

EXHIBIT NO. 1

7
11-18-06

Docket Item #6
ENCROACHMENT #2006-0004

Planning Commission Meeting
November 9, 2006

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

APPLICANT: Kimpton Hotels and Restaurants
by Ken Reynolds

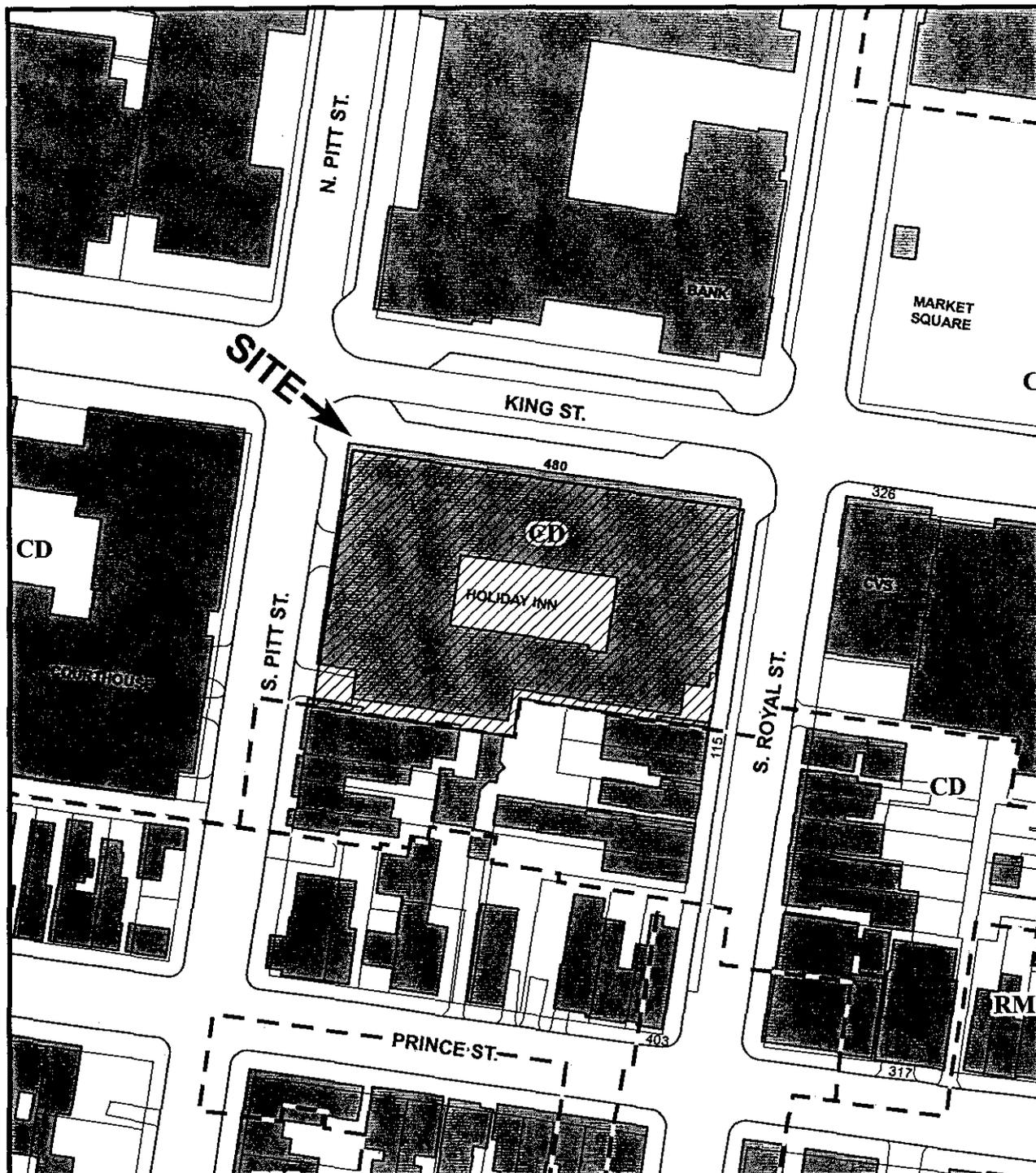
LOCATION: 480 King Street

ZONE: KR/King Street Urban Retail Zone

PLANNING COMMISSION ACTION, NOVEMBER 9, 2006: 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.



ENC #2006-0004

11/09/06



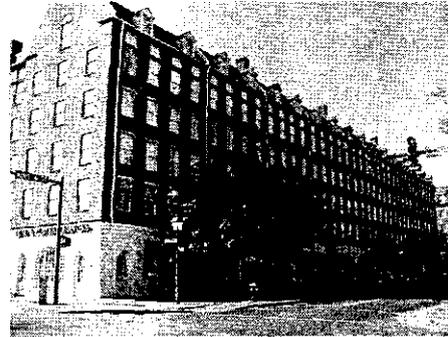
I. DISCUSSION

REQUEST

The applicant, Kimpton Hotels and Restaurants, requests an encroachment at 480 King Street.

SITE DESCRIPTION

The Kimpton Hotel (Holiday Inn) is a six story brick commercial building which occupies the south side of the 400 block of King Street. It was constructed as part of the City's Urban Renewal Program in 1975. The Hotel was approved under SUP #931, granted on September 25, 1973.



BACKGROUND

An encroachment application for the existing entrance canopy at the former Holiday Inn was approved on June 13, 1992 (ENC #92-0002). The canopy encroaches approximately 16 feet six inches into the public right-of-way, and covers about 187 square feet of the sidewalk. On October 19, 2002, City Council approved ENC#2002-0005 to relocate the canopy 28 feet to the west to accommodate a reconfiguration of the interior space.

PROPOSAL

The applicant proposes a new marquee canopy that measures approximately 31' in length, 5'8" in height, and extends approximately 8' 2" into the right-of-way (see attached drawing). The applicant requests approval of an encroachment to accommodate the new marquee. The canopy is 10 feet above the sidewalk, with support rods fastened to the building above the marquee. There are no pedestrian obstructions below the marquee, and there is seven feet between the edge of the marquee to the nearest treewell. The canopy will be indirectly lit with recessed lighting and downlighting, and have a black background and metallic gold borders. The Board of Architectural Review approved the marquee, and other exterior renovations, on September 6, 2006.

ZONING/MASTER PLAN DESIGNATION

The subject property is zoned KR/King Street Urban Retail, and is located in the Old Town Small Area Plan.

II. STAFF ANALYSIS

Staff does not object to the new marquee. The canopy does not obstruct pedestrian traffic as it is located 10 feet above the sidewalk, and does not have any supporting materials located below it. The projection into the right-of-way of the proposed encroachment is less than the existing canopy. The

marquee is part of an extensive renovation plan for the hotel which staff supports, and has been approved by the Board of Architectural Review.

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. 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)

STAFF: Richard Josephson, Acting Director, Department of Planning and Zoning;
Valerie Peterson, Urban Planner.

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.

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. (T&ES)

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 from 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.

Health Department:

F-1 No comments.

Police Department:

No comments.

Real Estate:

F-1 No Comment

APPLICATION for ENCROACHMENT # 2006-0004

* [must use black ink or type]

PROPERTY LOCATION: 480 KING ST.

TAX MAP REFERENCE: 74.02.07.01 ZONE: CD

APPLICANT'S NAME: Kimpton Hotels and restaurants

ADDRESS: 222 Kearny St. Ste 200, San Francisco, CA 94108

PROPERTY OWNER NAME: CLPF - Old Town LP

ADDRESS: 601 13th St. NW, Ste 450N, Washington DC 20005

ENCROACHMENT DESCRIPTION: New building entrance marquee (approx 31' length) to extend 8'-2" from face of exist. building over sidewalk. New awning at restaurant front, to extend 3'-0" from face of exist. building over sidewalk. (approx 51' length)

INSURANCE CARRIER (copy attached) Marsh POLICY # 7499-60-63

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.

Ken Reynolds
Print Name of Applicant or Agent

[Signature]
Signature

222 Kearny St. Ste 200
Mailing/Street Address

415.999.3553 415.296.8031
Telephone # Fax #

San Francisco, CA 94108
City and State Zip Code

7/24/06
Date

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

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

MARSH

CERTIFICATE OF INSURANCE

CERTIFICATE NUMBER
NYC-002530935-01

PRODUCER
Marsh USA Inc.
1166 Avenue of Americas
New York, NY 10036

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER OTHER THAN THOSE PROVIDED IN THE POLICY. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES DESCRIBED HEREIN.

COMPANIES AFFORDING COVERAGE

- COMPANY
A FEDERAL INSURANCE CO
- COMPANY
B N/A
- COMPANY
C
- COMPANY
D

642541-CAS-GLALX-06-07

INSURED
CLPF - KING STREET VENTURE, L.P.
CLPF - OLD TOWN OPERATING COMPANY, LLC
C/O ING CLARION PARTNERS
230 PARK AVENUE
NEW YORK, NY 10169

COVERAGES: This certificate supersedes and replaces any previously issued certificate for the policy period noted below.
THIS IS TO CERTIFY THAT POLICIES OF INSURANCE DESCRIBED HEREIN HAVE BEEN ISSUED TO THE INSURED NAMED HEREIN FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THE CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, CONDITIONS AND EXCLUSIONS OF SUCH POLICIES. AGGREGATE 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	7499-60-63	06/30/06	06/30/07	GENERAL AGGREGATE	\$ 2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS - COMP/OP AGG	\$ 1,000,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERSONAL & ADV INJURY	\$ 1,000,000
	<input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/> GEN. AGGREGATE APPLIES PER LOCATION				FIRE DAMAGE (Any one fire)	\$ 1,000,000
					MED EXP (Any one person)	\$ 10,000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT	\$
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE	\$
	<input type="checkbox"/> HIRED AUTOS					
	<input type="checkbox"/> NON-OWNED AUTOS					
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY:	
					EACH ACCIDENT	\$
					AGGREGATE	\$
	EXCESS LIABILITY				EACH OCCURRENCE	\$
	<input type="checkbox"/> UMBRELLA FORM				AGGREGATE	\$
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS	OTHER
	THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL				EL EACH ACCIDENT	\$
					EL DISEASE-POLICY LIMIT	\$
					EL DISEASE-EACH EMPLOYEE	\$
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS
CITY OF ALEXANDRIA, VA IS AN ADDITIONAL INSURED AS THEIR INTERESTS MAY APPEAR AS RESPECTS ENCROACHMENT.

CERTIFICATE HOLDER

CITY OF ALEXANDRIA
ALEXANDRIA, VA

CANCELLATION

SHOULD ANY OF THE POLICIES DESCRIBED HEREIN BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE INSURER AFFORDING COVERAGE WILL ENDEAVOR TO MAIL 60 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED HEREIN, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER AFFORDING COVERAGE, ITS AGENTS OR REPRESENTATIVES, OR THE ISSUER OF THIS CERTIFICATE.

MARSH USA INC.

By: Robert A. Mazzaro

Robert A. Mazzaro

MM1(3/02)

VALID AS OF: 07/28/06

TW



TW



5 PROPOSED PLAN-ENLARGED
1/8"=1'-0"



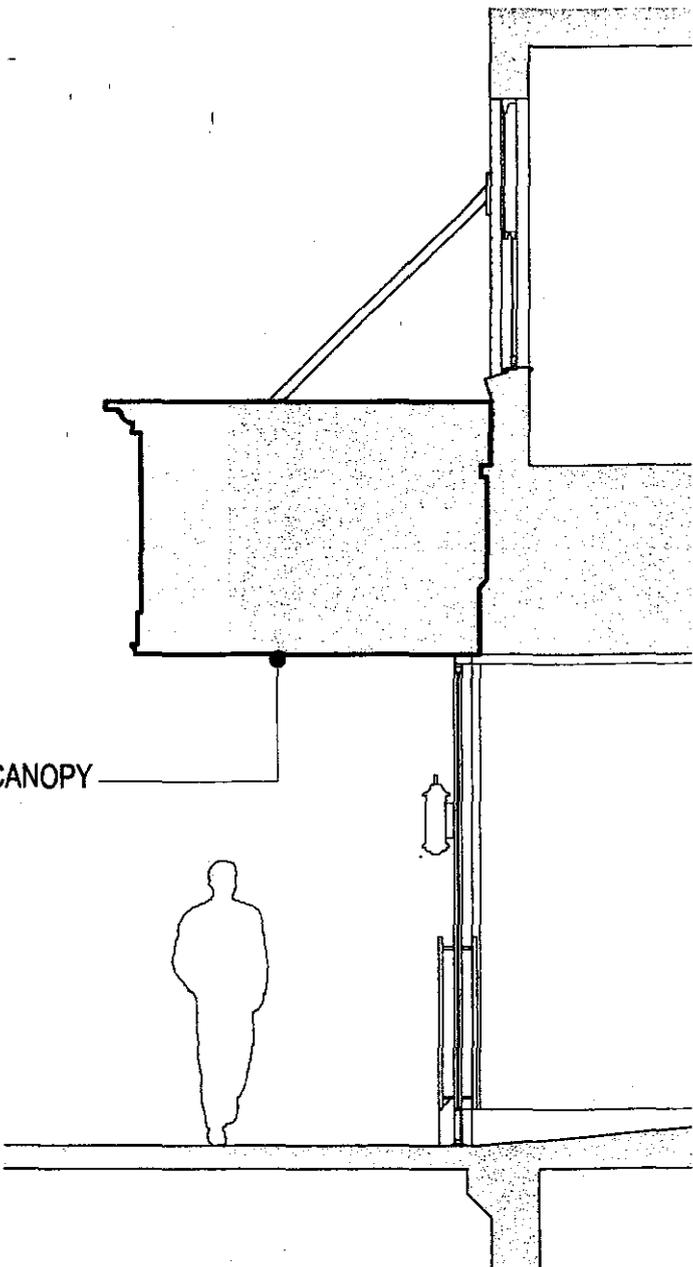
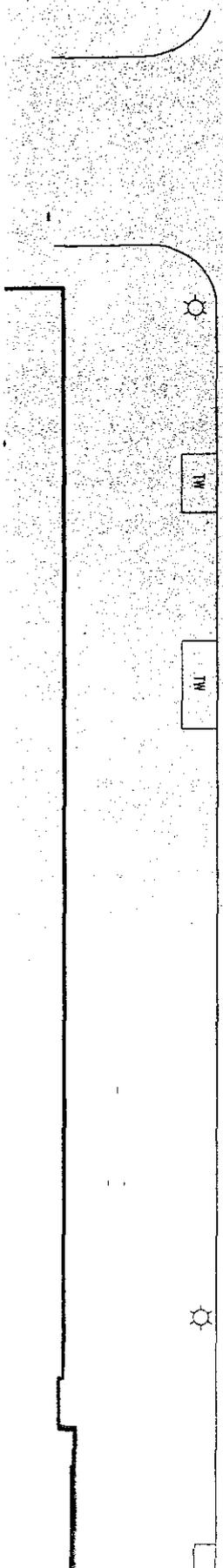
6 PROPOSED ELEVATION-ENLARGED
1/8"=1'-0"

006 Gensler

APPLICATION
FOR ENCROACHMENT

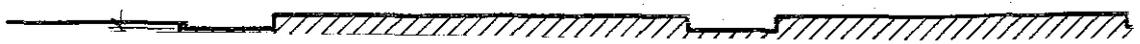
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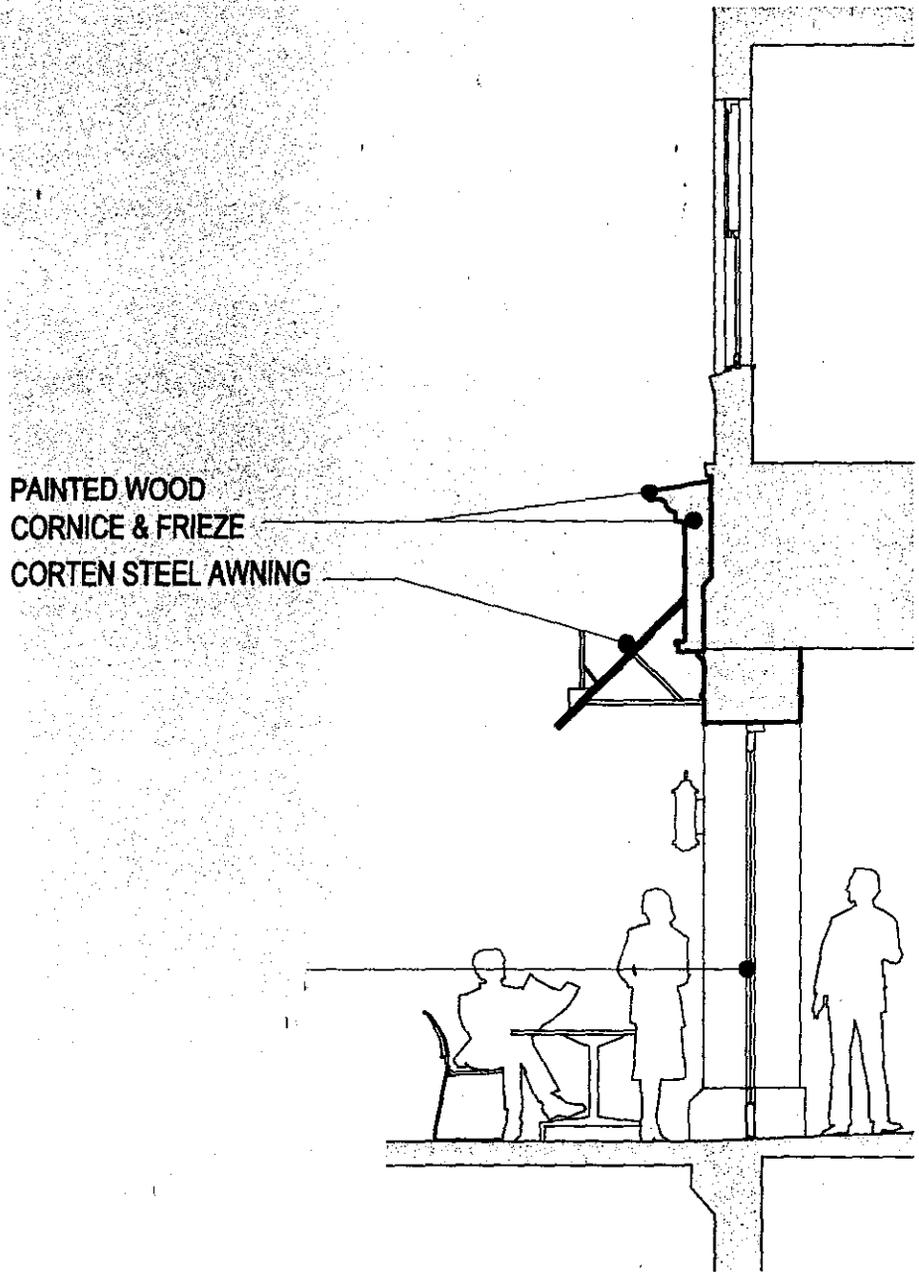
6



METAL FINISH MARQUEE CANOPY

3 SECTION DIAGRAM THROUGH MARQUEE
1/4"=1'-0"





PAINTED WOOD
CORNICHE & FRIEZE
CORTEN STEEL AWNING

4 SECTION DIAGRAM THROUGH AWNING
1/4"=1'-0"



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Telephone # Fax #

San Francisco, CA 94108
City and State Zip Code

7/24/06
Date

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

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

ACTION - PLANNING COMMISSION: By unanimous consent, recommended approval 11/9/06

ACTION - CITY COUNCIL: 11/18/06 - CC approved the PC recommendation 7-0