

EXHIBIT NO. 1

7
3-13-04

Docket Item #12
ENCROACHMENT # 2003-0009

Planning Commission Meeting
March 2, 2004

ISSUE: Consideration of a request to install an underground utility vault within the public right-of-way.

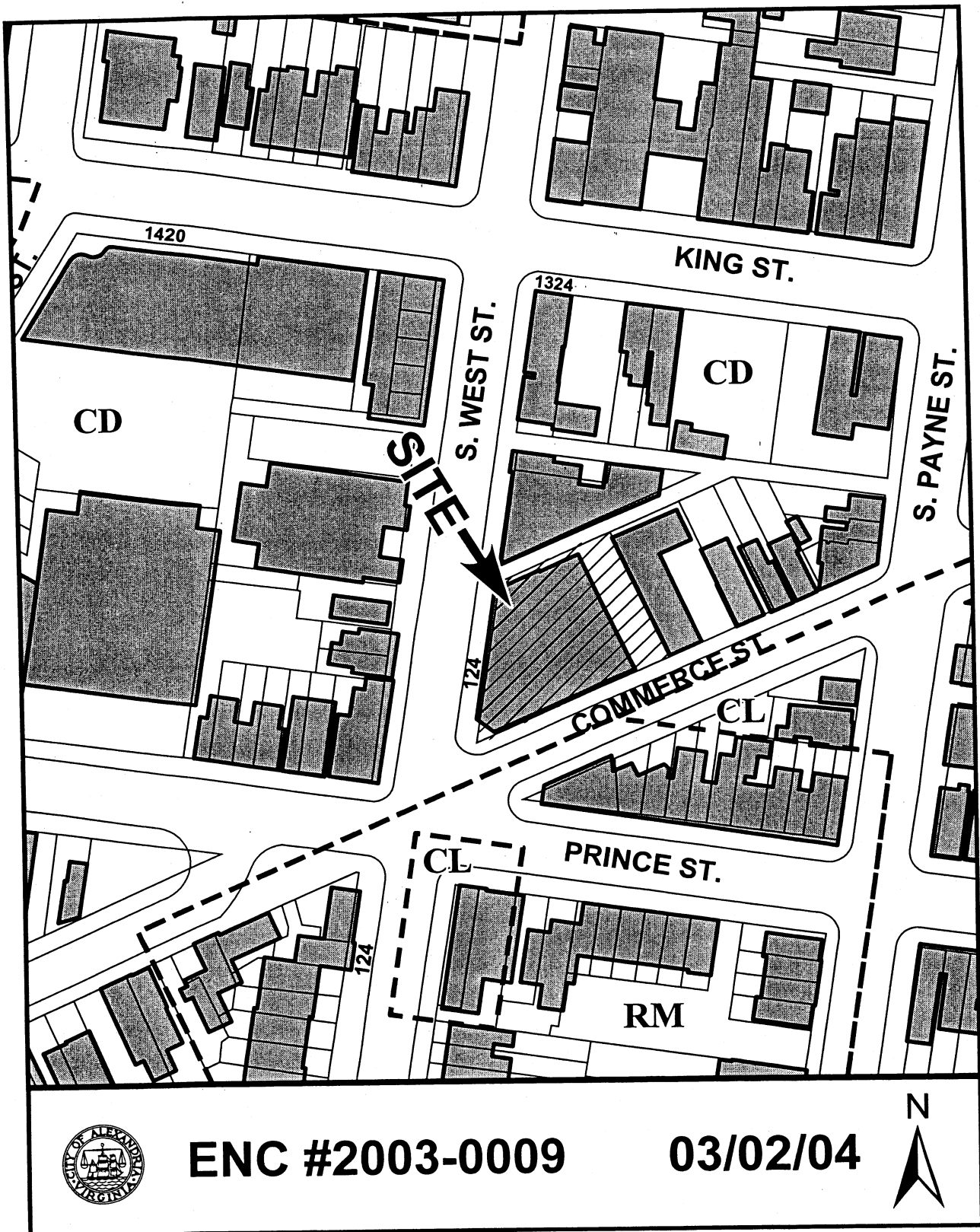
APPLICANT: Arthur Meushaw
Meushaw Development Company, Incorporated

LOCATION: 124 South West Street

ZONE: CD/Commercial Downtown

PLANNING COMMISSION ACTION, MARCH 2, 2004: By unanimous consent, the Planning Commission recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

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



I. STAFF ANALYSIS:

The applicant requests approval of an encroachment for an underground utility vault to be located within the public right-of-way adjacent to the office building that is currently under construction at 124 South West Street. The property is zoned CD, Commercial Downtown, and is the site of a four-story office building with three stories of underground parking that is currently under construction. The development was approved by City Council on May 12, 2001 (DSUP #2000-0051).

The encroachment area requested will be 17ft. x 24 ft (408 sq. ft.) and located on South West Street under the sidewalk. See attached plans.

Staff generally does not support private utilities within the right-of-way unless there are no other reasonable or practical locations for it, and assuming it does not create any problem for the streetscape or interfere with public users of the right-of-way. In this case, the applicant originally planned to use the existing transformer at 113 South West Street for its building, however, Virginia Power will not permit the applicant to use that transformer because of its capacity limitations. The underground parking garage that is currently under construction occupies the entire site, leaving no room for the addition of a transformer.

The proposed location of the utility vault will not impact any of the proposed landscaping or street trees to be planted in conjunction with the new building. The lid of the vault is proposed to be located within a portion of the sidewalk. Staff is therefore recommending that the lid be flush with the sidewalk and that the material for the top of the lid be brick or comparable material to match the brick sidewalk.

Given these facts, and with the recommended conditions to minimize any impact to the sidewalk, staff is recommending approval of the encroachment.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Jeffrey Farner, Chief, Development;
Charles Burnham, Urban Planner III.

II. 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) shall 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) (T&ES)
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. (P&Z) (T&ES)
4. The applicant shall amend the approved development plan to show the proposed utility vault. (P&Z) (T&ES)
5. The cover for the transformer shall be flush with the sidewalk and shall be brick or comparable material to the satisfaction of the Director of P&Z and T&ES. (P&Z)

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.

III. 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 Applicant shall amend the approved development plan to show installation of the proposed vault.

Code Enforcement

No Comments

Health

No Comments

Police

No objections

Recreation Parks and Cultural Activities

No comments received

APPLICATION for ENCROACHMENT # 2003-0009

[must use black ink or type]

PROPERTY LOCATION: 124 S. WEST STREET

TAX MAP REFERENCE: 74.01-02-27 ZONE: CD

APPLICANT'S NAME: Meushaw Development Co. Inc.

ADDRESS: 1022 Duke Street Alex. VA 22314

PROPERTY OWNER NAME: Riverport Land Company

ADDRESS: 1022 Duke St. Alex. VA 22314

ENCROACHMENT DESCRIPTION: UNDERGROUND UTILITY VAULT
17' x 24'

INSURANCE CARRIER (copy attached) ALEA UNDERWRITERS POLICY # F60552

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.

Meushaw Development Co. Inc.

Arthur Meushaw
Print Name of Applicant or Agent

Arthur Meushaw
Signature

1022 Duke Street
Mailing/Street Address

(703) 836-7939 836-7045
Telephone # Fax #

Alex. VA 22314
City and State Zip Code

11-25-03
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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ENC. 2003-0009

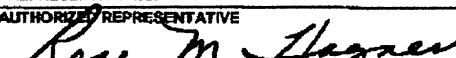
ACORD CERTIFICATE OF LIABILITY INSURANCE		CSR RH MEUSE-1	DATE (MM/DD/YYYY) 11/25/03
PRODUCER Insurance Management Associate 170 Jennifer Road, Suite 325 P. O. Box 6609 Annapolis MD 21401 Phone: 410-266-8888 Fax: 410-266-2774		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED Meushaw Development Corp. Carey Meushaw 1022 Duke Street Alexandria VA 22314		INSURERS AFFORDING COVERAGE INSURER A: Alea Underwriters INSURER B: Assigned Risk WC INSURER C: INSURER D: INSURER E:	NAIC #

COVERAGES

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 ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	760552	03/26/03	03/26/04	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000
	<input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR				MED EXP (Any one person) \$ 1,000
					PERSONAL & ADV INJURY \$ 1,000,000
					GENERAL AGGREGATE \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMP/OP AGG \$ 1,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO- JECT <input type="checkbox"/> LOC				
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident) \$
	<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 (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS				
	<input type="checkbox"/> NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC \$
					AUTO ONLY: AGG \$
	EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE \$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE \$
					\$
	DEDUCTIBLE				\$
	RETENTION \$				\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	856X2273	03/28/03	03/28/04	<input checked="" type="checkbox"/> WC STATU- TORY LIMITS <input type="checkbox"/> OTH- ER
	E.L. EACH ACCIDENT \$ 500000				
	E.L. DISEASE - EA EMPLOYEE \$ 500000				
	E.L. DISEASE - POLICY LIMIT \$ 500000				
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				
	OTHER				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 Certificate holder, City of Alexandria is additional insured as their interest may appear with respect to work performed by Meushaw Development Corp.

CERTIFICATE HOLDER City of Alexandria TR&S, Rm. 4130 ATTN: Bill Shue City Hall Alexandria VA 22314	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 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 INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE 
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