

DOCKET ITEM #3 Encroachment #2019-00007 219 King Street Two Nineteen Restaurant

CONSENT AGENDA ITEM

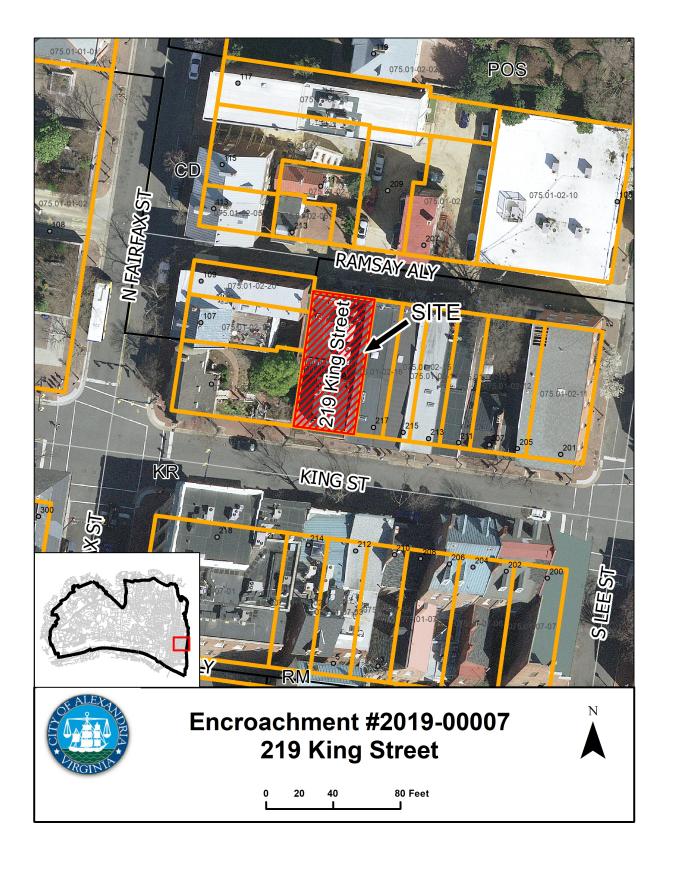
If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Application	General Data	
Request: Public hearing and	Planning Commission	February 4, 2020
consideration of a request for an	Hearing:	
Encroachment into the public right-	City Council	February 22, 2020
of-way at the rear of the restaurant for	Hearing:	
the enclosure of a trash storage area,		
restaurant equipment and stairs.		
Address: 219 King Street	Zone:	KR/King Street Urban Retail
		Zone
Applicant: Yupaporn Charoentra,	Small Area Plan:	Old Town
represented by Paul Solon, AIA		

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 Reviewer: Max Ewart, max.ewart@alexandriava.gov

Ann Horowitz, ann.horowitz@alexandriava.gov



I. REPORT SUMMARY

The applicant, Yupaporn Charoentra, represented by architect, Paul Solon, requests approval for an encroachment into the public right-of-way for the enclosure of a trash storage area, restaurant equipment and stairs behind the Two-Nineteen Restaurant at 219 King Street. Staff recommends approval of the encroachment request with conditions as described in the report.

SITE DESCRIPTION

The subject property is one rectangular lot of record located at 219 King Street. The lot has 36.5 feet of frontage on King Street, 80.4 feet of depth and approximately 3,000 square feet of lot area (Figure 1). Ramsay Alley, which connects North Fairfax Street and North Lee Street, is used to access the rear of the lot. The proposed area of encroachment is located at the rear of the lot with frontage on Ramsay Alley.

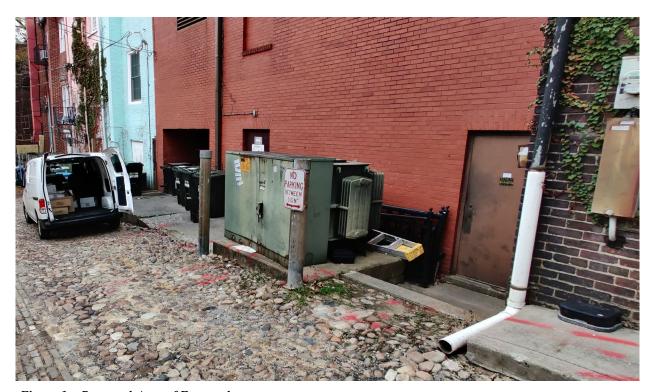


Figure 1 – Proposed Area of Encroachment

A mix of commercial, residential and institutional uses surround the subject site. Retail businesses along King Street include Three Sisters, Comfort One Shoes and John Crouch Tobacconist to the east and Kilwin's Candy to the south, across King Street. The Ramsay House Visitors Center, City Hall and Market Square are to the west. Restaurants on lower King Street include Ichiban Sushi House and Sonoma Cellar to the east and The Warehouse and Kisso Asian Bistro to the south across King Street.

BACKGROUND

The restaurant at 219 King Street operated prior to 1992 when the Zoning Ordinance was changed to require Special Use Permits for restaurants, qualifying the business as a grandfathered restaurant. A letter of agreement dated June 8, 1994, from the Department of Planning and Zoning was written to confirm the grandfathered status.

On September 15, 2018, City Council approved SUP #2018-0032 for the intensification of a grandfathered restaurant to extend hours of operation, add indoor and outdoor seats and to add live entertainment. During the Planning Commission public hearing, residents living on Ramsay Alley requested the enclosure of the trash area behind the restaurant and the commission responded with an amendment to Condition #22 to require screening of the trash area. On December 19, 2018, the Board of Architectural Review approved a request for partial demolition/capsulation, alterations, signage, waiver of rooftop HVAC screening requirements, and fence screening for the trash area. During the analysis of the BAR request, staff discovered that the screening of the trash area would require encroachment approval as the trash area extended into the public right-of-way.

In July 2019, City Zoning Enforcement inspectors issued a warning for violation of Conditions #4 and #9 for a noise violation and failure to post the hours of operation. A follow up inspection confirmed that the applicant complied with all SUP conditions.

PROPOSAL

The applicant proposes an encroachment of 285 square feet in the rear of the lot to construct a fence to screen a trash area along Ramsay Alley to comply with Condition #22 of SUP #2018-0032. When staff researched this request, it found that an existing transformer, bollards and stairs leading to a rear door also encroached into the public right-of-way and also required encroachment approval. The portion proposed for the encroachment area along Ramsay Alley would measure approximately 37 feet in length and 10 feet in depth. (Figure 2).

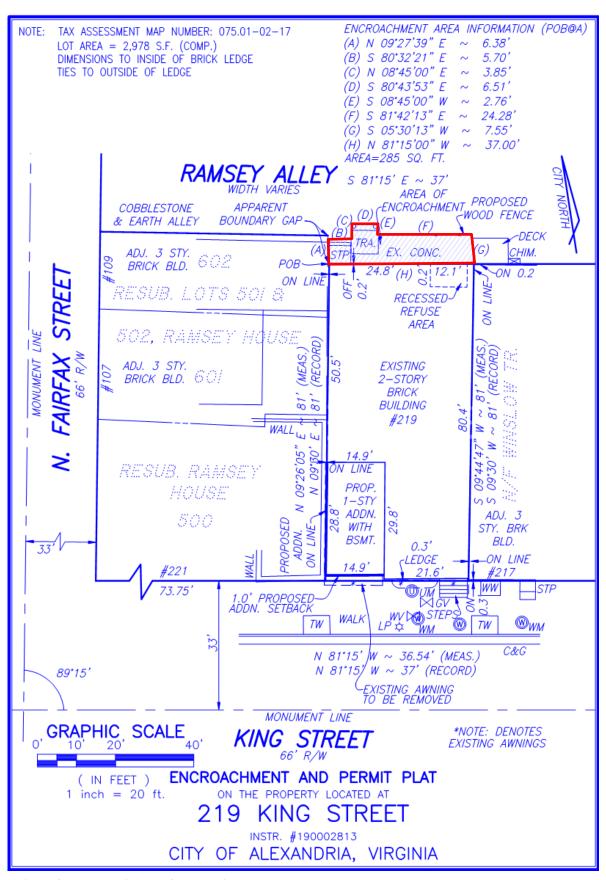


Figure 2 - Proposed Area of Encroachment

ZONING/ MASTER PLAN DESIGNATION

The subject property is located in the KR/King Street Urban Retail Zone. Section 6-702(A)(k) and (B)(2)(a) of the Zoning Ordinance allows for restaurant uses that exceed the administrative standards of Section 11-513 only with Special Use Permit approval in the KR Zone.

The subject site is within the Old Town Small Area Plan and the King Street Retail Strategy overlay area within the small area plan. The small area plan designates the site for commercial uses and the King Street Retail Strategy targets the site as being part of the Historic Waterfront that caters to Alexandria's tourism industry.

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 \$1,250.00 (rounded). (See attached Memorandum, dated December 12, 2019.)

II. STAFF ANALYSIS

Staff supports the applicant's encroachment request. The encroachment proposal would allow the applicant to screen the restaurant's trash area with a fence, as required in Condition #22 of SUP #2018-0032, to improve the quality of the Ramsay Alley residents' view from their homes. It also brings into compliance the restaurant-related generator, bollards and stairs that have encroached into the public right-of-way. The proposed area of encroachment does not impede on the 10 feet of public right-of-way clearance along Ramsay Alley, ensuring room for one-way vehicular movement.

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

III. RECOMMENDED CONDITIONS

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

- 1. 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)
- 2. 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)
- 3. The applicant shall bear all the cost associated with the removal of the encroachments. (T&ES)
- 4. The owner shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000 which will indemnify the owner (and all successors in interest); and the City as an additional insured, against claims, demands, suits and related costs, including attorneys' fees, arising from an bodily injury or property damage which may occur as a result of the encroachment. (sec. 5-29(h)(1)))

Please submit Insurance Certificate: City of Alexandria T&ES Attn: Development Services 301 King Street, Room 4130 Alexandria, VA 22314

STAFF: Tony LaColla, AICP, Division Chief, Land Use Services Ann Horowitz, Principal Planner Max Ewart, Urban Planner

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 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-2 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-3 The applicant shall bear all the cost associated with the removal of the encroachments. (T&ES)
- R-4 The owner shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000 which will indemnify the owner (and all successors in interest); and the City as an additional insured, against claims, demands, suits and related costs, including attorneys' fees, arising from an bodily injury or property damage which may occur as a result of the encroachment. (sec. 5-29(h)(1)))

Please submit Insurance Certificate: City of Alexandria T&ES Attn: Development Services 301 King Street, Room 4130 Alexandria, VA 22314

Code Enforcement:

No comments received

Fire:

No comments or concerns

Health:

No comments received

Recreation, Parks & Cultural Activities:

No comments received

Police Department:

No comments received

Archaeology:
F-1 There is low potential for significant archaeological resources to be disturbed by this



APPLICATION

ENCROACHMENT

ENC#								
PROPERTY LOCATION:	219 KING STEBET							
TAX MAP REFERENCE:	075.01-02-17 ZONE: KR							
APPLICANT	Zonei Company							
	YUPAPORH CHAROENTRA							
Name:	1865 MIDDLEBRIDGE DR. SILVERSARING MO 20906							
Address:	TOBY THUCKENCIPCE DE TOCURESTANG MU 20900							
PROPERTY OWNER	YUPA PORH CHAROEUTEA							
Name:	1865 MIDDUE BRIDGE DR. SILVARSPRING MD 20906							
Address:	OF COT LO DIET DE. OILUADIFICA MO MY 20908							
PROPOSED USE:	KEST AUEAU							
-								
	(copy attached) TRAVELERS INDEMN ITY POLICY # 6805 F914 195							
	ity insurance in the amount of \$1,000,000 which will indemnify the owner and names the city st be attached to this application.							
	NED hereby applies for an Encroachment Ordinance in accordance with the provisions of							
Section 8-1-16 and Sections	s 3-2-82 and 85 of the Code of the City of Alexandria, Virginia.							
-	NED hereby applies for an Administrative Use Permit in accordance with the provisions of Article 22 Zoning Ordinance of the City of Alexandria, Virginia.							
Alexandria to post placard n	ENED , having obtained permission from the property owner, hereby grants permission to the City of otice on the property for which this application is requested, pursuant to Article XI, Section 11-301 nance of the City of Alexandria, Virginia.							
THE UNDERSIG	NED Iso attests that all of the information herein provided and specifically including all surveys,							
drawings, etc., required of the	ne applicant are true, correct and accurate to the best of their knowledge and belief.							
PXUL SOLON, AIA Illh								
Print Name of Applicant or A	gent Signature							
5510 TRIM.	ST 703 599-6324							
Mailing/Street Address ALEXALOR A	Telephone # Fax #							
City and State	VA 22310 PSolon 0060 gmAil. Com Zip Code Email address							
and anima money	10/12/19							

Application Received:	Date and Fee Paid: \$	
ACTION - PLANNING COMMISSION:	ACTION - CITY COUNCIL:	

Date

application encroachment ROW.pdf 8/1/06 Pnz\Applications, 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		
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APORN CHAROFILLDA	u sane "	5090		
WITH CHAIN OPPORTURE	an in	7010		

Name	Address	Percent of Ownership
"KELVIN EAP	SILVER 3 PRING MO	0906 5090
2 YU PAPORIL CHARDEUTEA		5090
3.		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.)
KELVIH EAP	NOHE	NOHE
YUPAPORE CHAROTHURA	NOUR	MOUL
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.

the information pr	rovided above is true and correct.	\bigcap
10/13/19	PAUL SOLON	1100
Date	Printed Name	Signature

As the applicant or the applicant's authorized agent. I hereby attest to the best of my ability that



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 10/15/2019

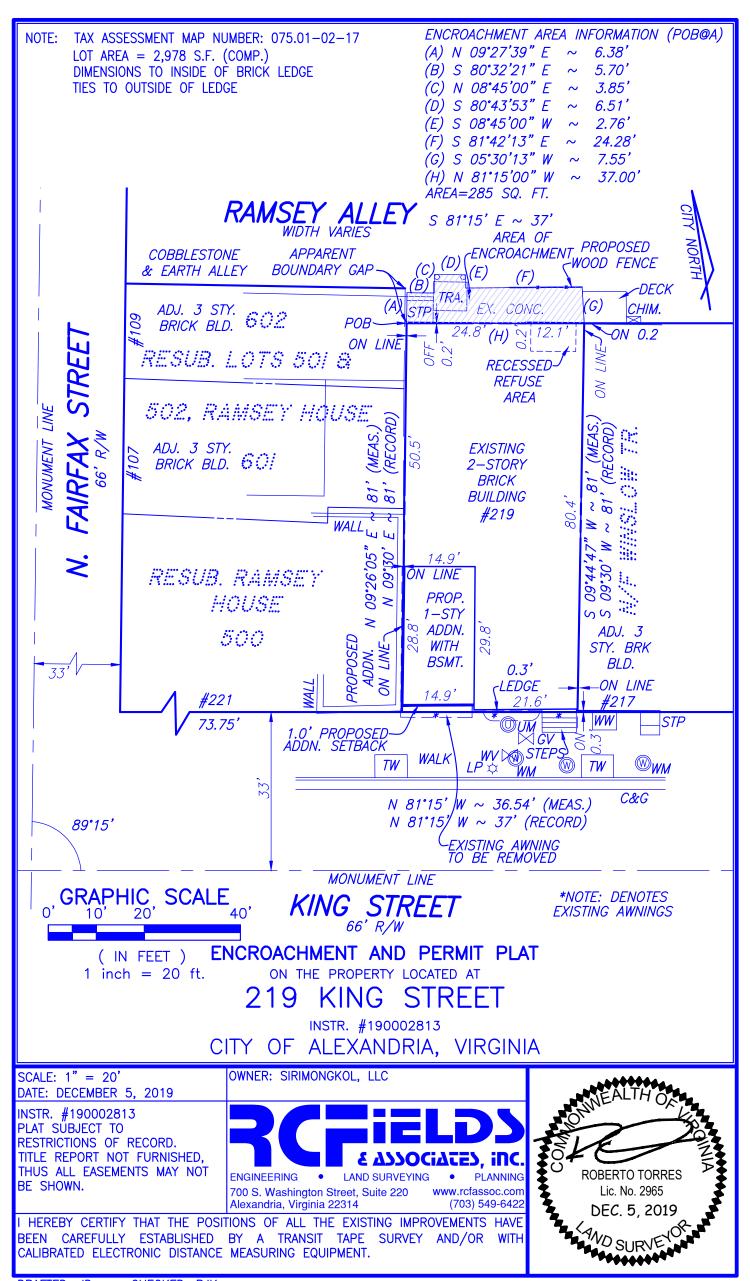
THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN 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 have ADDITIONAL INSURED provisions or be endorsed.

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PRODUCER 800-638-8791 Waiterry Insurance Brokers 7411 Old Branch Avenue					CONTACT William J.C. Coady AAI						
					PHONE (A/C, No, Ext): 800-638-8791 FAX (A/C, No): 301-868-2611						68-2611
	nton, MD 20735				E-MAIL-	coady(@walterry.c	om	(AU)		
	liam J. C. Coady AAI				ADDRESS:						
								RDING COVERAGE			NAIC#
		INSURER A: Travelers Indemnity Company						23030			
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Fin	al LLC & mongkol LLC King Street xandria, VA 22314		INSURER C:								
219	King Street				INSURER D:						
Ale	xandria, VA 22314				INSURER E :						
					INSURER F :						
CC	OVERAGES CER	RTIFIC	CATE	NUMBER:				REVISION NUM	BER:		
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	OTHER:							Liquor		\$	1,000,000
Α	AUTOMOBILE LIABILITY							COMBINED SINGLE (Ea accident)	LIMIT	\$	1,000,000
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	(Mandatory in NH)							E.L. DISEASE - EA EI	MPLOYEE	\$	
	If yes, describe under DESCRIPTION OF OPERATIONS below							E.L. DISEASE - POLIC	CY LIMIT	\$	
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CEF	RTIFICATE HOLDER				CANCELL	ATION					
				CITYA-3							
	City of Alexandria							ESCRIBED POLICIE REOF, NOTICE PROVISIONS.			
					AUTHORIZED						
				July O. Coady							

ACORD 25 (2016/03)

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DRAFTED: JD CHECKED: RJK 19-214

700 S. WASHINGTON ST SUITE 220 ALEXANDRIA, VA 22314 (703) 549-6422 www.rcfassoc.com

METES AND BOUNDS DESCRIPTION

ENCROACHMENT AREA INTO RAMSEY ALLEY #219 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 RAMSEY ALLEY, LYING AND BEING SITUATED IN THE CITY OF ALEXANDRIA, VIRGINIA AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF THE PROPERTY LOCATED AT #219 KING STREET, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF RAMSEY ALLEY, THENCE DEPARTING SAID RIGHT-OF-WAY LINE AND RUNNING THROUGH SAID RAMSEY ALLEY THE FOLLOWING SEVEN (7) COURSES AND DISTANCES;

- A) NORTH 09° 27' 39" EAST, 6.38 FEET TO A POINT, THENCE;
- B) CONTINUING SOUTH 80° 32' 21" EAST, 5.70 FEET TO A POINT, THENCE;
- C) CONTINUING NORTH 08° 45' 00" EAST, 3.85 FEET TO A POINT, THENCE;
- D) CONTINUING SOUTH 80° 43' 53" EAST, 6.51 FEET TO A POINT, THENCE;
- E) CONTINUING SOUTH 08° 45' 00" WEST, 2.76 FEET TO A POINT, THENCE;
- F) CONTINUING SOUTH 81° 42' 13" EAST, 24.28 FEET TO A POINT, THENCE;
- G) CONTINUING SOUTH 05° 30' 13" WEST, 7.55 FEET TO A POINT, THENCE RUNNING ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF RAMSEY ALLEY;
- H) NORTH 81° 15' 00" WEST, 37.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 285 SQUARE FEET OR 0.0065 ACRES OF LAND.

City of Alexandria, Virginia

MEMORANDUM

DATE:

DECEMBER 12, 2019

TO:

KARL MORITZ, DIRECTOR

DEPARTMENT OF PLANNING AND ZONING

FROM:

WILLIAM BRYAN PAGE SRA, RM, REAL ESTATE ASSESSOR

OFFICE OF REAL ESTATE ASSSESSMENTS

SUBJECT:

ENCROACHMENT OF 285 SQUARE FEET ON RAMSEY ALLEY,

ALEXANDRIA, VIRGINIA 22314

PROJECT: ENCROACHMENT #2019-00007

Per your request, we have reviewed the proposed 285 square-foot encroachment running through, over and across part of the Ramsey Alley right-of-way. The purpose of the encroachment is to screen trash facilities from public view and for the general support of the existing commercial restaurant operation. The property, which has a street address of 219 King Street, operates as the Two Nineteen Restaurant. This section of Ramsey Alley spans the distance between North Fairfax Street and North Lee Street and is cobblestone and compact earth paved with a central brick stormwater drainage culvert down the centerline.

The property is located within the Old and Historic District of the City of Alexandria and is irregular in configuration with eight contiguous areas that constitute the total encroachment area in question. The servient component is a two-story and partial basement solid masonry building with a combination shed and flat roof with plate glass panels along the roof line. It was originally constructed in 1890 and contains an above grade gross floor area of 5,457 square feet (6,249 including the finished basement) and is situated on a 2,978 square-foot site zoned KR (King Street Urban Retail). The building has been renovated and modernized from time to time to maintain a contemporary appeal.

Because this is not a vacation on the part of the City, the value of the encroachment is determined by the application of **Section 3-2-85** of the City Municipal 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 2019 land value of \$387.45 per square-foot, a total encroachment area of 285 square feet, and the 2019 tax rate of 1.13/\$100 of assessed value, the indicated annual fee for the encroachment is **\$1,250.00 (rounded)**.

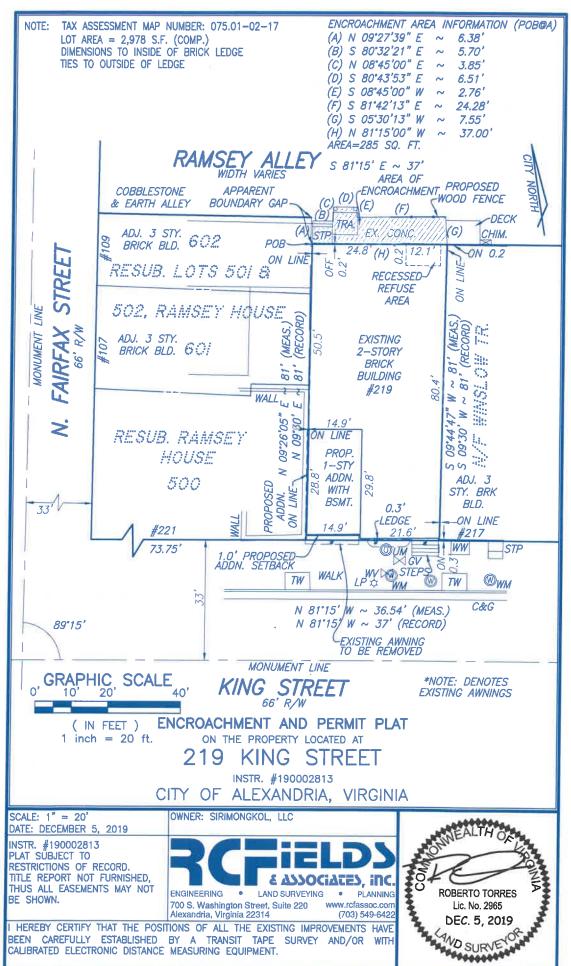
One Thousand Two Hundred and Fifty Dollars

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 2019 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 December 5, 2019) City of Alexandria Zoning Map Showing Extent of 100-Year Flood Plain

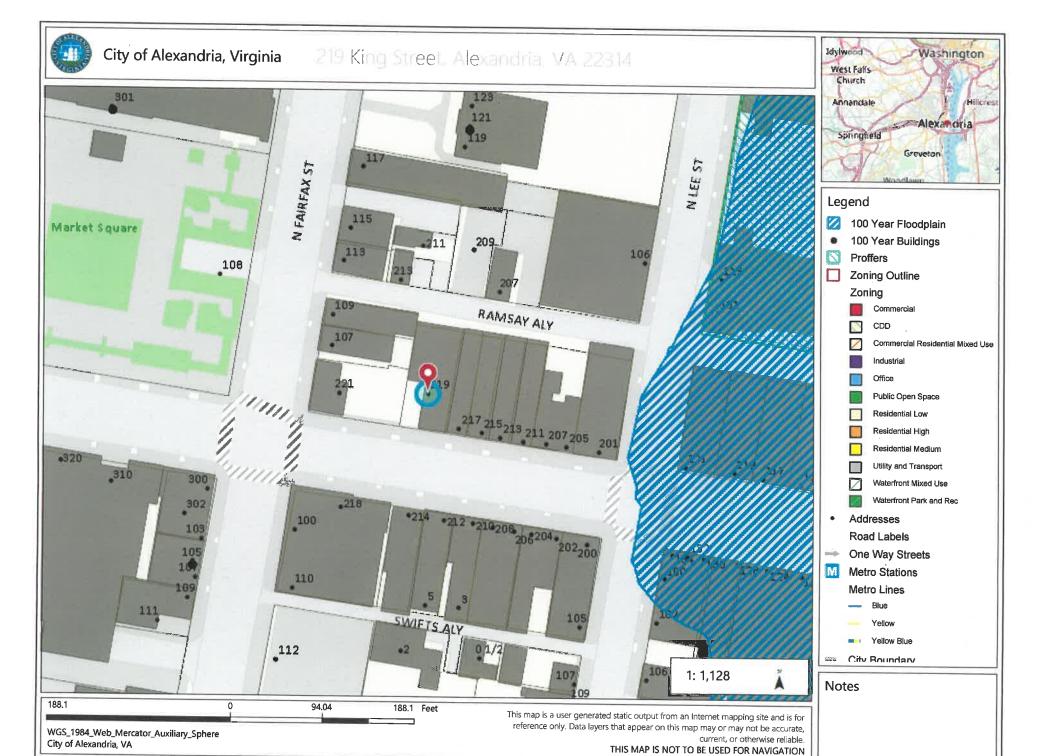
cc: Max Ewart, Urban Planner I Patrick Silva, Senior Planning Technician



DRAFTED: JD

CHECKED: RJK

17



[EXTERNAL]219 Restaurant Encroachment: # 2019-00093

Tue 12/31/2019 4:00 PM

To: PlanComm < PlanComm@alexandriava.gov>

Cc: Barbara Day
bkfairfax@yahoo.com>

To The Planning Commission:

This is in support of the staff recommencation that the encroachment and design for shielding the trash receptacles and other utilities of 219 Restaurant accessed by Ramsay Alley should be approved.

In addition, it is our hope that the design developed for shielding of the 219 Restaurant trash receptacles and other utilities can become a model that other commercial establishments with frontage on Ramsay Alley will also adapt. Ramsay Alley is currently an Old Town attraction frequently photographed by tourists and local photographers. It is also a walkway for residents and tourists. Enhancing the visual appeal of the entire Alley is in the interest of the City. The shielding design before the Planning Commission is an important step.

The responsiveness of 219 Restaurant and the leadership which their design for shielding will hopefully promote should be commended.

TAL DAY

H. Talmage Day htfairfax@yahoo.com

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