

EXHIBIT NO. 1

16  
6-16-01

Docket Item #27  
ENCROACHMENT #2001-0003

Planning Commission Meeting  
June 5, 2001

**ISSUE:** Consideration of a request for encroachment into the public right-of-way for a brick retaining wall and parking.

**APPLICANT:** Naval Reserve Association  
by Bob Lyman

**LOCATION:** 1611-1617 King Street

**ZONE:** OCH/Office Commercial High

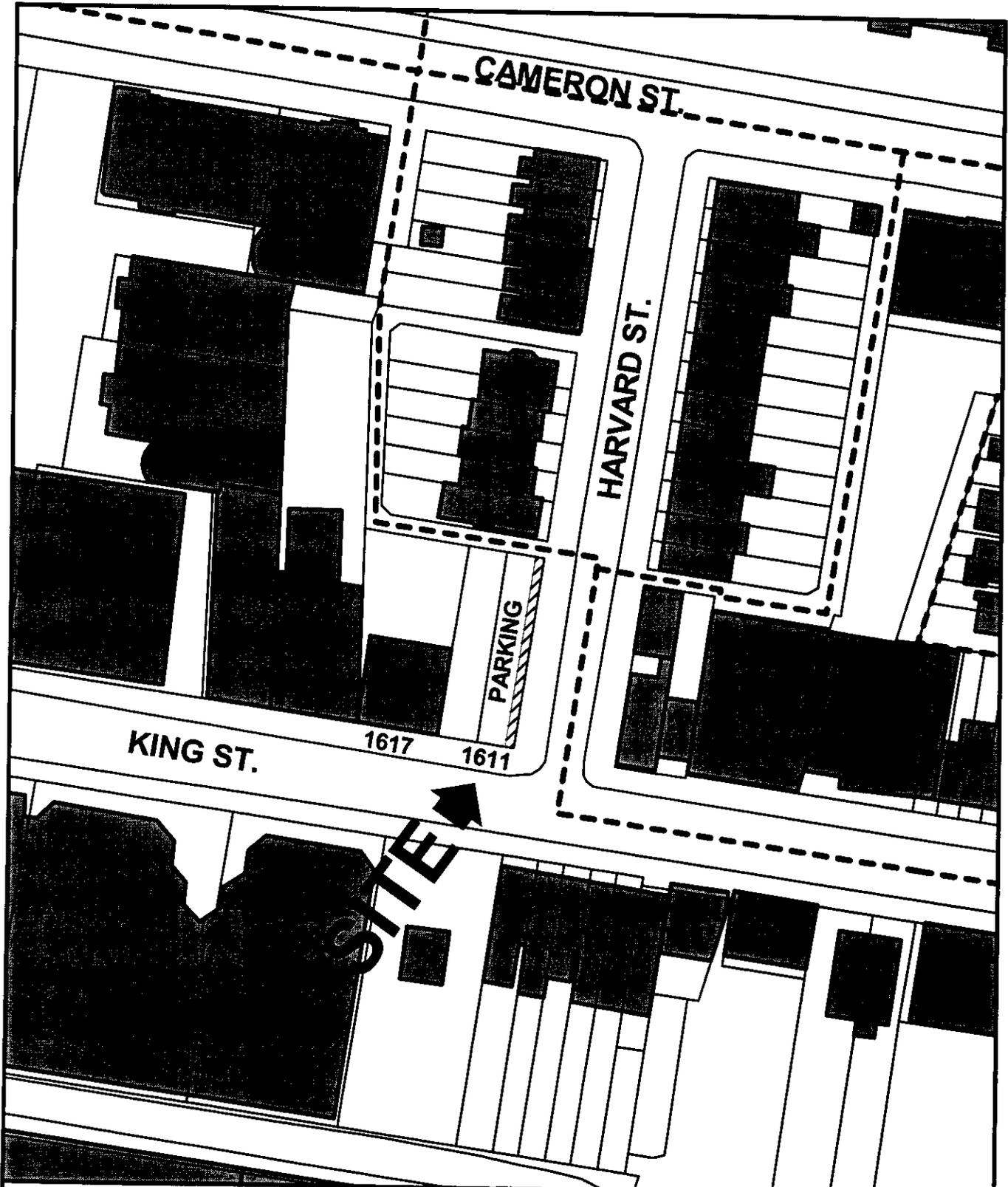
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**PLANNING COMMISSION ACTION, JUNE 5, 2001:** On a motion by Ms. Fossum, seconded by Mr. Dunn, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation. The motion carried on a vote of 7 to 0.

**Reason:** The Planning Commission agreed with the staff analysis.

**Speakers:**

Michael Flanagan, 106 Harvard Street, supported the staff recommendation requiring the installation of a new tree on King Street.



**ENC #2001-0003**

**06/05/01**



STAFF RECOMMENDATION:

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

1. The applicant (and his or her successors, if any) obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his or 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. (P&Z) (City Atty)
2. Neither the City nor any private utility company shall 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)
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 or projection that encroaches into the public right-of-way, within 60 days, upon notification by the City. (P&Z)
4. The applicant shall contribute \$675 to the City for the City's recent installation of three trees on Harvard Street. The applicant shall also contribute \$325 for the installation of one street tree and tree well in the public right-of-way on King Street in front of the parking lot to the satisfaction of the Director of Planning and Zoning and the City Arborist. (P&Z)

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Staff Note: For commercial properties, the applicant and/or his successors are responsible for payment of an annual charge for such encroachment pursuant to Section 3-2-85 of the City Code.

DISCUSSION:

1. The applicant, the Naval Reserve Association, represented by Bob Lyman, requests approval of an encroachment into the public right-of-way for a brick retaining wall and parking spaces for the property located at 1611-1617 King Street.
2. The subject property is public right-of-way located on Harvard Street adjacent to the applicant's property which is developed by an office building and surface parking lot.
3. The applicant requests after the fact permission for six parking spaces and a low brick retaining wall that were constructed on the public right-of-way along Harvard Street a few years ago (see attached plat). Section 5-2-29 of the City Code requires an encroachment ordinance for structures that encroach on a public right-of-way.
4. According to the applicant, the parking spaces are used by employees of Ranstad, a temporary employment agency, that leases office space on the first floor of the applicant's building.
5. Staff spoke with the applicant regarding the possibility of allowing the general public to park in the lot on week nights and on weekends. The applicant stated that its lease with Ranstad provides that the applicant retains control over the lot when not used by the tenant in order to prevent the lot from becoming a parking area for others. Despite the lease provision, the applicant represented to staff that it would not prevent other people from parking in the lot at nights and on the weekends.
6. The total length of the encroachment is approximately 107 feet. The parking spaces and wall encroach approximately 4'6" onto the public right-of-way. Neither the parking spaces nor the wall encroach onto the existing sidewalk.
7. Master Plan/Zoning: The subject property is zoned OCH/Office commercial high, and is located in the King Street/Eisenhower Avenue Metro Station small area plan chapter of the Master Plan.

STAFF ANALYSIS:

Staff has no objection to the applicant's request for an encroachment into the public right-of-way adjacent to Harvard Street.

Staff has spoken with nearby residents who request that the applicant be required to contribute to the City the cost of the recent installation of street trees on Harvard Street in this location and to provide some plantings to buffer the parking spaces. Parks and Recreation staff also recommend that shrubs be planted adjacent to the wall. Although Planning staff strongly agrees with this recommendation, staff has inspected the property and determined that there is insufficient room to accommodate a screen hedge without either removing the parking spaces or encroaching farther onto the right-of-way. Because on-street parking is very tight in this area and there are few alternative locations for off-street parking, Planning staff recommends against requiring the removal of the encroaching parking spaces. Planning staff also cannot support an additional encroachment into the public right-of-way in this location because that would limit the sidewalk width for pedestrians.

On balance, staff recommends that the applicant be required to contribute for the cost of the installation of the street trees on Harvard Street and for the installation of a new street tree, in a tree well, on King Street in front of the parking lot and has included a condition to this effect. With this condition, staff recommends approval of the encroachment.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;  
Barbara Ross, Deputy Director;  
Kathleen Beeton, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The applicant (and his/her successors, if any) 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. (CAO)
- 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.
- 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 or projection that encroached into the public right-of-way, within 60 days, upon notification by the City.

Code Enforcement:

- F-1 No comments.

Police Department:

- F-1 No objections.

Parks, Recreation and Cultural Affairs

- R-1 The applicant shall contribute \$675 for the recent installation of street trees along Harvard Street.
- R-2 The applicant shall provide shrubs adjacent to the public right-of-way as required by code.

# APPLICATION for ENCROACHMENT

ENC # 2001-0003

(must use black ink or type)

PROPERTY LOCATION: 1617- 1611 King Street

TAX MAP REFERENCE: 63.04-06-13, 14 & 15 ZONE: OHC

APPLICANT'S NAME: NAVAL RESERVE ASSOCIATION

ADDRESS: 1619 King Street, Alexandria, VA 22314

PROPERTY OWNER NAME: NAVAL RESERVE ASSOCIATION

ADDRESS: 1619 King Street, Alexandria, VA 22314

ENCROACHMENT DESCRIPTION: Expand parking lot at 1611 King Street three feet west towards Harvard Ave.

INSURANCE CARRIER (copy attached) Travelers POLICY # I680719D727A  
A certificate of general liability insurance in the amount of \$1,000,000 which will indemnify the owner and names the city as an additional insured must be attached to this application.

THE UNDERSIGNED hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-82 and 85 of the Code of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Bob Lyman  
Print Name of Applicant or Agent

\_\_\_\_\_  
Signature

1619 King Street  
Mailing/Street Address

703-548-5800 703-683-3647  
Telephone # Fax #

Alexandria, VA 22314  
City and State Zip Code

3-14-01  
Date

=====**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**=====

Application Received: \_\_\_\_\_ Date & Fee Paid: \_\_\_\_\_ \$ \_\_\_\_\_

ACTION - PLANNING COMMISSION: \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_



POTATO CHIP SNACK FOOD ASSOCIATION

N 07°50'00" E ~ 115.76'

10' ALLEY

8 KING STREET

33'

N 75°37'00" W ~ 93.95'

4

1617 KING ST

3

1611 KING ST

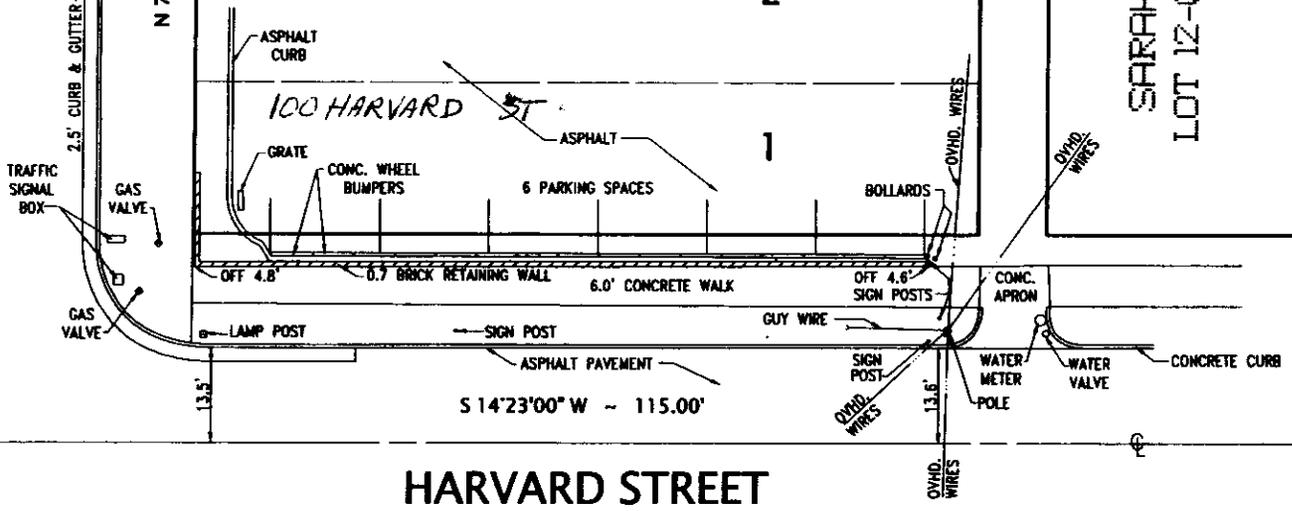
2

100 HARVARD ST

1

S 75°37'00" E ~ 107.15'

SARAH M. BAGGETT SUBD.  
LOT 12-01 BLOCK 2 SECTION 1



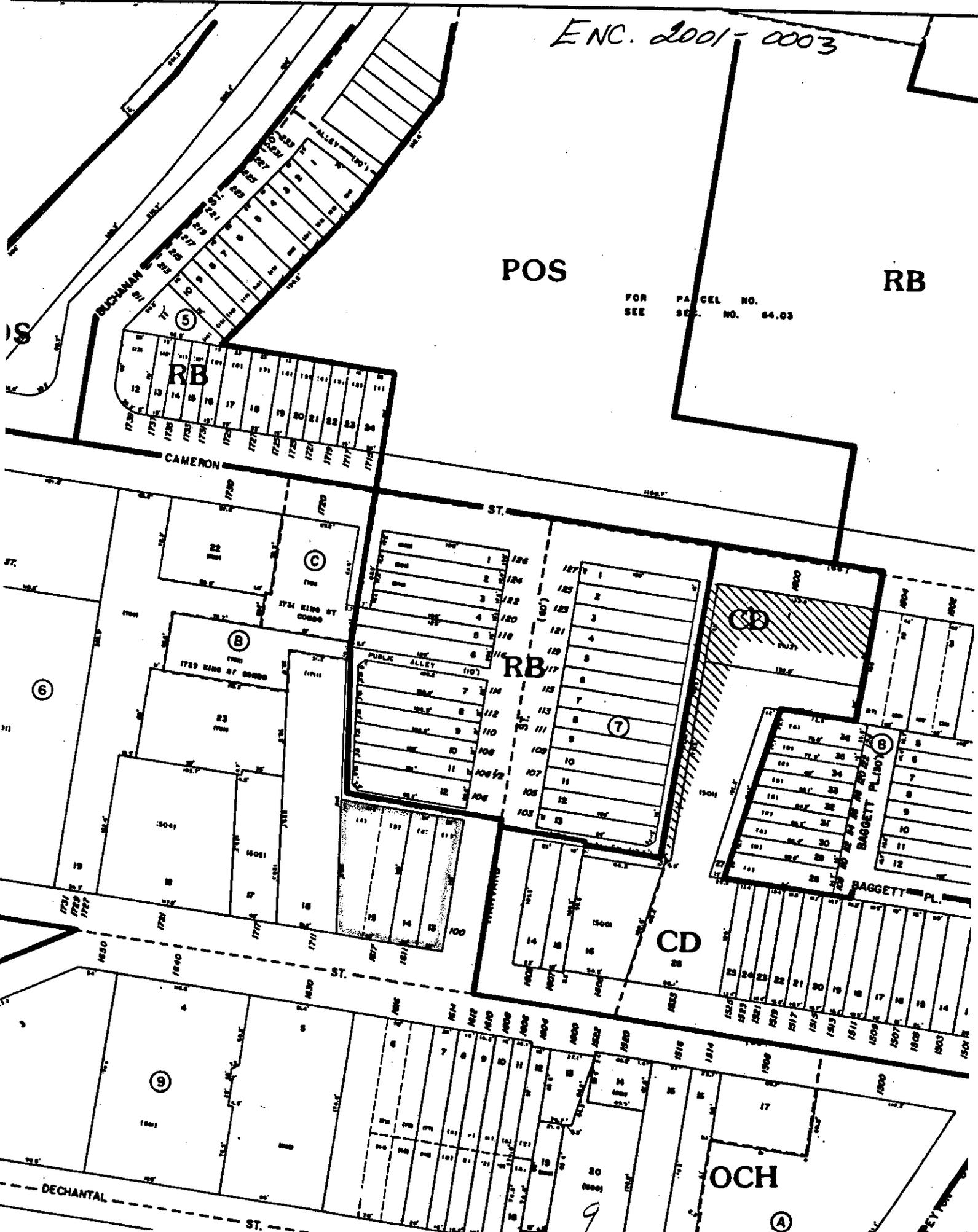
ENC. 2001-0003

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POS

RB

FOR PAGE NO.  
SEE SEE NO. 64.03



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Bob Lyman  
Print Name of Applicant or Agent  
  
1619 King Street  
Mailing/Street Address  
  
Alexandria, VA 22314  
City and State                      Zip Code

\_\_\_\_\_  
Signature  
  
703-548-5800      703-683-3647  
Telephone #              Fax #  
  
3-14-01  
Date

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ACTION - PLANNING COMMISSION: 6/5/01 Recommend Approval 7-0

ACTION - CITY COUNCIL: 6/16/01PH -- CC approved the Planning Commission recommendation.