

EXHIBIT NO. 1

4
11-15-03

Docket Item #6
ENCROACHMENT #2003-0007

Planning Commission Meeting
November 6, 2003

ISSUE: Consideration of a request for encroachment into the public right-of-way for two building canopies.

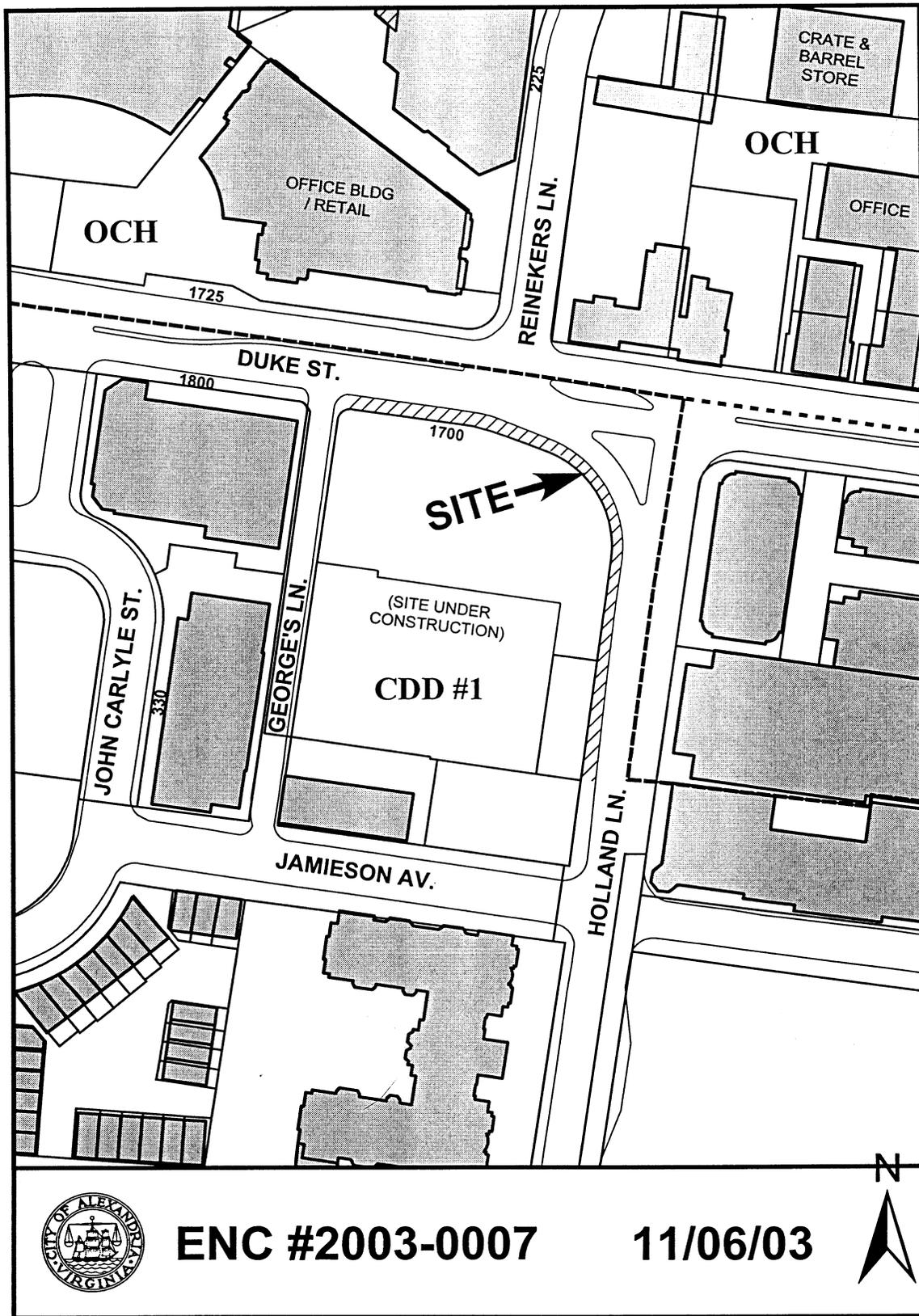
APPLICANT: JBG/Rockwood Duke Street, LLC
by Timothy S. Munshell

LOCATION: 1700 Duke Street

ZONE: CDD-1/Coordinated Development District

PLANNING COMMISSION ACTION, NOVEMBER 6, 2003: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



ENC #2003-0007

11/06/03



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) must 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) (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 or projection that encroaches into the public right-of-way, within 60 days, upon notification by the City. (P&Z)
3. The canopies shall have a clearance of eight feet above a sidewalk.(P&Z)
4. The design of the canopies shall be reviewed by the Carlyle Design Review Board. (P&Z)
5. 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) (T&ES)

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.

BACKGROUND

The applicant, JBG/Rockwood Duke Street, L.L.C., requests approval of an encroachment into the public right-of-way for two entrance canopies for the Whole Foods Market building that is currently under construction on Holland Lane. The proposed canopies' depths are needed to provide adequate shelter and to provide architectural proportions that are compatible with the proposed building. It was anticipated during the preliminary review approval that approval of encroachment for the canopies would be needed. In fact, a condition of approval for the development special use permit required subsequent encroachment approvals of the canopies.

The City Code permits canopies to extend up to 4 feet into a public right-of-way. The two canopies on Holland Lane project approximately 6 feet into its right-of-way. The entrance and window canopies measure 20 feet in length and 8 feet in width, with a minimum sidewalk clearance of 12 feet. Each canopy covers approximately 160 square feet of the sidewalk. The canopies are for the Holland Lane entrances for the 43,342 square foot Whole Foods Market and three levels of condominiums.

Due to the Duke Street development's proximity to the Carlyle site, staff required that development be reviewed by the Carlyle Design Review Board to ensure the use of high quality materials compatible with Carlyle. The Board approved the proposed building design as generally represented during the preliminary approval; however, there are details of the building that still require additional refinements and review, such as the signage and railings for the buildings. As part of the encroachment approval, staff is also recommending that the canopies be reviewed by the Carlyle Design Review Board.

STAFF ANALYSIS

Staff supports the proposed encroachment. These canopies will offer shelter to the public at entrance pavilions to the building and will cause no significant obstruction to passing pedestrians.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Jeffery Farner, Development, Division Chief;
Laura Durham, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The applicant (and his or 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 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.
- 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 fence or structure that encroached into the public right-of-way, within 60 days, upon notification by the City.

Code Enforcement:

- C-1 A construction permit is required for the proposed project.
- C-2 Canopies must comply with USBC 510.4 for support and clearance from the sidewalk, and the applicable sections of USBC's Chapter 11. Structural designs of fabric covered canopies must comply with USBC 1110.5.2. The horizontal portions of the framework must not be less than 8 feet nor more than 12 feet above the sidewalk and the clearance between the covering or valance and the sidewalk must not be less than 7 feet.

Health Department:

No comments.

Police Department:

No comments.

APPLICATION for ENCROACHMENT # 2003-0007 LD

[must use black ink or type]

PROPERTY LOCATION: 1700 DUKE STREET

TAX MAP REFERENCE: 73.02-09-02 ZONE: CDD-1

APPLICANT'S NAME: JBG/ROCKWOOD DUKE STREET, L.L.C.

ADDRESS: 5301 WISCONSIN AVE NW, WASH. D.C. 20015

PROPERTY OWNER NAME: JBG/ROCKWOOD DUKE STREET, L.L.C.

ADDRESS: 5301 WISCONSIN AVE. NW, WASH. D.C. 20015

ENCROACHMENT DESCRIPTION: AWNING ENCROACHMENT INTO PUBLIC SPACE

INSURANCE CARRIER (copy attached) _____ POLICY # _____

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.

TIMOTHY S. MURPHY
Print Name of Applicant or Agent

[Signature]
Signature

5301 WISCONSIN AVE NW
Mailing/Street Address

32027777100 2027777140
Telephone # Fax #

WASH. DC 20015
City and State Zip Code

JULY 15, 2003
Date

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

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

ACORD CERTIFICATE OF LIABILITY INSURANCE

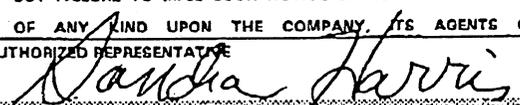
DATE (MM/DD/YY)
7/29/03

PRODUCER HRH of Virginia - Richmond 4951 Lake Brook Drive Suite 400 Glen Allen, VA 23060	804-747-0200	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.
	COMPANIES AFFORDING COVERAGE	
INSURED JBG Properties, Inc. 5301 Wisconsin Ave NW, Ste 300 Washington DC 20015	COMPANY A Royal Insurance Co	
	COMPANY B National Union Fire Ins.	
	COMPANY C Firemans Fund Ins. Co.	
	COMPANY D	

COVERAGES
 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.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT <input checked="" type="checkbox"/> Gen Agg Per Loc	D2SV025142	10/1/02	10/1/03	GENERAL AGGREGATE \$ 2000000 PRODUCTS - COMP/OP AGG \$ 2000000 PERSONAL & ADV INJURY \$ 1000000 EACH OCCURRENCE \$ 1000000 FIRE DAMAGE (Any one fire) \$ 300000 MED EXP (Any one person) \$ 5000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	D2ST344020	10/1/02	10/1/03	COMBINED SINGLE LIMIT \$ 1000000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EACH ACCIDENT \$ AGGREGATE \$
B	EXCESS LIABILITY <input checked="" type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM	BE2131480	10/1/02	10/0/03	EACH OCCURRENCE \$ 25000000 AGGREGATE \$ 25000000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL	03D2CS399103	10/1/02	10/1/03	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER EL EACH ACCIDENT \$ 100000 EL DISEASE - POLICY LIMIT \$ 500000 EL DISEASE - EA EMPLOYEE \$ 100000
C	OTHER Excess Umbrella	XXK000757499	10/1/02	10/1/03	\$14,000,000 Excess Limit

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS
 RE: 1700 Duke Street. The City of Alexandria, VA is named as additional insured as regards the referenced location.

CERTIFICATE HOLDER City of Alexandria 301 King Street Alexandria, VA 22314	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE 
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5301 WISCONSIN AVE NW
Mailing/Street Address

302 777 7100 202 777 7140
Telephone # Fax #

WASH. DC 20015
City and State Zip Code

JULY 15 2003
Date

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

ACTION - PLANNING COMMISSION: 11/06/03 RECOMMENDED APPROVAL UC

ACTION - CITY COUNCIL: Approved 6 to 0