EXHIBIT NO. 1

5
3-17-07

Docket Item #9
ENCROACHMENT #2006-0007

Planning Commission Meeting
March 6, 2007

ISSUE: Consideration of a request for encroachment into the public right-of-way for a marquee.

APPLICANT: Crispin Enterprises, LLC
by Robert Bunn

STAFF: James Hunt, Planner
james.hunt@alexandriava.gov

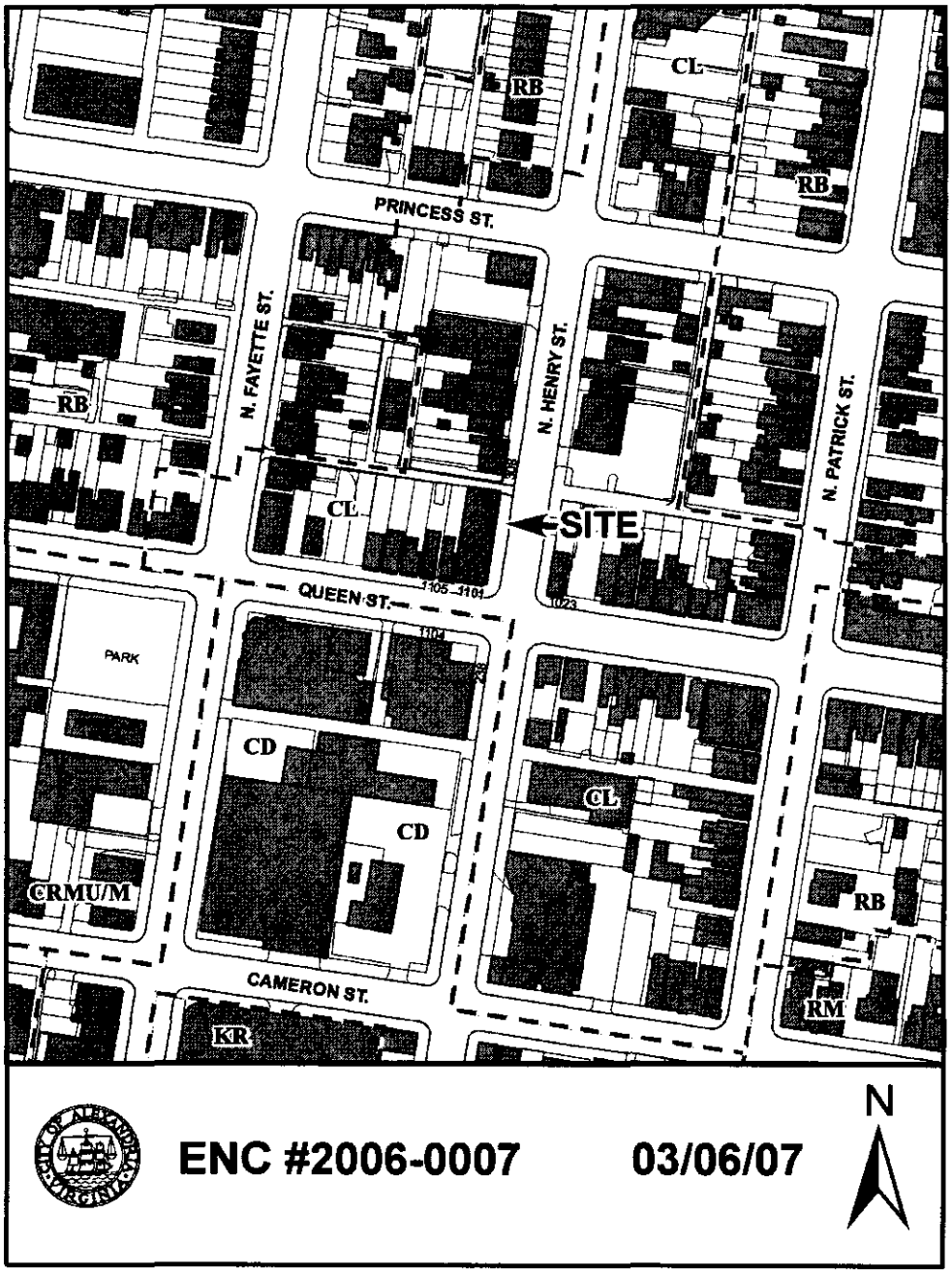
LOCATION: 1101 Queen Street

ZONE: CL/Commercial Low

PLANNING COMMISSION ACTION, MARCH 6, 2007: 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.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.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I. DISCUSSION

REQUEST
The applicant, Crispin Enterprises, LLC, requests an encroachment at 1101 Queen Street.

SITE DESCRIPTION
The subject property is one lot of record with 35 feet of frontage on Queen Street, 100 feet of frontage on North Henry Street, and a total lot area of 3,500 square feet. The site is occupied by Sykes Warehouse, an automotive parts retail use. The proposed encroachment is located along the northwest corner of the intersection.

PROPOSAL
The applicant proposes to replace an existing marquee that encroaches one foot into the public right-of-way, 20 feet along Queen Street, 25 feet along Henry Street, and approximately 2.5 feet in height. The proposed marquee will measure approximately 32 feet along Queen Street, approximately 43 feet along N. Henry Street, approximately 11 feet in height, and with a six foot maximum extension, which varies along the frontage of the building (see attached survey plat). The sidewalk width at this location is approximately 14 feet wide. There are two tree wells adjacent to the proposed marquee canopy, one along Queen Street and one along N. Henry Street. The applicant proposes to occupy the building with multiple retail tenants. The marquee will be used for signage for prospective tenants.

BACKGROUND
On July 26, 2006, the Parker-Gray Board of Architectural Review approved the design of the marquee in conjunction with a request for demolition/encapsulation as well as other exterior renovations for the site.

ZONING/MASTER PLAN DESIGNATION
The subject property is zoned CL/Commercial Low, and is located in the Braddock Road Metro Small Area Plan.

II. STAFF ANALYSIS

Staff does not object to the new marquee. The marquee does not obstruct pedestrian traffic as it is located approximately 11 feet above the sidewalk, and does not have any supporting structures located below it. The marquee is part of an extensive renovation plan for retail uses which has been previously approved by the Board of Architectural Review for the design of the marquee, building demolition/encapsulation, and other exterior site renovations.

Staff recommends approval.

III. RECOMMENDED PERMIT CONDITIONS

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. 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)

3. In the event the City shall, in the future, have need of the area of the proposed encroachment, the applicant shall remove any structure that encroaches into the public right-of-way, within 60 days, upon notification by the City. (T&ES)

STAFF: Richard Josephson, Acting Director, Department of Planning and Zoning;
James Hunt, 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) 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-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 of the area of the proposed encroachment, the applicant shall remove any structure that encroaches into the public right-of-way, within 60 days, upon notification by the City.

Code Enforcement:

C-1 Canopies must comply with USBC 3202 for support and clearance from the sidewalk, and the applicable sections of USBC's Chapter 11. The horizontal portions of the framework must not be less than 8 feet nor more than 12 feet above the sidewalk.

C-2 Awnings must comply with all applicable requirements of USBC 3105 and 3202. Fixed awnings must have a minimum 7 foot clearance form a sidewalk to the lowest part of the framework is required.

C-3 Fixed awnings must be designed and constructed to withstand wind or other lateral loads and live loads required by the USBC. Structural members must be protected to prevent deterioration (USBC 3105.2).

C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

C-6 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

Police Department:

F-1 The Police Department has no comments or objections to the encroachment of the marquee.

APPLICATION for ENCROACHMENT # 2006-0007

[*must use black ink or type*]

PROPERTY LOCATION: 1101 QUEEN STREET, ALEXANDRIA, VA 22314

TAX MAP REFERENCE: 064.03 04 13 ZONE: CL

APPLICANT'S NAME: Crispin Enterprises L.L.C

ADDRESS: 12019 Lee HIGHWAY FAIRFAX, VA.

PROPERTY OWNER NAME: Crispin Enterprises, L.L.C.

ADDRESS: ABOVE

ENCROACHMENT DESCRIPTION: MARQUIS OVERHANG, [redacted]

INSURANCE CARRIER (copy attached) Selective Ins. Co 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.

ROBERT BUNN
Print Name of Applicant or Agent

[signature]
Signature

12019 LEE HIGHWAY
Mailing/Street Address

703 615-6096
Telephone #

Dentist777@AOL.Co
~~Fax #~~ EMAIL

FAIRFAX, VA 22030
City and State Zip Code

12/21/06
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

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ROBERTO BUNN *Print Name of Applicant or Agent*	[signature] *Signature*
12019 Lee HIGHWAY *Mailing/Street Address*	703 615-6096 Dentist777@AOL *Telephone #* ~~Fax #~~ Email
FAIRFAX, VA 22030 *City and State* *Zip Code*	12/21/06 *Date*

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: By unanimous consent, recommended approval 3-6-07

ACTION - CITY COUNCIL: 3/17/07- CC approved the PC recommendation 7-0

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