

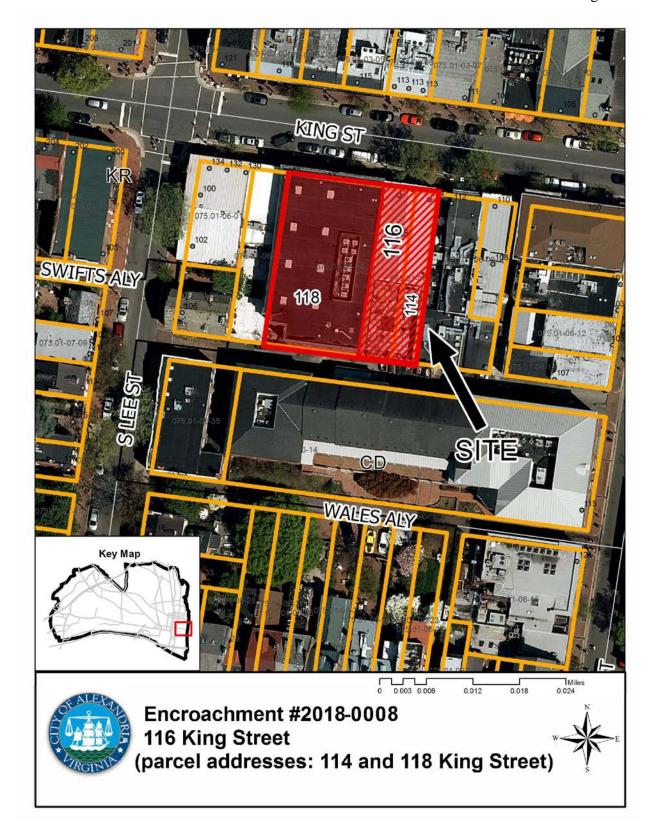
DOCKET ITEM #19 Encroachment #2018-0008 116 King Street (parcel address: 114 & 118 King Street) –

Urbano 116

Application	General Data	
Request: Public hearing and	Planning Commission	September 4, 2018
consideration of a request for an	Hearing:	
encroachment adjacent to 116 King	City Council	September 15, 2018
Street into the public right-of-way	Hearing:	_
for a customer service line and		
access to an outdoor carry-out		
window.		
Address: 116 King Street (parcel	Zone:	KR/King Street Retail
address: 118 King Street)		
Applicant: Urbano 116, LLC	Small Area Plan:	Old Town

Staff Recommendation: *APPROVAL* subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Heba ElGawish, heba.elgawish@alexandriava.gov



I. DISCUSSION

The applicant, Urbano 116, LLC, requests approval for an encroachment into the public right-of-way at 116 King Street to allow for customers to access a carry-out window and to form a queue line at a soon-to-be opened restaurant.

SITE DESCRIPTION

The subject property is one lot of record with 30 feet of frontage on King Street, a depth of 116 feet, and a lot area of 10,216 square feet. The rear of the lot fronts an alley connecting S. Lee St. and S. Union Street. A two-story commercial building with two tenant spaces exists on the site.

A mix of commercial uses surrounds the building as the 100-block of King Street features a variety of restaurants, boutiques, specialty retail and personal services. Residential and office uses generally occupy the upper floors of the nearby rowhouse structures while the ground floors are occupied by commercial establishments. Ground floor retail includes a boutique and a women's clothing store, two gift shops, a stationary store, along with a yoga studio and a variety of restaurants.



Figure 1: 116 King Street

BACKGROUND

In February 2018, City Council approved SUP#2017-0124 to operate a 163-seat restaurant, featuring Mexican-cuisine and a full-service bar, in a 3,904 square feet tenant space. Interior renovations for Urbano 116 are underway and the restaurant has not opened for business.

A separate BAR Certificate of Appropriateness for exterior alterations to replace the existing bay window with a flush, retractable window was approved by BAR in July 2018.

PROPOSAL

The applicant requests approval of an encroachment into the public right-of-way to provide access to an outdoor carry-out window and for a patron queue line at a restaurant that will open later this year. The encroachment would be 3.5 feet from the building into the public right-of-way with a total length of 18 feet. The total area of requested encroachment is approximately 63 square feet (Figure 2)

The applicant has also submitted a Special Use Permit amendment request (SUP #2018-0052) to add a carry-out window feature at Urbano 116 for City Council review at its September 2018 hearing.

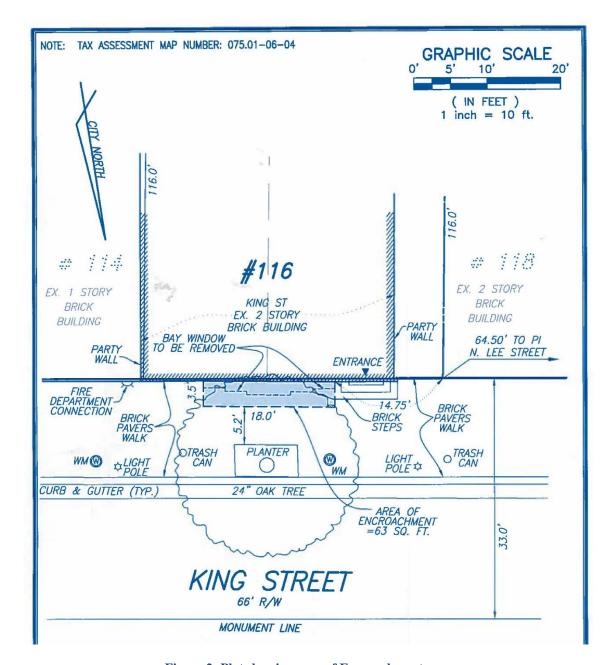


Figure 2: Plat showing area of Encroachment

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the KR/King Street Retail Zone. The restaurant use is consistent with the Old Town Small Area Plan which designates the property for commercial use.

The subject site is located within the boundaries of the Old and Historic District. A separate Certificate of Appropriateness for exterior alterations to replace the existing bay window with a flush, retractable window has been submitted and approved by BAR in July 2018.

VALUE OF ENCROACHMENT

Section 3-2-85 of the City Code defines the annual charge for commercial encroachments to be the equivalent of what would be the real estate tax upon the land being encroached if it were owned by the owner of the encroaching property. The Department of Real Estate Assessments has valued the land and air-rights area in question at a rate of \$1.13 per \$100 of assessed value for an annual encroachment fee of \$185 (rounded). (See attached Memorandum, dated August 9, 2018.)

II. STAFF ANALYSIS

Staff supports the applicant's request for an encroachment into the public right-of-way to operate an outdoor carry-out service window in conjunction with an existing restaurant approval. The proposed encroachment area would allow for at least a five-foot pedestrian right-of-way which is consistent with the minimum right-of-way required for outdoor dining through the King Street Outdoor Dining Program. A requirement for a barrier to separate the pedestrian walkway and the patron queue line is mandated in Condition 1.

III. RECOMMENDED CONDITIONS

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

- 1. An unobstructed and clear 5' sidewalk shall be maintained at all times by installing a barrier, separating the patron queue line from the five-foot pedestrian right-of-way consistent with the area of encroachment. The barrier design must be consistent with the King Street Outdoor Dining Design Guidelines and subject to approval of the Director of Planning and Zoning. (P&Z) (T&ES)
- 2. The applicant (and his/her successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his/her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (T&ES)
- 3. Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
- 4. In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)
- 5. The "applicant" shall bear all the cost associated with the removal of the encroachments. (T&ES)

STAFF: Anthony LaColla, Division Chief, Land Use Regulatory Services, Department of Planning and Zoning; Heba ElGawish, Urban Planner, Planning and Zoning.

IV. CITY DEPARTMENT COMMENTS

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

<u>Transportation & Environmental Services</u>:

- R-1 The applicant (and his/her successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his/her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (T&ES)
- R-2 Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
- R-3 In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)
- R-4 The "applicant" shall bear all the cost associated with the removal of the encroachments. (T&ES)

Code Enforcement:

- C 1 Sites, buildings and structures shall be accessible to persons with physical disabilities, per the current edition of USBC.
- C 2 Recommend a code consultation with the building code department prior to approval.

Fire Department:

No comments received.

Health Department

No comments received.

Police Department:

No comments received.

Parks and Recreation:

No comments received.

Real Estate Assessments:

See attached Memorandum, dated August 9, 2018.





ENC#		

PROPERTY LOCATION: _	116 KING STEERT	
TAX MAP REFERENCE:		
APPLICANT		
Name:(URBANO 116, LLC	
Address:	116 KING STREET ALEXANDRIA VA 22314	
PROPERTY OWNER		
Name: 6	SLD TOWN Z LLC	
Address: 16	616 CAMBEN ROAD, SUITE ZIO / CHARLOTTE NC 282	ا ا
	SNGRBACHMENT POR CARRY OUT WINDOW. CURREN	
<u>3</u> 2	BAY WINDOW ENCROACHES Z'INTO ZOW AND WILL .	BG NS MUISS
A certificate of general liability as an additional insured must be THE UNDERSIGNED.	copy attached) <u>FUE</u> POLICY # Q4362.66.69 insurance in the amount of \$1,000,000 which will indemnify the owner and names the city be attached to this application. IED hereby applies for an Encroachment Ordinance in accordance with the provisions of 3-2-82 and 85 of the Code of the City of Alexandria, Virginia.	550 AS
THE UNDERSIGNE Alexandria to post placard notic (B) of the 1992 Zoning Ordinan THE UNDERSIGNE	hereby applies for an Administrative Use Permit in accordance with the provisions of Article Zoning Ordinance of the City of Alexandria, Virginia. IED, having obtained permission from the property owner, hereby grants permission to the City ice on the property for which this application is requested, pursuant to Article XI, Section 11-30 nace of the City of Alexandria, Virginia. IED Iso attests that all of the information herein provided and specifically including all surveys,	, of
JUSTIA SPARROW	applicant are true, correct and accurate to the best of their knowledge and belief.	
Print Name of Applicant or Ager 1(91 N. FMRFAY ST. Mailing/Street Address	SVITE 210 103-813-5554 703-622-3282 (A	
City and State	Zip Code JSPATTON @ advanced construct group.com Email address 6/1/18 Date	
Application Received:ACTION - PLANNING COMMISSION	Date and Fee Paid: \$ ION:ACTION - CITY COUNCIL:	

application encroachment ROW.pdf 8/1/06 PnzApplications, Forms, Checklists\Planning Commission

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
JUSTIN SPARRAW	MIGANOLIA, VA 22314	33.33%
CHAD GPARROW	SAME	33.33%
LARRY WALSTON, JR.	SAME	33.33%

Name	Address	Percent of Ownership
OLD TOWN Z, LLC	CHALLOTTE, NC 28203	100%
SEE ATTACUED		
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the12-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	Member of the Approving
	Section 11-350 of the Zoning Ordinance	Body (i.e. City Council, Planning Commission, etc.)
OLD TOWN 2, LLC	NONE	N/A
URBAND 116, LLC	NONE	N/A
JUSTIN SPAROW/CHAD SPAROW/LAR	BY WALSTON, TE NONE	NA

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.

5/16/18 JUSTIA A SPAREWY
Date Printed Name

Signature

AP Old Town #2 LLC 802 Gervais St, Suite 200 Columbia, SC 29201

ASANA PARTNERS FUND I REIT

802 Gervais St, Suite 200 Columbia, SC 29201 100%

Managed by:
ASANA PARTNERS
a SEC registered investment
advisor
802 Gervais St, Suite 200
Columbia, SC 29201

JASON TOMPKINS

802 Gervals St, Suite 200 Columbia, SC 29201 40%

TERRY BROWN

802 Gervals St, Suite 200 Columbia, SC 29201 40%

SAM JUDD

802 Gervals St, Suite 200 Columbia, SC 29201 20% May 17, 2018

City of Alexandria
Department of Planning & Zoning
301 King Street
Alexandria, VA 22314

To whom it may concern:

Old Town 2, LLC is the owner of 116 King Street and has entered into a lease with Urbano 116, LLC to operate a new Mexican Restaurant within the space. We have reviewed the proposed changes and approve. Urbano 116, LLC has our permission to move forward with the application and subsequent changes to the building.

Thank you,

Old Town 2, LLC c/o Asana Partners

Reed Kracke



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 06/26/2018

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).

certificate holder in lieu of such endorsement	:(s).			_
PRODUCER		CONTACT NAME		
Downs & Associates, Inc.		PHONE (AC, No, Ext) (703)834-3120	FAX (AC, No). (703	3)834-3159
Suite 300		E-MAIL ADDRESS	1(700,110). (700	7,0010100
131 Elden Street		INSURER(S) AFFORDING CO	VERAGE	NAIC#
Herndon	VA 20170	INSURER A: Erie Insurance Exchange	70111100	26271
INSURED Advanced Construction Group & GCA Floors LLC 1199 N Fairfax St, Suite 210		INSURER B Erie Flagship		35585
		INSURER C		
		INSURER D		
		INSURER E		
Alexandria, VA	22314	INSURER F		
	TE NUMBER:		ON NUMBER:	
THIS IS TO CERTIFY THAT THE POLICIES OF INS INDICATED. NOTWITHSTANDING ANY REQUIRE CERTIFICATE MAY BE ISSUED OR MAY PERTAIL FXCLUSIONS AND CONDITIONS OF SUCH POLICIES.	MENT, TERM OR CONDITI N, THE INSURANCE AFFO	ON OF ANY CONTRACT OR OTHER DOCUM! PRDED BY THE POLICIES DESCRIBED HERE	ENT WITH RESPECT TO	O WHICH THIS

HAVE BEEN REDUCED BY PAID CLAIMS. INSR LTR ADDL SUBR INSD WVD POLICY EFF POLICY EXP (MM/DD/YYYY) (MM/DD/YYYY) TYPE OF INSURANCE POLICY NUMBER COMMERCIAL GENERAL LIABILITY \$ 1,000,000 **EACH OCCURRENCE** DAMAGE TO RENTED PREMISES (Ea occurrence) CLAIMS-MADE X OCCUR s 1,000,000 \$ 5,000 MED EXP (Any one person) Α γ N Q430250609 7/2/2017 7/2/2019 \$ 1,000,000 PERSONAL & ADV INJURY GEN'L AGGREGATE LIMIT APPLIES PER \$ 2,000,000 GENERAL AGGREGATE POLICY X PRO-\$ 2,000,000 LOC PRODUCTS - COMPIOP AGG OTHER. AUTOMOBILE LIABILITY COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 ANY AUTO BODILY INJURY (Per person) ALL OWNED AUTOS SCHEDULED Α Υ Ν Q070230576 7/2/2017 7/2/2019 BODILY INJURY (Per accident) AUTOS NON-OWNED AUTOS PROPERTY DAMAGE HIRED AUTOS \$ (Per accident) \$ UMBRELLA LIAB XOCCUR EACH OCCURRENCE \$ 10,000,000 EXCESS LIAB Α N Q310270161 CLAIMS-MADE 7/2/2017 7/2/2019 \$ 10,000,000 AGGREGATE DED X RETENTION \$ 0 WORKERS COMPENSATION X PER STATUTE AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE \$ 1,000,000 E.L. EACH ACCIDENT Q915200154 (DC, MD, VA) OFFICER/MEMBER EXCLUDED? N/A N 7/2/2017 7/2/2019 (Mandetory in NH) \$ 1,000,000 EL DISEASE - EA EMPLOYEE if yes, describe under DESCRIPTION OF OPERATIONS below E L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required) City of Alexandria is listed as an additional insured.

CERTIFICATE HOLDER	CANCELLATION
City of Alexandria 301 King Street	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

Fax: Email:

Alexandria

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Virgin Delcid

VA 22314

730 S. WASHINGTON STREET ALEXANDRIA, VA 22314 TEL (703) 549-6422 FAX (703) 549-6452 www.rcfassoc.com

METES AND BOUNDS DESCRIPTION

ENCROACHMENT AREA #116 KING STREET

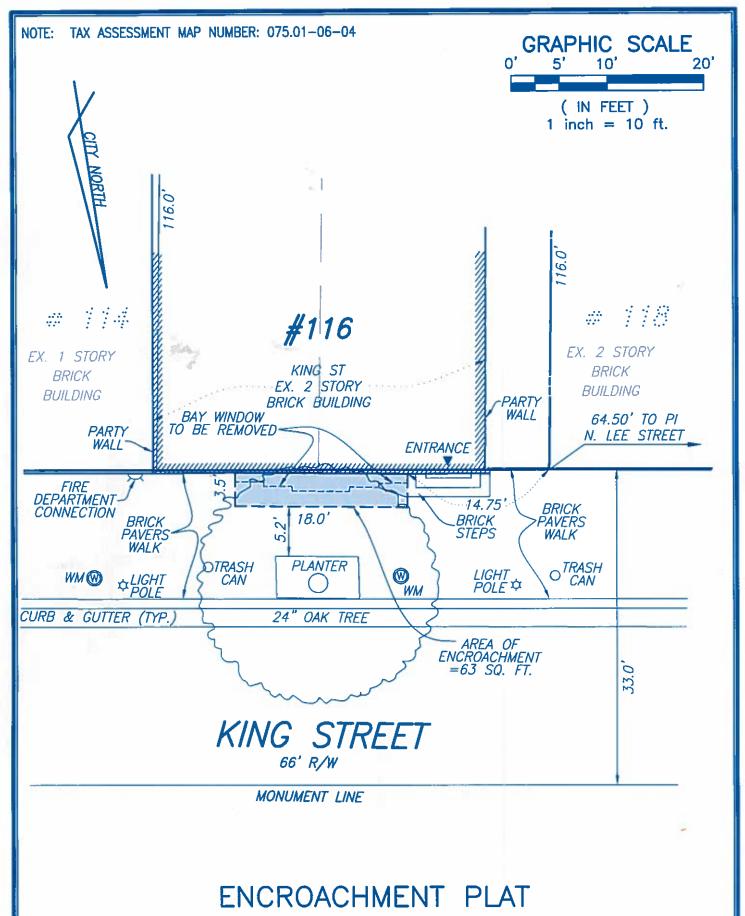
CITY OF ALEXANDRIA, VIRGINIA

BEING A STRIP OF LAND HEREINAFTER DESCRIBED RUNNING IN, THROUGH, OVER AND ACROSS PART OF THE RIGHT-OF-WAY OF KING STREET, LYING AND BEING SITUATED IN THE CITY OF ALEXANDRIA, VIRGINIA AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED 79.25 FEET EAST OF THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LIMITS OF KING STREET WITH THE EASTERLY RIGHT-OF-WAY LIMITS OF N. LEE STREET, THENCE DEPARTING SAID SOUTHERLY LIMITS AND RUNNING PARALLEL WITH THE SAID EASTERLY LIMITS OF N. LEE STREET;

- 1) 3.5 FEET IN A NORTHERLY DIRECTION TO A POINT, THENCE RUNNING PARALLEL WITH THE SAID SOUTHERLY LIMITS OF KING STREET;
- 2) 18.0 FEET IN AN EASTERLY DIRECTION TO A POINT, THENCE RUNNING PARALLEL WITH THE SAID EASTERLY LIMITS OF N. LEE STREET:
- 3) 3.5 FEET IN A SOUTHERLY DIRECTION TO A POINT LOCATED AT THE SOUTHERLY RIGHT-OF-WAY LIMITS OF KING STREET, THENCE RUNNING ALONG SAID RIGHT-OF-WAY LIMITS;
- 4) 18.0 FEET IN A WESTERLY DIRECTION TO THE POINT OF BEGINNING.

CONTAINING 63 SQUARE FEET OR 0.0014 ACRES OF LAND



SHOWING AREA OF ENCROACHMENT FOR WINDOW (PASS THRU SERVICE) ON THE PROPERTY LOCATED AT

#116 KING STREET

DB. 383, PG. 481

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 10' DATE: JUNE 26, 2018 INSTR.: #170012792 PLAT SUBJECT TO RESTRICTIONS OF RECORD.
TITLE REPORT NOT FURNISHED, THUS ALL EASEMENTS MAY NOT OWNER: OLD TOWN 2 LLC. CLIENT: JUSTIN SPARROW

E AUSOCIATES, inc **PLANNING**

ENGINEERING LAND SURVEYING

www.rcfassoc.com (703) 549-6422

730 S. Washington Street Alexandria, Virginia 22314 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.

CHECKED: WDS



City of Alexandria, Virginia

MEMORANDUM

DATE:

AUGUST 9, 2018

TO:

KARL MORITZ, DIRECTOR

DEPARTMENT OF PLANNING AND ZONING

FROM:

WILLIAM BRYAN PAGE, SRA, REAL ESTATE ASSESSOR

OFFICE OF REAL ESTATE ASSSESSMENTS

ADDRESS:

116 KING STREET, ALEXANDRIA, VIRGINIA

SUBJECT:

3.5 FEET WIDE BY 18 FEET LONG ENCROACHMENT ALONG THE 100

BLOCK OF KING STREET, ALEXANDRIA, VIRGINIA

ACCOUNT: 12642510 (PART, MULTIPLE ADDRESSES)

PROJECT: ENCROACHMENT #2018-0008 (RELATED SUP: 2017-00124)

Per your request, we have reviewed the proposed encroachment into the public right-of-way along the south side of King Street just west of its intersection with Union Street. The actual encroachment consists of a 63 square-foot strip of brick-paved sidewalk that is flush with the northern elevation of the building at 114 – 116 King Street. It will project out into the right-ofway a distance of 3.5 feet and extend a distance of 18 feet. The existing bay window will be removed and a new storefront window in compliance with existing architectural guidelines will be installed in its place; a portion of which will be used for carry out service in association with the Urbano Restaurant. The actual proposed encroachment will function as a service line for the operation.

The proposed use is within two contiguous two-story masonry buildings constructed at various times containing a net leaseable floor area of 20,070 square feet. The improvements are sited on a parcel containing 10,046 square feet indicating a floor area ratio of 2.0. It is zoned KR (King Street Urban Retail).

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 \$260 per square-foot, a land encroachment area of 63 square feet and the 2018 tax rate of 1.13 per \$100 of assessed value, the indicated **annual fee** of the encroachment is \$185.00 (rounded).

One Hundred and Eighty-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 2018 per square-foot assessed land values of the subject and similarly zoned parcels in the immediate area of the subject property, and complies with City policies and guidelines.

Attachments
Encroachment Plat (ENC# 2018-0008)

ce: Ann Horowitz, Urban Planner II Heba ElGawish, Urban Planner

