and Pendleton Street, two blocks east of the Braddock Road Metro. The restaurant has operated in this location since 2015 and occupies 3,356 square feet of ground floor retail space within the Asher Apartments. The business is currently approved for 74 seats in the formal restaurant with an additional 26 seats in the lounge. The Asher is a six-story mid-rise rental apartment complex constructed in 2012 with 206 units in two buildings and a two level below grade parking garage. The property is zoned CRMU-H (Commercial Residential Mixed Use - High).

The area of the proposed encroachment encumbers the southeast corner of the pedestrian right-of-way with a width that varies from 6.48 feet along North Fayette Street to 6.63 feet along Pendleton Street and is designed to accommodate up to 12 outdoor seats within an enclosed area delineated by movable seasonal fencing. The proposed encroachment encumbers 238 square feet. The width of the residual right-of-way net of the encroachment is sufficient as to not impede pedestrian flow.

Because this is not a vacation on the part of the City, the value of the encroachment can be estimated based on a land rent technique whereby the value of similar commercial land parcels (\$/SF) is multiplied by a reasonable rate of return to obtain an annual rent attributable to the subject. Similar parcels are valued in 2016 at \$135.00 to \$170.00 per square-foot of land. Based on an estimated land value of \$160 per square-foot, and 6.5 percent return, an annual rent of \$2,475 (rounded) is indicated (238 square feet x \$160/SF x .065).

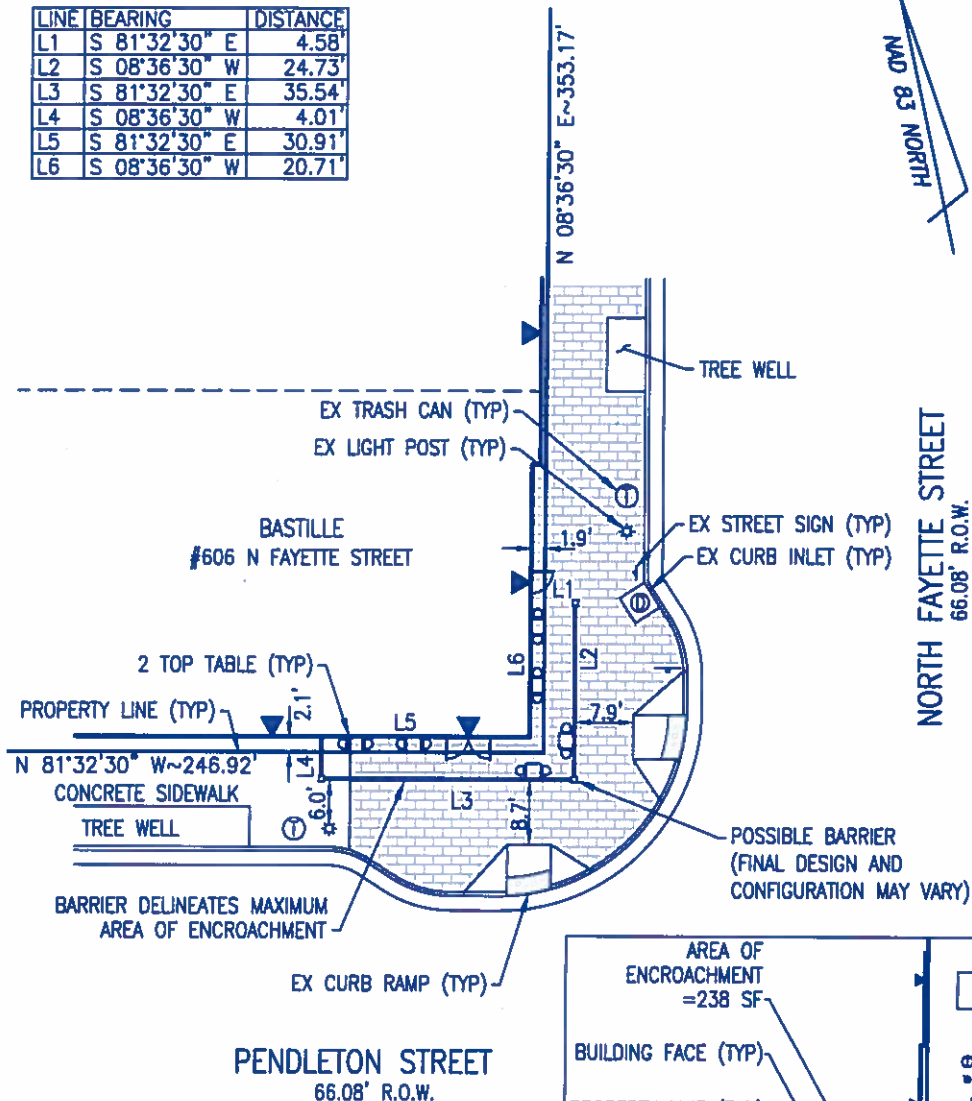
Two Thousand Four Hundred and Seventy-Five Dollars

This analysis does not constitute a fully documented real property appraisal report and should not be purported as such. The analysis is based on the current 2016 per square-foot assessed values of similarly zoned parcels in the immediate area of the subject property, and complies with City policies and guidelines.

cc: Ann Horowitz, Urban Planner II

TAX ASSESSMENT MAP NUMBER: 054.03-05-01

LINE	BEARING	DISTANCE
L1	S 81°32'30" E	4.58'
L2	S 08°36'30" W	24.73'
L3	S 81°32'30" E	35.54'
L4	S 08°36'30" W	4.01'
L5	S 81°32'30" E	30.91'
L6	S 08°36'30" W	20.71'



ENCROACHMENT PLAT

SHOWING AREA OF ENCROACHMENT FOR OUTDOOR SEATING AREA
ON THE PROPERTY LOCATED AT

#606 N. FAYETTE STREET
CITY OF ALEXANDRIA

SCALE: 1" = 20'

DATE: FEBRUARY 23, 2016

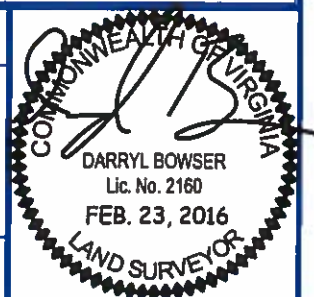
PLAT SUBJECT TO
RESTRICTIONS OF RECORD.
TITLE REPORT NOT FURNISHED,
THUS ALL EASEMENTS MAY NOT
BE SHOWN.

OWNER: BASTILLE RESTAURANT

RCF **IELDS**
& ASSOCIATES, INC.

ENGINEERING • LAND SURVEYING • PLANNING
730 S. Washington Street www.rcfassoc.com
Alexandria, Virginia 22314 (703) 549-6422

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY
ESTABLISHED BY A TRANSIT TAPE SURVEY AND/OR WITH CALIBRATED ELECTRONIC DISTANCE
MEASURING EQUIPMENT AND, UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.





APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2016-0019

PROPERTY LOCATION: 606 N. Fayette Street, Alexandria, Virginia

TAX MAP REFERENCE: 054.03-05-01

ZONE: CRMU/H

APPLICANT:

Name: Le Coq, LLC, trading as Bastille 2.0

Address: 606 N. Fayette Street, Alexandria, VA 22314

PROPOSED USE: Parking Reduction Special Use Permit to permit additional outdoor seating

to an existing restaurant Special Use Permit #2014-0003. Amendment to SUP #2014-0003 to add twelve (12) additional outdoor seats. Request for off-premises alcohol sales.

☒ **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 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 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 IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Duncan W. Blair, Esq.

Print Name of Applicant or Agent

524 King Street

Mailing/Street Address

Alexandria, VA

City and State

22314

Zip Code

Signature

February 23, 2016

Date

703-836-1000

Telephone #

703-549-3335

Fax #

dblair@landcarroll.com

Email address

ACTION-PLANNING COMMISSION: _____ **DATE:** _____

ACTION-CITY COUNCIL: _____ **DATE:** _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 606 N. Fayette Street, Alexandria, Virginia, I hereby
 (Property Address)
 grant the applicant authorization to apply for the Restaurant use as
 (use)
 described in this application.

Name: 621 N Payne Street, LLC by: Stefanie ErkiletianPhone: 703-671-4400

Please Print

Address: 2009 14th St. N, Suite One, Arlington, VA 22201Email: bdenton@erkiletian.comSignature: Date: 02/19/16

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.

Le Coq, LLC is a Virginia limited liability company. Christophe Poteaux and Michelle Poteaux are the only members of the limited liability company having an ownership interest in excess of 10%.

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 606 N. Fayette Street, Alexandria, Virginia (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.

621 N. Payne Street, LLC

Name	Address	Percent of Ownership
1. Erkiletian Development Company, LLC	2009 14th St. N., Suite 016, Arlington, VA 22201	100%
2.		
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).

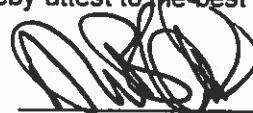
For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

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. Erkiletian Development Company, LLC	None	PC & CC
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.

2/22/16 DUNCAN W BLAIR
Date Printed Name


Signature

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

REVISED

☒ **Yes.** Provide proof of current City business license

☐ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

The Applicant, Le Coq, LLC, is requesting an amendment to Special Use Permit #2014-0003 to
expand the existing outdoor seating at Bastille at the Asher by adding twelve (12) outdoor seats
(increasing from 40 approved under Condition #2, to 52 total seats) in the public right-of-way, and
is requesting a parking reduction special use permit to reduce the required number of parking
for the additional seats from three (3) parking spaces to zero (0) parking spaces.

The Applicant is also requesting an Encroachment Ordinance to permit the twelve (12) additional
dining seats to be placed in a portion of the public right-of-way adjacent to 606 N. Fayette Street
(corner of Pendleton and Fayette Streets).

Lastly, the Applicant is requesting an amendment to Condition #9 of Special Use Permit #2014-0003
to permit off-premise alcohol sales.*

* See email from Angela Davis 4/4/16 + Duncan Blair dated 4/11/16
for additional details

REVISED**Sara Brandt Vorel**

From: Angela K. Davis <adavis@landcarroll.com>
Sent: Monday, April 04, 2016 4:58 PM
To: Sara Brandt Vorel
Cc: Duncan Blair
Subject: RE: Bastille revised plat, etc. - Conditions

Hi Sarah,

The target customers are the local residents of The Asher, The Henry and of the immediate vicinity who are ordering food to carry out, and would like to purchase beer or wine by the bottle to go with the meal they are taking home. Carry out customers order by phone or in person, and can access the beer and wine menu online or when they come in person to order. The bartender manages all carry out orders, and this will include the beer and wine carry out orders as well.

Wines are stored in a secured wine cellar visible from one of our dining rooms. Beers are stored and locked at the bar. They can only be accessed by the bartender.

Please let us know if you need anything further.

Thank you!
Angela

Angela K. Davis
Land, Carroll & Blair PC
Direct: 703.778.1443

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From: Sara Brandt Vorel [mailto:Sara.BrandtVorel@alexandriava.gov]
Sent: Monday, April 04, 2016 12:31 PM
To: Angela K. Davis <adavis@landcarroll.com>
Subject: RE: Bastille revised plat, etc. - Conditions

Hi Angela,

Thank you for reaching out, I did have a few additional follow up questions in regards to the application. Could you provide additional detail on the process envisioned for the off-premises alcohol sales?

Sara Brandt Vorel

From: Duncan Blair <dblair@landcarroll.com>
Sent: Monday, April 11, 2016 4:48 PM
To: Sara Brandt Vorel
Cc: Alex Dambach; 'christophe poteaux (christopher_poteaux@hotmail.com)'; Duncan Blair; Angela K. Davis
Subject: RE: Bastille

Sara and Alex. As noted earlier this is a first class white table cloth restaurant that will not have a retail corner so to speak. The bartender will get the calls for pick-up and will handle the beer and wine. It is envisioned, that the beer would be sold from the cooler behind the bar as single beers. Does this explain?

Duncan Wardman Blair, Esqu...

Land Carroll & Blair PC

(703) 836-1000 Work

(703) 778-1444 Work

dblair@landcarroll.com

524 King Street
Alexandria, Virginia 22314**NOTICE:**

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From: Sara Brandt Vorel [mailto:Sara.BrandtVorel@alexandriava.gov]
Sent: Monday, April 11, 2016 3:54 PM
To: Duncan Blair <dblair@landcarroll.com>
Cc: Alex Dambach <alex.dambach@alexandriava.gov>
Subject: RE: Bastille

Hi Duncan,

So does this mean a four-pack format is fine? Or is your applicant requesting the single-serving format? We need the specifics of your proposal, which was not included in the initial application to ensure Conditions drafted for Bastille fit the proposed use.

Thank you for your understanding and I look forward to your response.

Best,
Sara

Sara Brandt-Vorel
Urban Planner
City of Alexandria
Department of Planning and Zoning, Room 2100
City Hall
301 King Street

USE CHARACTERISTICS**4.** The proposed special use permit request is for (*check one*):

- ☐ a new use requiring a special use permit,
☐ an expansion or change to an existing use without a special use permit,
☒ an expansion or change to an existing use with a special use permit,
☐ other. Please describe: _____

5. Please describe the capacity of the proposed use:**A.** How many patrons, clients, pupils and other such users do you expect?

Specify time period (i.e., day, hour, or shift).

No change from SUP #2014-0003. The Applicant anticipates having approximately 180 diners per day.**B.** How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

No change from SUP #2014-0003. Bastille 2.0 will employee approximately 36 individuals on a full or part time basis. The anticipated maximum number of employees on site at any one time is 19.**6.** Please describe the proposed hours and days of operation of the proposed use:**Day:**No change from SUP #2014-0003. Will continue toadhere to Staff Conditions #4 and #5, with indoor portionof restaurant limited to 10:00am - 11:00pm Sunday -Thursday and between 10:00am - 12 midnight Friday**Hours:**and Saturday. Outdoor seating will continue to be limitedto 10:00am - 10:00pm Sunday - Thursday and between10:00am - 11:00pm Friday and Saturday.**7.** Please describe any potential noise emanating from the proposed use.**A.** Describe the noise levels anticipated from all mechanical equipment and patrons.No change from SUP #2014-0003. It is not anticipated that noise levels will exceed permitted levels under the Alexandria City Code.**B.** How will the noise be controlled?No change from SUP #2014-0003. it is not anticipated that patron noise will be a source of complaints, as such, no extraordinary noise mitigation or control measures are warranted.

8. Describe any potential odors emanating from the proposed use and plans to control them:

No change from SUP #2014-0003. It is not anticipated that offensive odors will

emanate from the use of the property as a restaurant.

9. Please provide information regarding trash and litter generated by the use.

- A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

No change from SUP #2014-0003. The type of trash and garbage generated by the restaurant will consist mainly of refuse from products received and from general restaurant operations (product remnants).

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

No change from SUP #2014-0003. The restaurant will generate approximately eight (8) 50 gallon bags per day.

- C. How often will trash be collected?

No change from SUP #2014-0003. Trash will be deposited in a trash compactor for the retail tenants located in the building basement. The property management will establish a pick-up schedule based on actual usage and compactor capacity.

- D. How will you prevent littering on the property, streets and nearby properties?

No change from SUP #2014-0003. Litter is not an anticipated problem; however, the restaurant's staff will self-police the sidewalks surrounding the restaurant.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property? No change.

☒ Yes. ☐ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

No change from SUP #2014-0003. Small quantities of hazardous materials, generally recognized to be appropriate for use by restaurants in the operation of the business, will be stored, used as solvents, and disposed of in accordance with applicable regulations.

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property? No change.

☒ Yes. ☐ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

No change from SUP #2014-0003. Small quantities of organic compounds, generally recognized to be appropriate for use by restaurants in the operation of the business, will be stored, used as solvents, and disposed of in accordance with applicable regulations.

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons? No change from SUP #2014-0003. The location in the central business district and the approved (conditions #4 & #5) hours of operation of the restaurant should provide a safe environment for its patrons and staff. It is not anticipated that extraordinary security measures will be required.

ALCOHOL SALES

13.

- A. Will the proposed use include the sale of beer, wine, or mixed drinks?

☒ Yes ☐ No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

On-premise consumption of beer, wine and spirits was approved under SUP #2014-0003. Applicant is proposing off-premise sales of beer and wine.

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use: Thirty-eight (38) parking spaces are required by the Alexandria Zoning Ordinance. See attached.

_____ Standard Spaces

_____ Compact Spaces

_____ Handicapped accessible spaces.

11 _____ Other. Parking spaces in the retail parking area of the below grade parking facility

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A _____

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where is required parking located? (check one)

☒ on-site

☐ off-site

If the required parking will be located off-site, where will it be located?

Not applicable.

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

☒ Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are available for the use? No change. One (1) for use by residential and commercial tenants.

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where are off-street loading facilities located? No change from SUP #2014-0003. There is a loading space for the building located in the interior of the building off of the internal road. The loading zone for the building is not located near or connected to the retail space.
- C. During what hours of the day do you expect loading/unloading operations to occur?
No change from SUP #2014-0003. It is anticipated that loading and unloading activities will occur Monday - Saturday between 9:00am - 5:00pm.
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
No change from SUP #2014-0003. It is anticipated that there will be 2 - 4 deliveries per day, Monday - Saturday.
16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?
No change from SUP #2014-0003. Street access to the property is adequate.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No
- Do you propose to construct an addition to the building? ☐ Yes ☒ No
- How large will the addition be? N/A square feet.
18. What will the total area occupied by the proposed use be?
3,470 sq. ft. (existing) + 0 sq. ft. (addition if any) = 3,470 sq. ft. (total)
19. The proposed use is located in: (check one)
- ☐ a stand alone building
- ☐ a house located in a residential zone
- ☐ a warehouse
- ☐ a shopping center. Please provide name of the center: _____
- ☐ an office building. Please provide name of the building: _____
- ☒ other. Please describe: Residential Retail Mixed-Use building

End of Application

SUP # 2016-0019

Admin Use Permit #



SUPPLEMENTAL APPLICATION

RESTAURANT

All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

1. How many seats are proposed?

Indoors:

Outdoors:

12 additional

Total number proposed:

12 additional

2. Will the restaurant offer any of the following?

Alcoholic beverages (**SUP only**) X Yes No

Beer and wine — on-premises X Yes No

Beer and wine — off-premises X Yes No

3. Please describe the type of food that will be served:

Traditional French Bistro.

4. The restaurant will offer the following service (check items that apply):

X table service X bar X carry-out delivery

5. If delivery service is proposed, how many vehicles do you anticipate? N/A

Will delivery drivers use their own vehicles? Yes No

Where will delivery vehicles be parked when not in use?

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?

X Yes No

If yes, please describe:

No Change from SUP #2014-0003. There are still two (2) flat screen televisions in the Bar area.



APPLICATION - SUPPLEMENTAL

PARKING REDUCTION

Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).

1. Describe the requested parking reduction. (e.g. number of spaces, stacked parking, size, off-site location)

See attached.

2. Provide a statement of justification for the proposed parking reduction.

See attached.

3. Why is it not feasible to provide the required parking?

See attached.

4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces?

☐ Yes. ☒ No.

5. If the requested reduction is for more than five parking spaces, the applicant must submit a **Parking Management Plan** which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction.

6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood.

February 23, 2016

SUP #2014-0003 Modification Request

Bastille 2.0

PARKING REDUCTION SUPPLEMENTAL APPLICATION

1. Describe the requested parking reduction.

Bastille 2.0 is located in the retail portion of The Asher mixed-use project approved by the Alexandria City Council on September 13, 2008 as DSUP #2008-0008. The retail portion of the project to be occupied by Bastille 2.0 is located on the Northwest corner of Pendleton Street and North Fayette Street.

Parking for The Asher project as described in the Staff Report prepared for the approval of DSUP #2008-0008 was based upon the Braddock Road Metro Small Area Plan (the "SAP") parking district recommendations. The SAP's parking recommendations were adopted as the parking policy for the Braddock Road Metro area as part of the overall adoption of the SAP. Those recommendations have not been codified to amend the Alexandria Zoning Ordinance's parking requirement for restaurants of one (1) space for each four (4) seats.

The SAP provides for an exemption from required parking for the first sixty (60) seats for restaurants located in the Braddock Road Metro Small Area Planning District. The applicant requested and was granted that the special use permit parking recommendations in the SAP apply to Bastille 2.0 thereby exempting the parking requirement for the first sixty (60) seats located in the restaurant.

Pursuant to the DSUP approval and final site plan, there are sixteen (16) parking spaces in the retail portion of the parking structure serving The Asher building. Of these spaces, eleven (11) parking spaces are allocated for use by Bastille 2.0. The remaining spaces are needed to support the additional retail portion of The Asher project. The eleven (11) spaces available for use by Bastille 2.0 is nine (9) spaces short of what is required to comply with the Alexandria Zoning Ordinance for the eighty (80) seats in the restaurant in excess of the sixty (60) seat exemption. Special Use Permit #2014-0003 granted the Applicant a nine (9) space parking reduction.

The Applicant is requesting additional parking of three (3) parking spaces to permit the additional twelve (12) outdoor dining seats.

2. Provide a statement of justification for the proposed parking reduction.

The Asher building was approved pursuant to DSUP #2008-0008 and the parking provided in the building's parking facility was based upon the parking recommendations contained in the SAP.

The garage was constructed to those recommendations. Sixteen (16) parking spaces in the garage were allocated to the retail component of the project. Of the sixteen (16) spaces, the applicant has been assigned eleven (11) spaces to support the portion of the retail space which it will use and occupy.

The remaining spaces were required to support the remaining unleased retail space in The Asher building. As such, there was no additional available parking for Bastille 2.0 located in The Asher parking facility. In the immediate vicinity of The Asher there are no opportunities for Bastille 2.0 to obtain additional off-site parking.

Bastille 2.0 is located within walking distance of the Braddock Road Metro station and has excellent transit opportunities for staff and patrons. Additionally, the SAP encourages the establishment of local, residential serving businesses such as Bastille 2.0 as evidenced by the parking exemption for the first sixty (60) seats of a restaurant.

Bastille 2.0 anticipates that it will be a destination for local residents who will be able to walk to the site. And the additional seating is seasonal in nature, and therefore will have limited periods in which it is used during the year.

3. Why is it not feasible to provide the required parking?

The Asher building was approved pursuant to DSUP #2008-0008 and the parking provided in the building's parking facility was based upon the parking recommendations contained in the SAP.

The garage was constructed to those recommendations. Sixteen (16) parking spaces in the garage were allocated to the retail component of the project. Of the sixteen (16) spaces, the applicant has been assigned eleven (11) spaces to support the portion of the retail space which it will use and occupy.

The remaining spaces were required to support the remaining unleased retail space in The Asher building. As such, there was no additional available parking for Bastille 2.0 located in The Asher parking facility. In the immediate vicinity of The Asher there are still no opportunities for Bastille 2.0 to obtain additional off-site parking.

PARKING MANAGEMENT PLAN: Bastille 2.0

The parking management plan consists of ensuring the utilization of parking spaces in the parking facility for the restaurant as well as advising patrons of the proximity to and availability of the Braddock Road Metro station as a convenient way to come to Bastille 2.0.



APPLICATION

ENCROACHMENT

ENC# 2016-0003 SUP2016-0019

PROPERTY LOCATION: Public right-of-way adjacent to 606 N. Fayette Street, Alexandria, Virginia

TAX MAP REFERENCE: 054.03-05-01 **ZONE:** CRMU/H

APPLICANT

Name: Le Coq, LLC, trading as Bastille 2.0
Address: 606 N. Fayette Street, Alexandria, Virginia 22314

PROPERTY OWNER

Name: 621 N. Payne Street, LLC
Address: 4401 Ford Avenue, Suite 400, Alexandria, Virginia 22302

PROPOSED USE: Adoption of an encroachment ordinance to permit twelve (12) additional outdoor dining seats in a portion of the public right-of-way at the corner of North Fayette and North Pendleton Streets

INSURANCE CARRIER (copy attached) State Auto Insurance Companies **POLICY #** BOP2782321

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** I so 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.

Duncan W. Blair, Esq.

Print Name of Applicant or Agent

524 King Street

Mailing/Street Address

Alexandria, VA 22314

City and State Zip Code


Signature

703-836-1000

Telephone #

703-549-3335

Fax #

dblair@landcarroll.com

Email address

February 23, 2016

Date

Application Received: _____

Date and Fee Paid: \$ _____

ACTION - PLANNING COMMISSION: _____ ACTION - CITY COUNCIL: _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 606 N. Fayette Street, Alexandria, Virginia, I hereby
(Property Address)
 grant the applicant authorization to apply for the Restaurant use as
(use)
 described in this application.

Name 621 N Payne Street, LLC by: Stefanie Erkiletian

Phone 703-671-4400

Please Print

Address 2009 14th St. N, Suite One, Arlington, VA 22201

Email bdenton@erkiletian.com

Signature: 

Date: 02/19/16

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.

Le Coq, LLC is a Virginia limited liability company. Christophe Poteaux and Michelle Poteaux are the only members of the limited liability company having an ownership interest in excess of 10%.

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 606 N. Fayette Street, Alexandria, Virginia (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.

621 N. Payne Street, LLC

Name	Address	Percent of Ownership
1. Erkiletian Development Company, LLC	2009 14th St. N., Suite Oné, Arlington, VA 22201	100%
2.		
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. Erkiletian Development Company, LLC	None	PC & CC
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.

2/22/16
Date

Doreen W Baire
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.

Le Coq, LLC

	Name	Address	Percent of Ownership
1.	Christopher Poteaux	5809 Queens Gate Court, Alexandria, VA 22302	In excess of 10%
2.	Michelle Poteaux	5809 Queens Gate Court, Alexandria, VA 22302	In excess of 10%
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 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.	Christopher Poteaux	None	PC & CC
2.	Michelle Poteaux	None	PC & CC
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.

2/23/16
Date

Christopher Poteaux
Printed Name

Signature



BASTLLC-01

JDEVINE

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
4/1/2015

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).

PRODUCER Danaher-Skawes & Associates 4200 Evergreen Lane #322 Annandale, VA 22003	CONTACT NAME:	
	PHONE (A/C No. Ex): (703) 642-3200	FAX (A/C No.): (703) 642-5970
INSURED Le Coq, LLC 608 N Fayette Street Alexandria, VA 22314	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: State Auto Insurance Companies	NAIC # 19753
	INSURER B: The Hartford	19682
	INSURER C:	
	INSURER D:	
	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.		

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			BOP2782321	01/01/2015	01/01/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPROP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			BOP2782321	01/01/2015	01/01/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			BOP2782321	01/01/2015	01/01/2016	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	42WECC11782	01/01/2015	01/01/2016	PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	Property			BOP2782321	01/01/2015	01/01/2016	Personal Property 800,000
A	Personal Property			BOP2782321	01/01/2015	01/01/2016	Deductible 2,500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

Evidence of Coverage

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

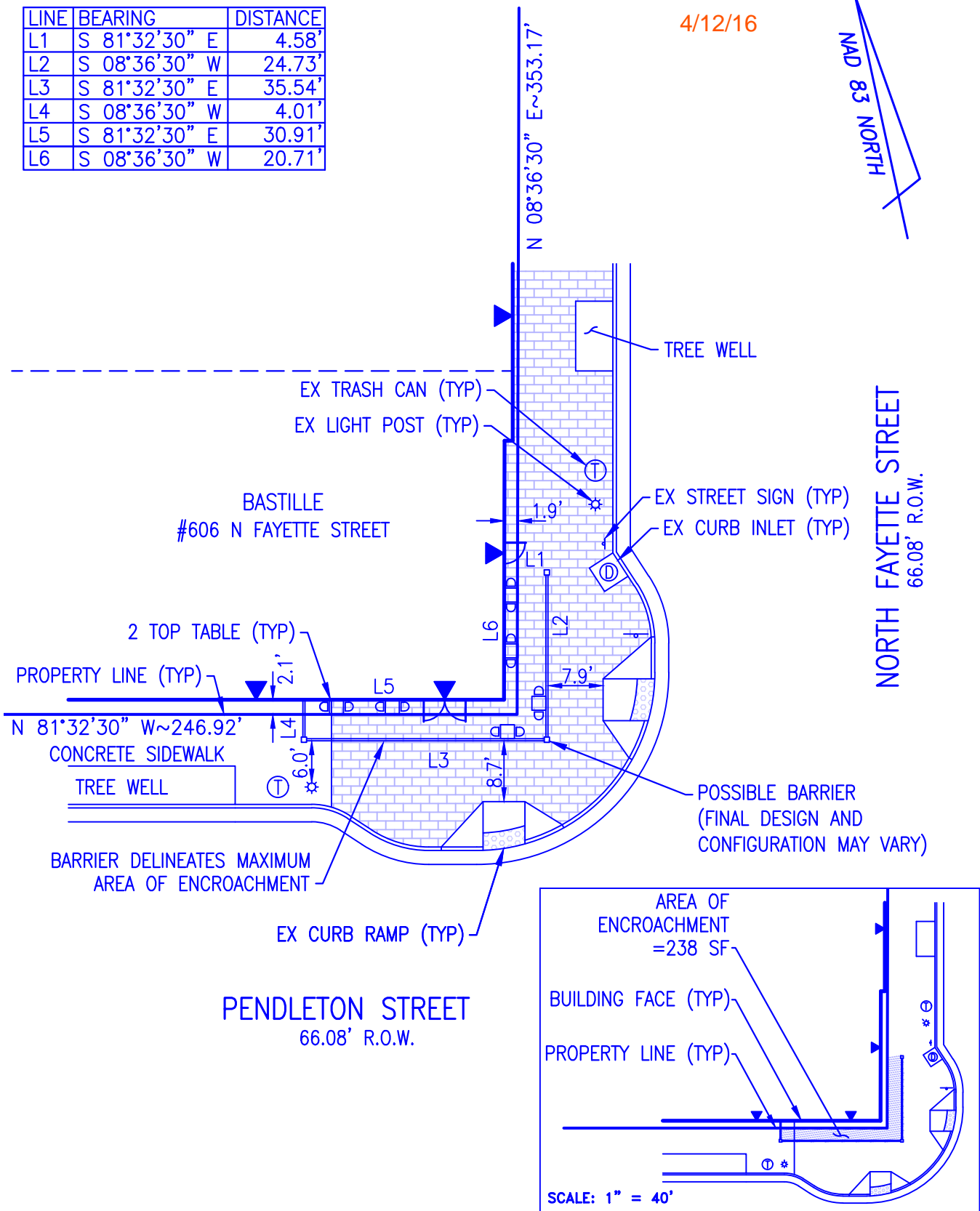
AUTHORIZED REPRESENTATIVE

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REVISED

4/12/16

LINE	BEARING	DISTANCE
L1	S 81°32'30" E	4.58'
L2	S 08°36'30" W	24.73'
L3	S 81°32'30" E	35.54'
L4	S 08°36'30" W	4.01'
L5	S 81°32'30" E	30.91'
L6	S 08°36'30" W	20.71'



ENCROACHMENT PLAT
SHOWING AREA OF ENCROACHMENT FOR OUTDOOR SEATING AREA
ON THE PROPERTY LOCATED AT
#606 N. FAYETTE STREET
CITY OF ALEXANDRIA

SCALE: 1" = 20'

DATE: FEBRUARY 23, 2016

PLAT SUBJECT TO
RESTRICTIONS OF RECORD.
TITLE REPORT NOT FURNISHED,
THUS ALL EASEMENTS MAY NOT
BE SHOWN.

OWNER: BASTILLE RESTAURANT

RCF **IELDS**
 & ASSOCIATES, INC.

ENGINEERING • LAND SURVEYING • PLANNING

730 S. Washington Street www.rcfassoc.com
Alexandria, Virginia 22314 (703) 549-6422

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY
ESTABLISHED BY A TRANSIT TAPE SURVEY AND/OR WITH CALIBRATED ELECTRONIC DISTANCE
MEASURING EQUIPMENT AND, UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.



Sara Brandt Vorel

From: Salena Zellers <salena_zellers@yahoo.com>
Sent: Thursday, March 31, 2016 9:43 AM
To: Sara Brandt Vorel
Cc: Alex Dambach; Karl Moritz; John Chapman; Judy Noritake; Abbey Oklak; Anh Tran; Jesse O'Connell; Rawley Vaughan; chefchristophe@bastillrestaurant.com; chefmichelle@bastillrestaurant.com; Duncan Blair; Jeannette Acosta
Subject: Re: Bastille revised plat, etc. - Conditions

Sara,

Just wanted to send you a quick note before we speak this afternoon about Bastille's request.

Off Premise Alcohol Sales –

Right now, Lost Dog has approval for off premise sales. This aspect of their business is doing well and has caused no problems within the neighborhood. Bastille should be treated no different and should be granted approval for off premise sales. This will provide a boost in sales for the restaurant as well as a nice service for the neighbors. As your colleagues know, in particular Alex, we have been working with PZ to get the regulations regarding off premise sales of alcohol updated for quite some time.

12 Additional outdoor seats - Encroachment on corner across from park -

As you know, N Fayette is a designated as a walking street. We chose this street on purpose with the goal of activating the neighborhood by increasing number people walking from King St, to the Queen St business district, to our neighborhood, and up to the new retail being planned at the Jaguar. Additional street side outdoor seating on N Fayette will help us accomplish this goal. It will result in additional eyes on the street and will help activate the park across the street.

Parking reduction (3 to 0)

Bastille is our neighborhood restaurant, many of the customers walk there and if you stop by on a weekend night, you will see that there is no problem with parking right now in the neighborhood –there is always parking available. In addition, this is seasonal seating that will only be there part of the year. And again, this is a designated walking street – our goal is to get people to walk here (or take the Metro which is a block and a half away). There is no need for additional parking.

The most important reason to grant the additional outdoor seating and off premise alcohol sales is just plain good business sense. We need to do what we can to support the small neighborhood oriented businesses in our City. The Bastille owners took a chance on our neighborhood and we need to help them make their business viable. The increased street side seating and the off premise alcohol sales will provide a boost and increased awareness to their restaurant.

Everyone in the City wants to support small neighborhood oriented businesses and this has become a focus of our City Council and Mayor as several of these businesses have closed in recent months. As a small business owner myself, I know how hard it is to open and become sustainable, if not profitable. We need to do everything possible to support these businesses starting right here. That said, I feel very strongly that there should not be an encroachment surcharge for these few outdoor seats. This will put an added burden on this business that is still in its infant stage in our neighborhood. The contribution that Bastille has made already and continues to make in our neighborhood should be enough right now without putting an additional levy on their books.

I've lived in this neighborhood for 13 years and am so pleased to see our neighborhood becoming more vibrant and active, thanks in a big part to Bastille taking a chance. I worked hard on the Braddock Plan and several of us, cc'd, started the neighborhood association a couple of years ago to help facilitate the development in the area (Braddock Metro Citizen's Coalition - BMCC). We will have a formal letter to you all from the BMCC later but I wanted to give you my quick personal thoughts above which are focused on the neighborhood itself but also the City promoting success of its small businesses rather than imposing a hindrance on their survival.

City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 2, 2016

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: KARL MORITZ, DIRECTOR,
DEPARTMENT OF PLANNING & ZONING

SUBJECT: REVISIONS TO DOCKET ITEM #4: SUP#2016-0019 & ENC#2016-0003, 606 NORTH FAYETTE STREET

This memo contains a replacement of the attachment memorandum from the Office of Real Estate Assessments for Docket Item #4 (SUP#2016-0019 & ENC#2016-0003). The calculation in the prior memorandum was based on a land rent and rate of return analysis which is market value based, but fees are actually required to correspond to the method stated in Section 3-2-85 of the City Code. This section of the Code defines the annual charge for commercial encroachments to be the equivalent of the real estate tax of the encroached land. The attached memorandum dated April 29, 2016 uses the correct calculation method and replaces the previous memo from the Real Estate Assessment office dated April 12, 2016, and it contains a revised encroachment fee.

Staff recommends approval of SUP#2016-0019 & ENC#2016-0003 subject to the following revisions and to the SUP conditions that appear in the staff report.

City of Alexandria, Virginia

MEMORANDUM

DATE: APRIL 29, 2016

TO: KARL MORITZ, DIRECTOR
DEPARTMENT OF PLANNING AND ZONING

FROM: WILLIAM BRYAN PAGE, SRA, REAL ESTATE ASSESSOR
OFFICE OF REAL ESTATE ASSESSMENTS *WBP*

SUBJECT: ENCROACHMENT TO ACCOMMODATE OUTDOOR DINING AT THE
BASTILLE, 606 NORTH FAYETTE STREET, ALEXANDRIA, VIRGINIA

PROJECT: ENCROACHMENT #2016-0003 IN CONNECTION WITH SUP 2016-0019

Per your request, we have reviewed the requested encroachment for the benefit of The Bastille Restaurant in the pedestrian right-of-way at the southwest quadrant of the intersection of North Fayette Street and Pendleton Street, two blocks east of the Braddock Road Metro. The restaurant has operated in this location since 2015 and occupies 3,356 square feet of ground floor retail space within the Asher Apartments. The business is currently approved for 74 seats in the formal restaurant with an additional 26 seats in the lounge. The Asher is a six-story mid-rise rental apartment complex constructed in 2012 with 206 units in two buildings and a two level below grade parking garage. The property is zoned CRMU-H (Commercial Residential Mixed Use - High).

The area of the proposed encroachment encumbers the southeast corner of the pedestrian right-of-way with a width that varies from 6.48 feet along North Fayette Street to 6.63 feet along Pendleton Street and is designed to accommodate up to 12 outdoor seats within an enclosed area delineated by movable seasonal fencing. The proposed encroachment encumbers 238 square feet. The width of the residual right-of-way net of the encroachment is sufficient as to not impede pedestrian flow.

Because this is not a vacation on the part of the City, the value of the encroachment can be determined by the application of Section 3-2-85 of the City Code which 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 or owners of the encroaching property. Based on a land value of \$165.49 per square-foot, a land area of 238 square feet and the 2015 tax rate of 1.043 per \$100 of assessed value, the indicated value of the encroachment is \$410 (rounded).

Four Hundred and Ten Dollars

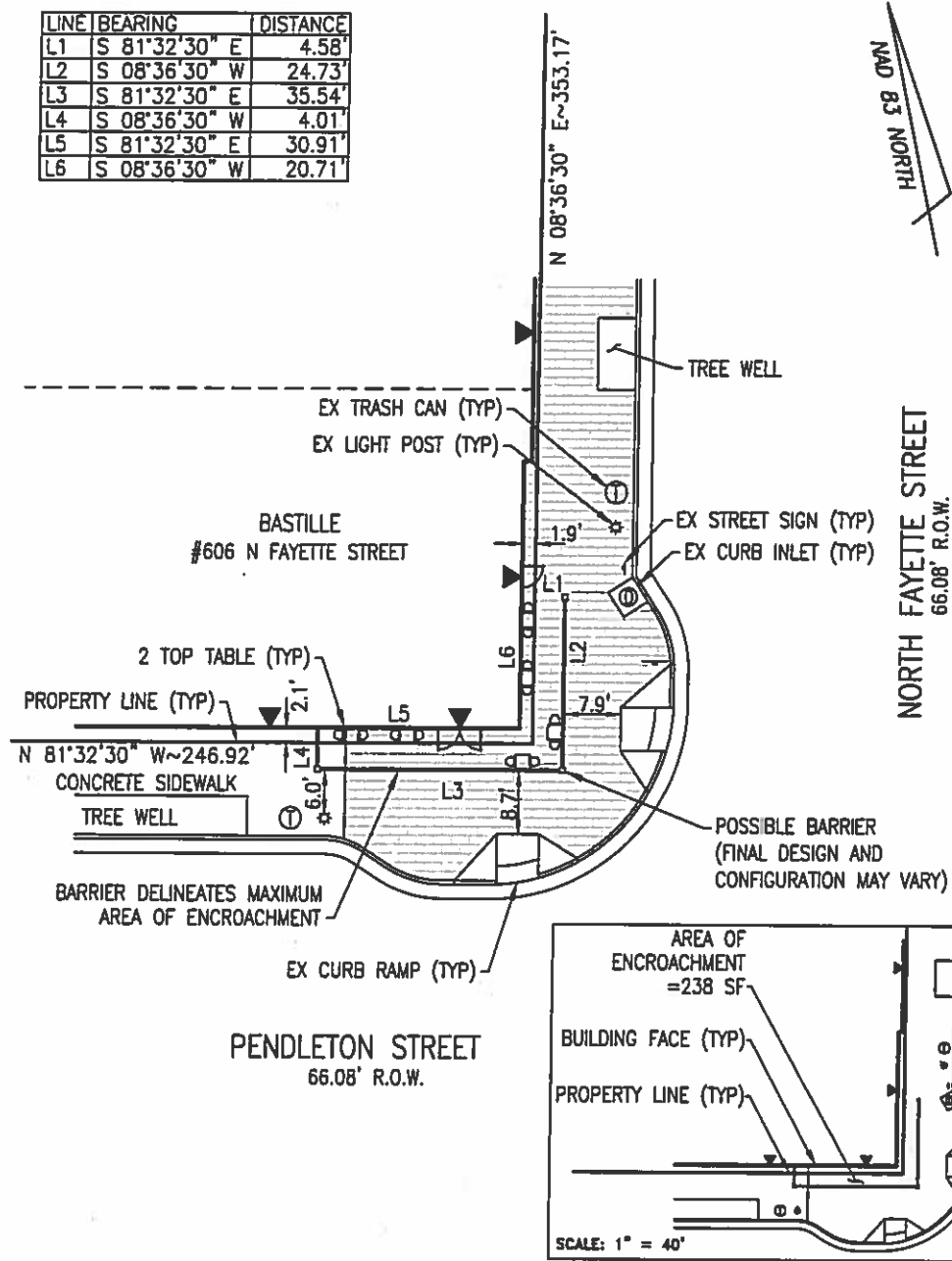
This analysis does not constitute a fully documented real property appraisal report and should not be purported as such. The analysis is based on the current 2016 per square-foot assessed values of similarly zoned parcels in the immediate area of the subject property, and complies with City policies and guidelines.

Attachments:

Encroachment Plat (dated February 23, 2016)

cc: Ann Horowitz, Urban Planner II

LINE	BEARING	DISTANCE
L1	S 81°32'30" E	4.58'
L2	S 08°36'30" W	24.73'
L3	S 81°32'30" E	35.54'
L4	S 08°36'30" W	4.01'
L5	S 81°32'30" E	30.91'
L6	S 08°36'30" W	20.71'



ENCROACHMENT PLAT

SHOWING AREA OF ENCROACHMENT FOR OUTDOOR SEATING AREA
ON THE PROPERTY LOCATED AT

#606 N. FAYETTE STREET
CITY OF ALEXANDRIA

SCALE: 1" = 20'

DATE: FEBRUARY 23, 2016

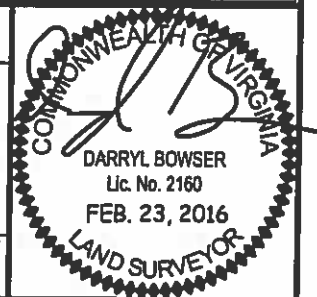
PLAT SUBJECT TO
RESTRICTIONS OF RECORD.
TITLE REPORT NOT FURNISHED,
THUS ALL EASEMENTS MAY NOT
BE SHOWN.

OWNER: BASTILLE RESTAURANT

RCF **FIELDS**
& ASSOCIATES, INC.

ENGINEERING • LAND SURVEYING • PLANNING
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Alexandria, Virginia 22314 (703) 549-6422

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY
ESTABLISHED BY A TRANSIT TAPE SURVEY AND/OR WITH CALIBRATED ELECTRONIC DISTANCE
MEASURING EQUIPMENT AND, UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.





Braddock Metro Citizens' Coalition

Working for a Greater Northwest Old Town | www.braddockmetro.org

1122 Madison Street, Alexandria, VA 22314 | bmcc@braddockmetro.org

April 29, 2016

Chairwoman Mary Lyman
Planning Commissioners
Alexandria, Virginia

Re: Bastille Restaurant
Docket Item #4; SUP 2016-0019; Encroachment #2016-0003

Dear Chairwoman Lyman and Planning Commissioners:

I am writing on behalf of the Braddock Metro Citizens' Coalition (BMCC) in support of the request by Bastille Restaurant for an amendment to their existing SUP (2014-0003) for additional outdoor dining seats with an encroachment into the public right-of-way, a request for a parking reduction and a request to permit off-premises alcohol sales. You will be considering this request at your meeting May 4, 2016. The BMCC fully supports Bastille's request.

12 Outdoor Seats and Encroachment

Bastille is proposing to add 12 outdoor seats to the corner of its restaurant on N. Fayette and Pendleton Streets, just across the street from the Braddock Interim Park. As stated in the Braddock Metro Neighborhood Small Area Plan, N. Fayette is designated as a walking street. This street was one of the main streets chosen because of its potential for activating the neighborhood by increasing number people walking between King St, the Queen St business district, the Braddock neighborhood retail, and up to the new retail being planned at the Jaguar development. Additional street-side outdoor seating on N. Fayette will help accomplish this goal, as well as provide additional eyes on the street and the park. We are very excited to gain additional outdoor seating on N. Fayette Street across from the Braddock Interim Park.

Parking reduction

Bastille is our neighborhood restaurant positioned on N. Fayette, a designated walking street. Many of the customers are nearby neighbors and currently walk to the restaurant rather than drive, just as envisioned by the Small Area Plan and Bastille's business model. If you stop by in the evenings, you will see that there is always parking available in this part of the neighborhood. There is no need for additional parking for these seasonal 12 seats, which will only be utilized part of the year.

Off Premise Alcohol Sales

We completely support Bastille's request to be able to sell wine and beer for off-premise consumption. Recall that in March 2014, the Planning Commission approved the off-premise license for The Lost Dog restaurant, which is a little more than a block away. At that time, the Planning Commission was supportive of this request and removed the restrictive language from the conditions. In addition, you asked Planning and Zoning Staff to re-examine the outdated alcohol sales standards and to recommend new language that reflected current



Braddock Metro Citizens' Coalition

Working for a Greater Northwest Old Town | www.braddockmetro.org

1122 Madison Street, Alexandria, VA 22314 | bmcc@braddockmetro.org

restaurant requests for off-premise alcohol sales. We consulted with Staff last summer on this issue, vocalizing our support for restaurants to be able to sell alcohol for off-premise consumption. This aspect of Lost Dog's business is doing very well and has caused no problems in our neighborhood. Bastille should be treated no differently and should be granted full approval for off-premise alcohol sales as well. This will provide a boost in revenue for the restaurant as well as a great service for the neighbors. They have a very good wine list.

The most important reason to grant the additional outdoor seating and off-premise alcohol sales is that it makes good business sense. We need to do what we can to support the small neighborhood-oriented businesses in our City. This has become a focus for our Mayor and City Council as a number of small local businesses have closed in recent months. The Bastille owners took a chance on our neighborhood and we need to help them make their business successful. The increased street side seating and the off premise alcohol sales will provide a boost to their business and increase awareness of their restaurant.

Those of us living in this part of the City are working to sustain the businesses that have taken a chance on the Braddock neighborhood. The BMCC urges you to support our growing retail by approving Bastille's request for additional outdoor seating, a parking reduction, as well as the ability for off-premise alcohol sales. Feel free to contact us if you have any questions.

With warm regard,

Judy Guse-Noritake, President

Braddock Metro Citizens' Coalition

Cc: BMCC Membership
Karl Moritz, Director, Planning & Zoning