

EXHIBIT NO. 1

9  
2-22-03

Docket Item # 13  
ENCROACHMENT #2002-0006

Planning Commission Meeting  
February 4, 2003

**ISSUE:** Consideration of a request for encroachment into the public right-of-way for a trash dumpster and recycling bins with fencing.

**APPLICANT:** Scott Management Inc.  
by Harald Mangold

**LOCATION:** 724 S. St. Asaph Street  
Monticello-Lee Apartments

**ZONE:** RCX/Medium Density Apartment Zone

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**PLANNING COMMISSION ACTION, FEBRUARY 4, 2003:** On a motion by Mr. Robinson, seconded by Mr. Komoroske, the Planning Commission voted to recommend denial of the request. The motion carried on a vote of 7 to 0.

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

**Speakers:**

Richard Severance, a representative for the applicant, requested approval of the encroachment application.

Mary Laurence, resident of 639 South St. Asaph Street, requested denial of the encroachment application.



**ENC #2002-0006**

**02/04/03**



STAFF RECOMMENDATION:

Staff recommends **denial** of the encroachment permit application. If approved, staff recommends approval subject to compliance with all applicable codes and ordinances and the following conditions:

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)
2. In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any fence or structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)
3. The applicant shall prepare a landscape plan to include replacement plantings and screening for the dumpster enclosure, shall install the landscaping pursuant to a plan approved by the Directors of Planning and Zoning and Recreation, Parks and Cultural Activities, and shall install and maintain the landscaping in perpetuity. (P&Z) (RP&CA)
4. The applicant shall screen the dumpsters with a masonry wall, the design of which shall be subject to the satisfaction of the Department of Planning and Zoning and approval by the BAR. (P&Z)
5. The enclosure shall be designed to provide access to the Virginia American Water Company (VAWC) meter satisfactory to VAWC. (T&ES)
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)

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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.

Any exterior alterations to the property require approval of the Old and Historic Alexandria District Board of Architectural Review.

DISCUSSION:

1. The applicant, Scott Management, Inc., represented by Harald Mangold, requests approval of an encroachment permit to construct a fenced dumpster and recycling area within the public right-of-way. The subject property is the Monticello-Lee (Wakefield) Apartments, located at 724 South St. Asaph Street. The proposed encroachment is located at the northern end of the property where the rear alley intersects with Franklin Street.
2. The subject property is one lot of record with 353 feet of frontage on South St. Asaph Street, and 132 feet of frontage on Franklin and Jefferson Streets. A public alley bisects the block between Jefferson and Franklin Streets immediately behind the building. The surrounding land uses include residential to the north, east and south, and commercial uses to the west. The Washington Street corridor is located one block to the west.
3. The applicant proposes to construct a fenced dumpster and recycling area (see attached plan) in the green landscaped area in front of the apartment building on the Franklin Street frontage. This collection area, as proposed, will be located partially on private property and partly in the public right-of-way. Both areas are currently perceived as a unified, private landscaped area, even though part of it is actually public right of way.
4. The collection area is approximately 14' x 14' and will occupy approximately 48 square feet of the public right-of-way. The area will be paved, and is set at an angle to the alley to allow a truck to back up to the dumpster, lift the dumpster and load the garbage into the truck. The dumpster and recycling containers currently occupy the parking space next to the proposed encroachment area. The relocation of the collection area will free this parking space for use by a resident of the apartment building. The applicant proposes to enclose the dumpster area with board on board wood fencing.
5. Zoning/Master Plan: The subject property is zoned RCX, and is located in the Old Town Small Area Plan.

STAFF ANALYSIS:

Staff does not support the proposed encroachment because it will place paving and structures within what is currently a green, landscaped area. Throughout the city, small open green areas are being lost for driveways, parking areas and other perceived requirements of development. The proposed Strategic Master Plan for Open Space, Parks and Recreation focuses the city's attention on the need for additional open space, including large park areas and connections between open areas. It also points out the importance of small green spaces in an increasingly developed and dense urban environment. This case raises the issue of the benefit of retaining small areas of open space.

The subject location is especially important because it provides green, landscaped land as part of the streetscape in the southeast part of Old Town. The 1993 Old Town Small Area Plan instructs the City to “preserve existing open space areas including residential side and rear yards wherever practical.” The Washington Street Guidelines discuss the importance of the residential blocks along the south section of South Washington Street; those residential developments have considerable setbacks from the road which contribute to an open feeling along the street.

The setback area in this case acts in the same role for Franklin Street and for this particular block and apartment building. In fact, the Monticello-Lee Apartments, and this block specifically, are often cited as exceptional examples of the garden apartment development form because of their architecture and because of the amount of open space within and around the buildings.

The landscaped setback in question in this case is composed of grassed lawn area and mature plantings. A large portion of that area is proposed to be removed and paved over. The result is the loss of green area, and the projection of structure closer to the street. The proposal, an enclosed dumpster area to include recycling containers, is a positive one. The freeing of the parking space now used for the dumpsters, is also worthy. However, on balance, and especially at this particular site, because the green area – both private and public – provides important relief to the street, the block and the urban environment, staff recommends its denial. Planning staff believes that, given competing considerations, the best location for the building’s dumpster area may be exactly where it is currently sited. At the very least, as to the public right of way portion of the proposal, staff recommends that the city not support the removal of green space by allowing the encroachment.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Enclosure shall be designed to provide access to the Virginia American Water Company (VAWC) meter satisfactory to VAWC.
- R-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.
- R-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.
- R-4 In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any fence or structure that encroached into the public right-of-way, within 60 days, upon notification by the City.

Recreation, Parks, and Cultural Activities

- R-1 Recommend denial of the encroachment because it is important to preserve the area as open space. It is green, with mature planting, and will be difficult to replace if removed and paved over. As studied and documented in the Strategic Master Plan for Open Space, open space within this city is valuable and limited. This step will keep the direction moving in favor of open space preservation within the city.

Code Enforcement:

- F-1 No comments

ENC #2002-0006  
724 S St Asaph St

Health Department:

F-1 No comments.

Police Department:

F-1 No objections.

APPLICATION for ENCROACHMENT

ENC # 2002-0006

[must use black ink or type]

PROPERTY LOCATION: LEE APARTMENTS 724 -B St. Asaph St., Alexandria, V.A. 22314

TAX MAP REFERENCE: Map 080, 02/Block 08/Lot 08 ZONE: RCX

APPLICANT'S NAME: SCOTT MANAGEMENT, INC.

ADDRESS: 300 N. Lee Street, Suite #200, Alexandria, V.A. 22314

PROPERTY OWNER NAME: LEE APARTMENTS L.L.C.

ADDRESS: 300 N. Lee Street, Suite #200, Alexandria, V.A. 22314

ENCROACHMENT DESCRIPTION: Relocate trash dumpster and recycling bins to adjoining lawn area. The proposed encroachment is 48 square feet outside the property line; to include 6-ft. high Board-on Board fencing enclosure on 3 sides. Protective Bollards, and concrete or Asphalt.

INSURANCE CARRIER (copy attached) Steadfast Insurance Co. POLICY # SC0-5217699-01

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.

Harald Mangold for Lee Apartments
Print Name of Applicant or Agent

[Signature] for Lee Appts.
Signature

300 N. Lee Street, Ste. #200
Mailing/Street Address

703 548-7300 703 549-0326
Telephone # Fax #

Alexandria, V.A. 22314
City and State Zip Code

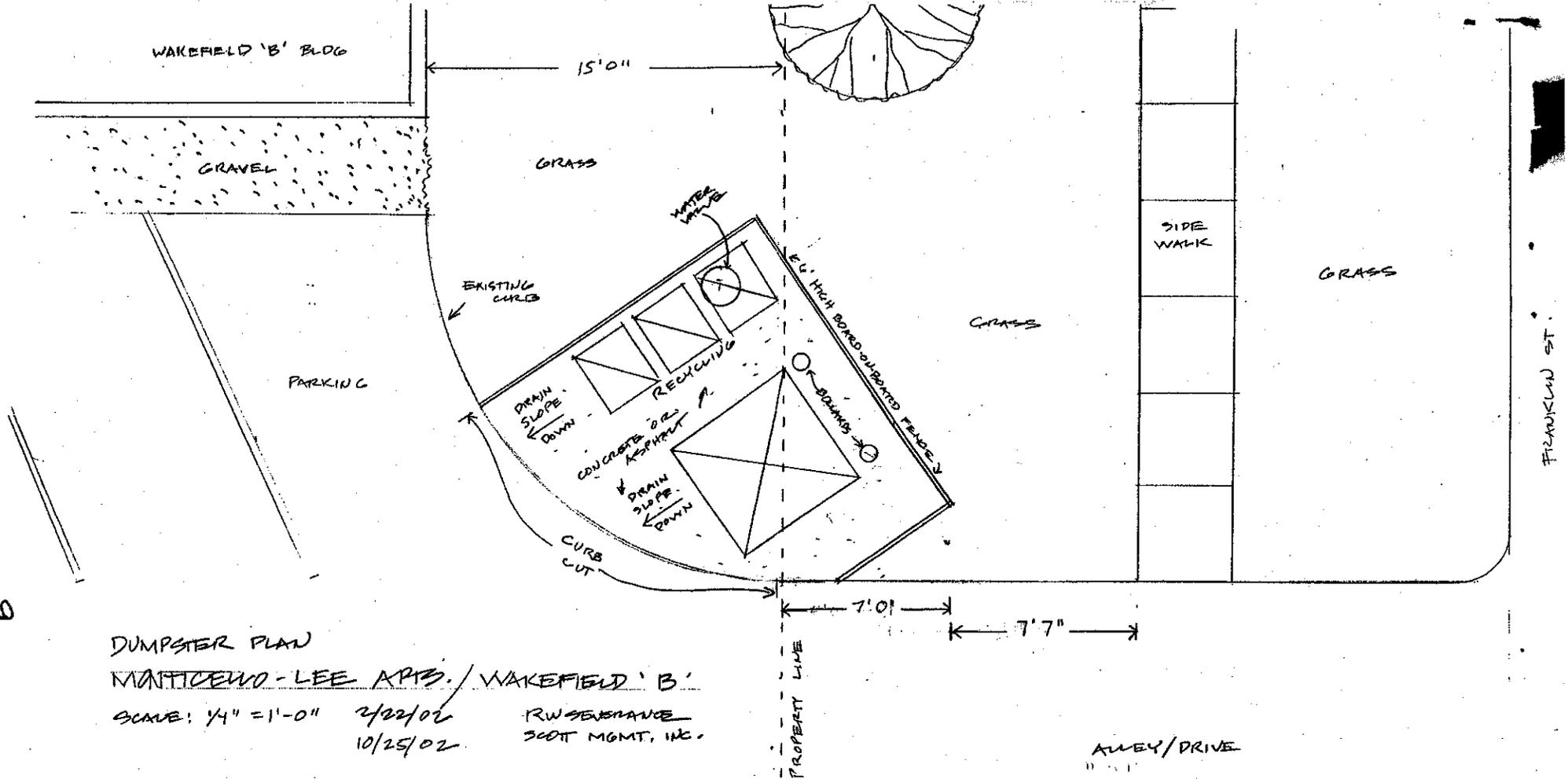
10/31/02
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: Date & Fee Paid: \$

ACTION - PLANNING COMMISSION:

ACTION - CITY COUNCIL:



DUMPSTER PLAN

MATTICEVO-LEE APPTS. / WAKEFIELD 'B'  
 SCALE: 1/4" = 1'-0" 2/02/02 RW SEEMANCE  
 10/25/02 SCOTT MGMT, INC.

ALLEY/DRIVE



ENC #2002-0006  
 724 S ST ASAPH ST  
 Lee Apartments

mvh

ENC #2002-0006  
724 S ST ASAPH ST  
Lee Apartments

2018 P.02

mvh

<b>ACORD</b>		DATE (MM/DD/YY) 10/29/02				
<b>PRODUCER</b> Aon Risk Services, Inc. of Washington, D.C./ Hunt 1120 19th Street NW Washington DC 20036 USA  PHONE: (202) 331-0673 FAX: (202) 331-8409		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.				
<b>INSURED</b> Scott Management, Inc. 300 North Lee Street, #200 Alexandria VA 223142630 USA		<b>INSURERS AFFORDING COVERAGE</b> INSURER A: Steadfast Insurance Company INSURER B: INSURER C: INSURER D: INSURER E:				
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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR  GENL AGGREGATE LIMIT APPLIES FOR: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	SC0-5217539-01 General Liability	07/31/02	07/31/03	EACH OCCURRENCE	\$1,000,000
					FIRE DAMAGE (Any one fire)	\$50,000
					MED EXP (Any one person)	\$5,000
					PERSONAL & ADY INJURY	\$1,000,000
					GENERAL AGGREGATE	\$2,000,000
					PRODUCTS - COM/OP AGG	\$2,000,000
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON OWNED AUTOS				COMBINED SINGLE LIMIT (Per accident)	
					BODILY INJURY (Per person)	
					BODILY INJURY (Per accident)	
					PROPERTY DAMAGE (Per accident)	
	<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT	
					OTHER THAN AUTO ONLY: EA ACC	
					AGG	
	<b>EXCESS LIABILITY</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE  <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION				EACH OCCURRENCE	
					AGGREGATE	
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>				WC STATUTORY LIMITS	OTHER
					E.L. EACH ACCIDENT	
					E.L. DISEASE-POLICY LIMIT	
					E.L. DISEASE-EA EMPLOYEE	
	OTHER					
DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS The City of Alexandria, is included as an additional insured with respects to the general liability policy.						
City of Alexandria, City Real Estate Assessment office, Room 2600, City Hall, 301 King Street Alexandria, VA 22314-2630 USA			SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT. BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.  AUTHORIZED REPRESENTATIVE			

2018 P

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BS:11 2002-62-100

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ENC # 2002-0006

[must use black ink or type]

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Harald Mangold for Lee Apartments  
Print Name of Applicant or Agent

[Signature]  
Signature

300 N. Lee Street, Ste. #200  
Mailing/Street Address

703 548-7300      703 549-0326  
Telephone #      Fax #

Alexandria, V.A. 22314  
City and State      Zip Code

10/31/02  
Date

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

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

ACTION - PLANNING COMMISSION: 2-4-03 Recommend Denial 7-0

ACTION - CITY COUNCIL: 2/22/03PH--CC approved the Planning Commission recommendation and upheld the denial.