EXHIBIT NO. 111  
6-13-09

Docket Item #9

**Encroachment #2009-0001**  
**3500 Goddard Way – Quaker Ridge**

Application	General Data	
<b>Project Name:</b> Quaker Ridge	PC Hearing:	May 7, 2009; June 2, 2009
	CC Hearing (SUP and ENC):	June 13, 2009
<b>Location:</b> 3500 Goddard Way	Zone:	RB/ Townhouse Zone
<b>Applicant/Address:</b> Duke Crossing Inc	Small Area Plan:	Seminary Hill

**Purpose of Application**

Request for approval of an encroachment from a retaining wall onto public right-of-way along Duke Street.

**Staff Recommendation: APPROVAL WITH CONDITIONS**

**Staff Reviewers:** Katie Parker, Urban Planner, AICP [katie.parker@alexandriava.gov](mailto:katie.parker@alexandriava.gov)

**PLANNING COMMISSION ACTION JUNE 2, 2009:** On a motion by Mr. Dunn, seconded by Ms. Fossum, the Planning Commission voted to **recommend approval** of ENC #2009-0001, with the addition of a condition requiring a \$2,000 mitigation contribution to the City to be used for public improvements in the vicinity of the encroachment. The motion carried on a vote of 6 to 0.

**Reason:** The Planning Commission agreed with the staff analysis and recommendations as outlined in the staff report and staff memo dated May 22, 2009 that discussed mitigation options.

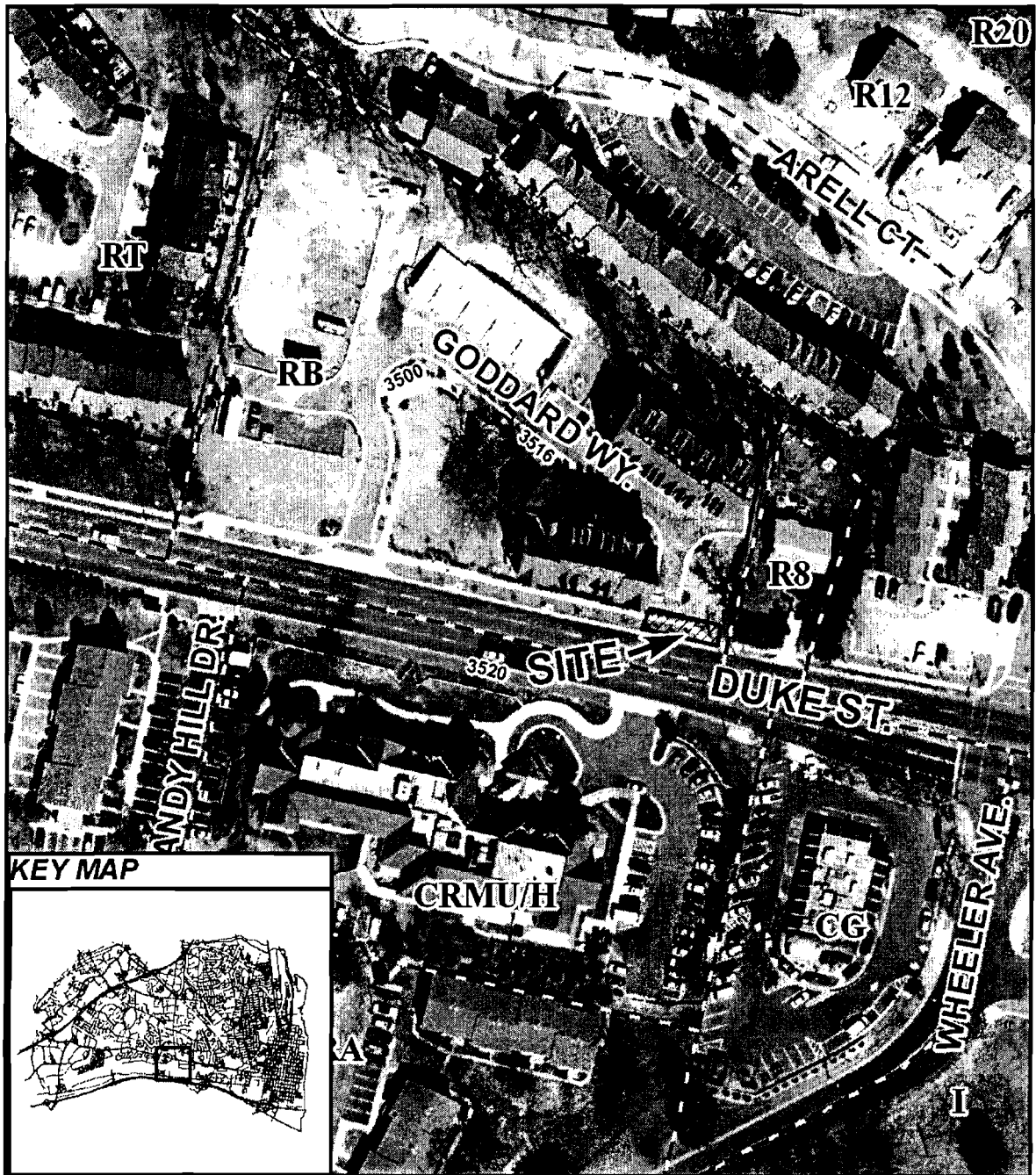
**PLANNING COMMISSION ACTION MAY 7, 2009:** The Planning Commission voted to **defer** ENC #2009-0001. The motion carried on a vote of 7 to 0.

**Reason:** The Planning Commission directed staff to explore possible mitigation options for the encroachment and if problems with the developer had been encountered with other developments.

Speakers:

Raissa Wilson, resident of Quaker Ridge, stated that she had experienced problems with Carr Homes and the construction of her house and that the encroachment of the wall onto public property was another example of the construction problems with this developer. She felt the developer should be penalized for the encroachment.

Tom Jordan, representative from Carr Homes, addressed the comments made by Ms. Wilson and also stated that the encroachment was an error made in the field during construction. He clarified that the structural portion of the wall is on the Quaker Ridge property but a portion of the stone veneer on the front extends over the property line, resulting in the encroachment.



ENC #2009-0001

06/02/09

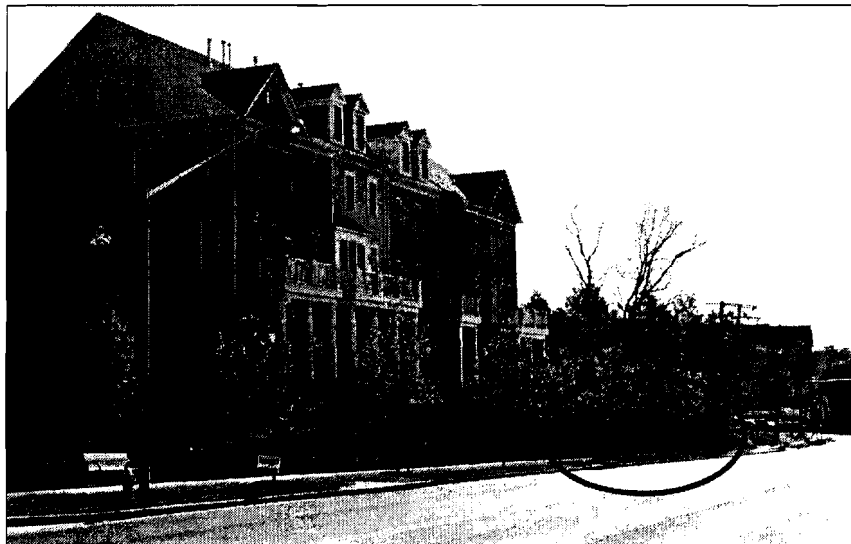


## **I. REQUEST**

Duke Crossing Inc. requests approval of an encroachment into the public right-of-way for a portion of a stone retaining wall along of the Duke Street frontage of the Quaker Ridge development. The wall encroaches approximately 4 inches into public right-of-way for a 65 foot segment of the 190 foot long retaining wall. The total area of encroachment is approximately 24 sf.

## **II. SITE DESCRIPTION**

The subject property is part of the common area for the Quaker Ridge development that was approved by DSUP 2002-0048 in November 2003. This development includes 23 townhouses, all of which have now been constructed. The 190 foot-long stone retaining wall runs along the eastern portion of the front property line of the development and is approximately 5 feet in height. The retaining wall was necessary given the significant changes in grade on this property. A 6-foot-wide sidewalk is adjacent to the wall along most of the front property line except for the easternmost 25 feet where the sidewalk jogs away from the wall to connect with the existing sidewalk. A 10-foot-wide planting strip is located between the sidewalk and the curb of Duke Street.



*Figure 1: Location of Encroachment*

## **III. STAFF ANALYSIS**

Staff supports the proposed encroachment. At approximately 4 inches, the encroachment into the public right-of-way does not create a significant impact and will not be noticeable to pedestrians using the sidewalk. The sidewalk and planting strip between the wall and Duke Street provide an adequate buffer for pedestrians along this portion of Duke Street. Approval of the encroachment would accommodate a small error made during construction and prevents the applicant from

having to remove and replace the wall in this location, which is a considerable expense, given that construction of the units on the site is complete.

#### IV. STAFF RECOMMENDATION

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 for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)
4. Add appropriate approval block to the plat. (T&ES)
5. The applicant will provide details for the encroachment area prior to the mylar submission of the plat; the details will show the dimensions of the encroachment as listed below. (T&ES)
  - a. Dimensions should clearly show the length of the encroachment area along the right-of -way and the depth of the encroachment into the right-of-way.
  - b. The detail should include a tie distance from a lot corner to the beginning of the encroachment. (T&ES)
6. **(NEW CONDITION) The applicant shall provide \$2,000 to the City to use for public improvements in the vicinity of the Quaker Ridge development, including but not limited to, tree maintenance or pedestrian countdown signal upgrades. (P&Z) (PC)**

STAFF: Faroll Hamer, Director, Department of Planning and Zoning;  
Gwen Wright, Development Division Chief  
Katie Parker, Urban Planner.

CITY DEPARTMENT COMMENTS

Code Enforcement:

No comments. There are no obstructions/encroachments regarding code regulations.

Health Department:

No comments.

Police Department:

The Police Department has no objections to the encroachment.



## APPLICATION

### ENCROACHMENT

ENC# 2009-0001

**PROPERTY LOCATION:** 3500 Goddard Way, Alexandria, VA

**TAX MAP REFERENCE:** 061.01-02-48 **ZONE:** RB

#### APPLICANT

Name: Duke Crossing, Inc., c/o CarrHomes

Address: 3877 Fairfax Ridge Road, #105N, Fairfax, VA 22030

#### PROPERTY OWNER

Name: Duke Crossing, Inc., c/o CarrHomes

Address: 3877 Fairfax Ridge Road, #105N, Fairfax, VA 22030

**PROPOSED USE:** Encroachment of stone retaining wall into Duke Street  
right-of-way

**INSURANCE CARRIER** (copy attached) Wachovia Insurance Services **POLICY #** 42UUNUB3820

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** hereby applies for an Administrative Use Permit in accordance with the provisions of Article VI, Section 6-600 of the 1992 Zoning Ordinance 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.

Duke Crossing, Inc.  
Print Name of Applicant or Agent  
3877 Fairfax Ridge Road, #105N  
Mailing/Street Address  
Fairfax, VA 22030  
City and State                      Zip Code

[Signature]  
Signature  
703.658.6060 703.225.3515  
Telephone #                      Fax #  
tcraven@carrhomes.com  
Email address

February 13, 2009  
Date

Application Received: \_\_\_\_\_ Date and Fee Paid: \$ \_\_\_\_\_  
ACTION - PLANNING COMMISSION: \_\_\_\_\_ ACTION - CITY COUNCIL: \_\_\_\_\_

DUKE STREET  
STATE ROUTE 236  
VARIABLE WIDTH



LOT 521

LOT 520

QUAKER RIDGE

WALL  
ENCROACHMENT  
AREA  
(24 SQ. FT.)

N13°16'09"E  
6.56'

N77°18'14"W  
0.71'

N77°26'44"W  
24.18'

OUTLOT  
"A"

N77°01'56"W - 71.51'

S77°18'09"E - 96.33'

S12°41'51"W  
6.83'

PARCEL "A"

BEDAR J. SAMEE

PLAT  
SHOWING A WALL ENCROACHMENT AREA  
INTO THE RIGHT-OF-WAY OF  
**DUKE STREET**  
CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20'

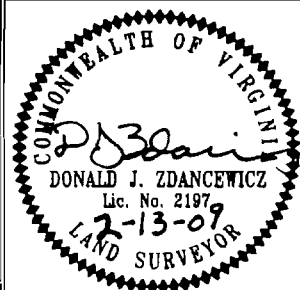
DATE: FEBRUARY 12, 2009

DWG: P:\2070 - Duke Street Commons\2070-01-002 (SUR)\Survey\Plots\2070-01-006-EP-ENCR.dwg

**Bowman**  
CONSULTING

Bowman Consulting Group, Ltd.  
14020 Thunderbolt Place, Suite 300  
Chantilly, Virginia 20151

Phone: (703) 464-1000  
Fax: (703) 481-9720  
www.bowmanconsulting.com





**Geotechnical Consulting & Testing, Inc.**

*Geotechnical Environmental Construction Services*

May 5, 2009

Mr. Tom Jordan  
CarrHomes, Inc.  
3877 Fairfax Ridge Road, Suite 105N  
Fairfax, Virginia 22030

• 4899 Prince William Parkway  
Woodbridge, VA 22192  
(703) 730-4160  
FAX (703) 730-4170

✓ • 21505 Greenoak Way  
Dulles, VA 20166  
(703) 421-4000  
FAX (703) 421-8000

Re: Quaker Ridge Retaining Walls  
GC&T Project No. 25D-2788

Dear Mr. Jordan,

Per the request of Carrhomes, Inc., the undersigned engineer performed a site visit to visually inspect the cracks reported in the gravity walls constructed as part of the Quaker Ridge development.

Cracking was observed at several locations within the mortar joints of the walls. The cracks appear to be associated with mortar shrinkage during the curing period. The cracking was most apparent on the top of the retaining wall located along Duke Street, particularly around the areas where the safety fence posts were installed into the wall, and these cracks appear to be related to the installation of the fence posts. We recommend that the mortar cracks be sealed with mortar to limit the infiltration of water, which could cause the retaining wall stones to move during freezing periods.

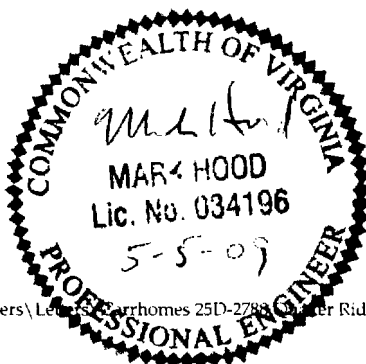
Based on my observations, there are currently no indications that affect the structural integrity of the retaining walls.

Should you have any questions regarding this information, please do not hesitate to contact me.

Respectfully Submitted,

GEOTECHNICAL CONSULTING & TESTING, INC.

Mark Hood, P.E.  
Principal Engineer



X:\Data\EDrive\Public\Reports and Letters\Letters\Carrhomes 25D-2788\Quaker Ridge Retaining Walls.doc

8





May 19, 2009

Katie Parker  
Urban Planner  
Department of Planning and Zoning  
301 King Street, Room 2100  
Alexandria, VA 22313

Dear Katie:

Per your request, below is a brief summary of some of the communities that CarrHomes or its wholly owned subsidiaries have been involved in or built within the City of Alexandria:

**Yates Garden:** This is the oldest project that CarrHomes built in the City. It consisted of 108 townhomes built in the late 1930's and is generally located near Royal and Franklin Streets.

**Carlton Place at Cameron Station:** In 1999 CarrHomes began construction of 144 condominium units located within Cameron Station.

**Overlook:** In 1999 CarrHomes built 35 townhomes in the Overlook community located off of Edsall Road.

**Landmark Townes:** CarrHomes obtained final site plan approval in 2000 and built 7 townhomes located off of Stevenson Avenue.

**Battery Heights:** In 2001 CarrHomes subdivided this property and built 6 SFD homes. The original house designed by architect Charles Goodman was preserved as well as 2.8 acres of common area which is subject to a Conservation Easement.

**Garret's Mill:** In 2002 CarrHomes built 11 townhomes at the corner of Pitt and Pendleton Streets, the site of a former single story warehouse. We worked extensively with City Staff to develop a unique site plan and architecture to accommodate this site.

**Mt. Vernon Commons (aka Triangle Property):** In 2006 CarrHomes received SUP approval for a 141 unit multi-family/commercial project. This property consisted of 11 separate parcels located at Commonwealth and Mt. Vernon Avenues. CarrHomes worked extensively with the residents of Warwick Village HOA and the Del Ray Land Use Committee to obtain the support for this project. Prior to final site plan approval, CarrHomes sold this project to a multi-family developer.

**Quaker Ridge:** In 2003 CarrHomes received approval of a rezoning for the Quaker Ridge consolidation. This community consists of 23 townhomes.

**Prescott Condominium:** CarrHomes received approval of an SUP for the 64 unit Prescott Condominium. This project was built on the site of the vacant Hopkins furniture warehouse as well as a former gas/service station and is located within the Parker-Gray Historic District.

Katye Parker  
May 19, 2009  
Page Two

I would also like to mention that within the last five years CarrHomes has renovated two homeless shelters within the City. Last year we performed a complete bathroom and kitchen renovation of a Community Lodgings condominium located on Notabene Drive. This unit was to be immediately occupied by a previously homeless family of five. In 2004 CarrHomes made extensive renovations to the Alive! House Shelter on Fayette Street which has provided transitional housing to women and families since 1972.

Please let me know if I can provide you with any additional information prior to the Planning Commission hearing.

Yours truly,

A handwritten signature in cursive script, appearing to read "Tara Craven".

Tara M. Craven  
Land Acquisition Manager

**City of Alexandria, Virginia**  
**MEMORANDUM**

DATE: MAY 22, 2009

TO: CHAIRMAN KOMOROSKE AND MEMBERS OF THE PLANNING COMMISSION

FROM: FAROLL HAMER, DIRECTOR *fh*  
DEPARTMENT OF PLANNING AND ZONING

SUBJECT: ENC # 2009-0001 – QUAKER RIDGE - UPDATE FROM MAY PLANNING COMMISSION MEETING

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At the May 7, 2009 Planning Commission meeting, the developer for the Quaker Ridge townhouse development on Duke Street, Carr Homes, requested approval of an after the fact encroachment of a retaining wall along Duke Street. At this meeting, concerns were raised by a resident of Quaker Ridge that there have been other problems with Carr Homes regarding the construction of the townhouses and the encroachment of the retaining wall was another example of the problems encountered. The resident felt the developer should be held accountable for the mistake and requested that the Planning Commission require some form of mitigation, such as a fine. The Planning Commission directed staff to explore possible mitigation for the encroachment, as well as look into whether problems with Carr Homes have been encountered on other developments.

Staff considered a several different options for mitigation of the encroachment, which are summarized below.

Option 1: *Improvements at Quaker Ridge* – One resident suggested Carr provide a community sign for the development at the entrance. However, there is a condition from the overall development approval prohibiting this type of signage. Choosing this option would require revising the conditions of approval. Other improvements suggested include installation of an irrigation system and amenities in the common area.

Option 2: *Monetary contribution to the Quaker Ridge Home Owners Association* – A monetary contribution could be provided to the HOA for general maintenance issues, such as landscaping and upkeep of the common area. A basis for the amount of money to be dedicated could be derived from the value of land in the area and the size of encroachment. For Quaker Ridge, the land is valued at approximately \$71.5/sf. For an encroachment of 24 sf this would be a dedication of \$1,716.

Option 3: *Monetary contribution to the City for improvements in the vicinity of the encroachment* – Since the encroachment is on City property, the applicant could provide a contribution directly to the City to use in the vicinity of the development. The contribution could be used for maintenance of the new street trees along Duke Street in

front of the site (12 trees), upgrading the pedestrian countdown signals at the intersection of Duke and Wheeler (approximately 200 feet away), or other miscellaneous improvements. The amount of money could be determined using the land value, as described in Option 2.

Option 4: *Monetary contribution to the City's Open Space Fund* – Since the encroachment technically occupies public space, the City could require that the developer provide a contribution to the Open Space Fund to be put towards purchase of open space within the City. The amount of money could be determined using the land value, as described in Option 2.

Regarding Carr Homes' history of development in the City, the following is a summary of all their projects in Alexandria. See the attached letter from Carr Homes for more details.

- Yates Gardens – 108 townhouses at South Royal and Franklin Streets
- Carlton Place at Cameron Station – 144 condominium units in Cameron Station
- Overlook – 35 townhouses off of Edsall Road (just outside City of Alexandria boundaries)
- Landmark Townes – 7 townhouses off of Stevenson Avenue
- Battery Heights – 6 single family houses on Malvern Court (off of Quaker Lane)
- Garret's Mill – 11 townhouses at southwest corner of N. Pitt and Pendleton Streets
- Prescott Condominiums – 64 multi-family units at Henry, N. Fayette, and Cameron Streets
- Mt. Vernon Commons (aka the Triangle site) – 141 multi-family units on Mt. Vernon and Commonwealth Avenues (currently under construction)

Staff reviewed the complaints on file for all of these developments and found the following that could have applied to the developer. However, Staff would not have a record of complaints made directly to the developer.

- Complaint for a leaky bathtub at Battery Heights – city staff recommended the owner caulk a crack in the tile that may be where the leak was.
- Complaint for a large hole around a water meter during construction at Quaker Ridge – city staff required safety cones to be set out. (note – although this development was constructed in phases so construction was occurring on a portion of the site while some of the townhouses were occupied)
- Stop work order issued at the Prescott for construction of the roof and dormers that were inconsistent with BAR approved plans – developer resolved issued with city staff and the problem was corrected.

In this particular case, it appears that the encroachment was an error made during construction. Since the encroachment has a minor impact to the public realm and quality of the streetscape in this location, staff recommends approval of the encroachment. However, considering the encroachment is an after the fact request, mitigation is appropriate. Given that the encroachment is impacting City property as well as the residents of the development and the general public in the surrounding area, Staff recommends that Option 3 be implemented and Carr Homes be required to provide \$2,000 as mitigation for the encroachment (number rounded up from \$1,716 figure discussed in Option 2).



## APPLICATION

### ENCROACHMENT

ENC# 2009-0001

**PROPERTY LOCATION:** 3500 Goddard Way, Alexandria, VA

**TAX MAP REFERENCE:** 061.01-02-48

**ZONE:** RB

#### APPLICANT

Name: Duke Crossing, Inc., c/o CarrHomes

Address: 3877 Fairfax Ridge Road, #105N, Fairfax, VA 22030

#### PROPERTY OWNER

Name: Duke Crossing, Inc., c/o CarrHomes

Address: 3877 Fairfax Ridge Road, #105N, Fairfax, VA 22030

**PROPOSED USE:** Encroachment of stone retaining wall into Duke Street  
right-of-way

**INSURANCE CARRIER** (copy attached) Wachovia Insurance Services **POLICY #** 42UUNUB3820

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** hereby applies for an Administrative Use Permit in accordance with the provisions of Article VI, Section 6-600 of the 1992 Zoning Ordinance 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** I so 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.

Duke Crossing, Inc.

Print Name of Applicant or Agent

3877 Fairfax Ridge Road, #105N

Mailing/Street Address

Fairfax, VA 22030

City and State

Zip Code

[Signature]

703.658.6060

Telephone #

703.225.3515

Fax #

tcraven@carrhomes.com

Email address

February 13, 2009

Date

Application Received: \_\_\_\_\_

Date and Fee Paid: \$ \_\_\_\_\_

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

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

application encroachment ROW.pdf

8/1/06 Pnz\Applications, Forms, Checklists\Planning Commission

PC Action Recommended Approval 6-0 6-2-09

CC approved PC recommendation 7-0

6/13/09 (see attachment)

applicant, and that after 18 months, a status report be provided to City Council and the staff. The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

11. ENCROACHMENT #2009-0001  
3500 GOODARD WAY  
RETAINING WALL

Public Hearing and Consideration of a request for an encroachment into the public right-of-way for a retaining wall; zoned RB/Townhouse Residential. Applicant: Duke Crossing, Inc.

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 6/13/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing. The voting was as follows:

Smedberg	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

Councilman Wilson noted that in the interest of full disclosure, his wife grew up on this site and the house was sold to the developer, but there is no conflict of interest.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the Planning Commission recommendation, with the added condition of the \$2,000 contribution to the City for public improvements. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

12. MASTER PLAN AMENDMENT #2009-0001  
URBAN FORESTRY MASTER PLAN

Public Hearing and Consideration of an amendment to the City's Master Plan to