

EXHIBIT NO. 1

7
10-19-02

Docket Item # 7
ENCROACHMENT #2002-0005

Planning Commission Meeting
October 1, 2002

ISSUE: Consideration of a request for encroachment into the public sidewalk right-of-way for relocation of an entrance canopy.

APPLICANT: Gadsby Lodging Associates, LLC
by Stephen Kulinski

LOCATION: 480 King Street
Holiday Inn Old Town

ZONE: CD/Commercial Downtown

PLANNING COMMISSION ACTION, OCTOBER 1, 2002: 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 #2002-0005

10/01/02



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 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. All work in the right-of-way will require a separate permit from the Department of Transportation and Environmental Services. (T&ES)
3. Repairs to sidewalk associated with relocation of the canopy shall be to the satisfaction of the Director of T&ES. (T&ES)
4. 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 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.

DISCUSSION:

1. The applicant, Gadsby Lodging Associates, L.L.C., represented by architect Stephen Kulinski, requests approval of an encroachment ordinance to allow relocation of an existing entrance canopy located within the public right-of-way in front of 480 King Street (Holiday Inn).
2. The subject public right-of-way is the sidewalk in front and north of the Holiday Inn located at 480 King Street. The Holiday Inn occupies one lot of record with 256 feet facing King Street, 166 feet along S. Pitt Street, and 142 feet fronting S. Royal Street. The multi-story hotel with ground floor retail occupies the entire lot, and is bordered on all sides by commercial and office uses.
3. The applicant proposes to move an existing entrance canopy 28 feet west of its current location on King Street. The entrance canopy will encroach approximately 16 feet six inches into the public right-of-way. The entrance canopy measures approximately 11 feet, three inches in width and 16 feet, six inches in length, and is 10 feet tall with a seven foot overhead clearance. It covers about 187 square feet of the sidewalk.
4. An encroachment application for the existing entrance canopy at the Holiday Inn was approved on June 13, 1992 (ENC #92-0002). The hotel is undergoing renovation. Specifically, the Annabelle's restaurant is being reconfigured so that its entrance extends out to the sidewalk where the prior canopy had been located.
5. The subject property is located within the Old and Historic Alexandria District. On July 17, 2002, the Board of Architectural Review, Old and Historic Alexandria District, recommended approval of the relocation of the canopy at the Holiday Inn.
6. Master Plan/Zoning: The subject property is zoned CD (Commercial Downtown Zone), and is located in the Old Town Small Area Plan.

STAFF ANALYSIS:

Staff supports the proposed encroachment. No complaints regarding the existing encroachment for the entrance canopy have been filed with the City since it was approved in 1992. The canopy offers shelter to the public and causes no significant obstruction to passing pedestrians. The new location will not alter these conditions.

Staff supports the proposed encroachment subject to the list of recommended conditions regularly applied in encroachment cases.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Mary Hashemi, 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 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 All work in the right-of-way will require a separate permit from the Department of Transportation and Environmental Services.
- R-3 Repairs to sidewalk associated to relocation of the canopy shall be to the satisfaction of the Director of T&ES.

Code Enforcement:

- C-1 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.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 A construction permit is required for the proposed project.

Health Department:

- F-1 No comments.

Police Department:

- F-1 No objections.

APPLICATION for ENCROACHMENT

ENC # 2002-0005

[must use black ink or type]

PROPERTY LOCATION: 480 KING STREET

TAX MAP REFERENCE: 74.02 - 07 - 01 ZONE: C-3

APPLICANT'S NAME: STEPHEN KULINSKI, ARCHITECT

ADDRESS: 104 N. WEST ST. ALEXANDRIA, VA 22314

PROPERTY OWNER NAME: GADSBY LODGING ASSOCIATES, L.L.C.
71A OLD TOWN HOLIDAY INN SELECT

ADDRESS: 480 KING STREET

ENCROACHMENT DESCRIPTION: RELOCATE EXISTING ENTRANCE CANOPY
APPROXIMATELY TWENTY EIGHT FEET TO THE WEST ALONG KING ST.

INSURANCE CARRIER (copy attached) WAUSAU INSURANCE POLICY # YYKY915A 228813
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.

STEPHEN KULINSKI
Print Name of Applicant or Agent

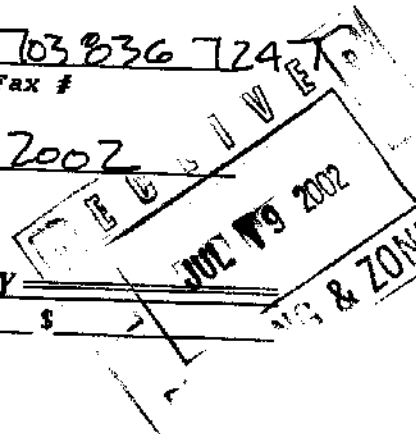
[Signature]
Signature

104 N. WEST ST
Mailing/Street Address

703 836 7243 703 836 7243
Telephone # Fax #

ALEXANDRIA VA 22314
City and State Zip Code

July 19, 2002
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)
07/17/02

PRODUCER
WAUSAU INSURANCE COMPANIES
 808 MOOREFIELD PARK DRIVE, SUITE 105
 RICHMOND, VA 23236-3670

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.

INSURERS AFFORDING COVERAGE

INSURER A: **WAUSAU BUSINESS INSURANCE COMPANY**
 INSURER B:
 INSURER C:
 INSURER D:
 INSURER E:

INSURED
MARDECK, LTD. & GADSBY LODGING ASSOC, LLC
 71A HOLIDAY INN SELECT OLD TOWN
 1700 ROCKVILLE PIKE, SUITE 580
 ROCKVILLE, MD 20852

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 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 CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> LIQUOR LIAB GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO. JECT <input checked="" type="checkbox"/> LOC	YYKY91542288132	06/01/02	06/01/03	EACH OCCURRENCE \$1,000,000 FIRE DAMAGE (Any one sum) \$300,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (EA accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
	EXCESS LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE \$ RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				IWC STATUTORY LIMITS <input type="checkbox"/> OTHER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - CA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VENUES/EXCLUSIONS ADDED BY ENDORSEMENTS/SPECIAL PROVISIONS
 RE: HOLIDAY INN SELECT OLD TOWN, 480 KING STREET, ALEXANDRIA, VA 22314
 CITY OF ALEXANDRIA IS ADDITIONAL INSURED UNDER GENERAL LIABILITY AS REQUIRED UNDER WRITTEN CONTRACT OR AGREEMENT AS RESPECTS THE REFERENCED LOCATION.

CERTIFICATE HOLDER: CITY OF ALEXANDRIA
 ADDITIONAL INSURED: INSURER LETTER

CITY OF ALEXANDRIA
 301 KING ST
 ALEXANDRIA VA 22314

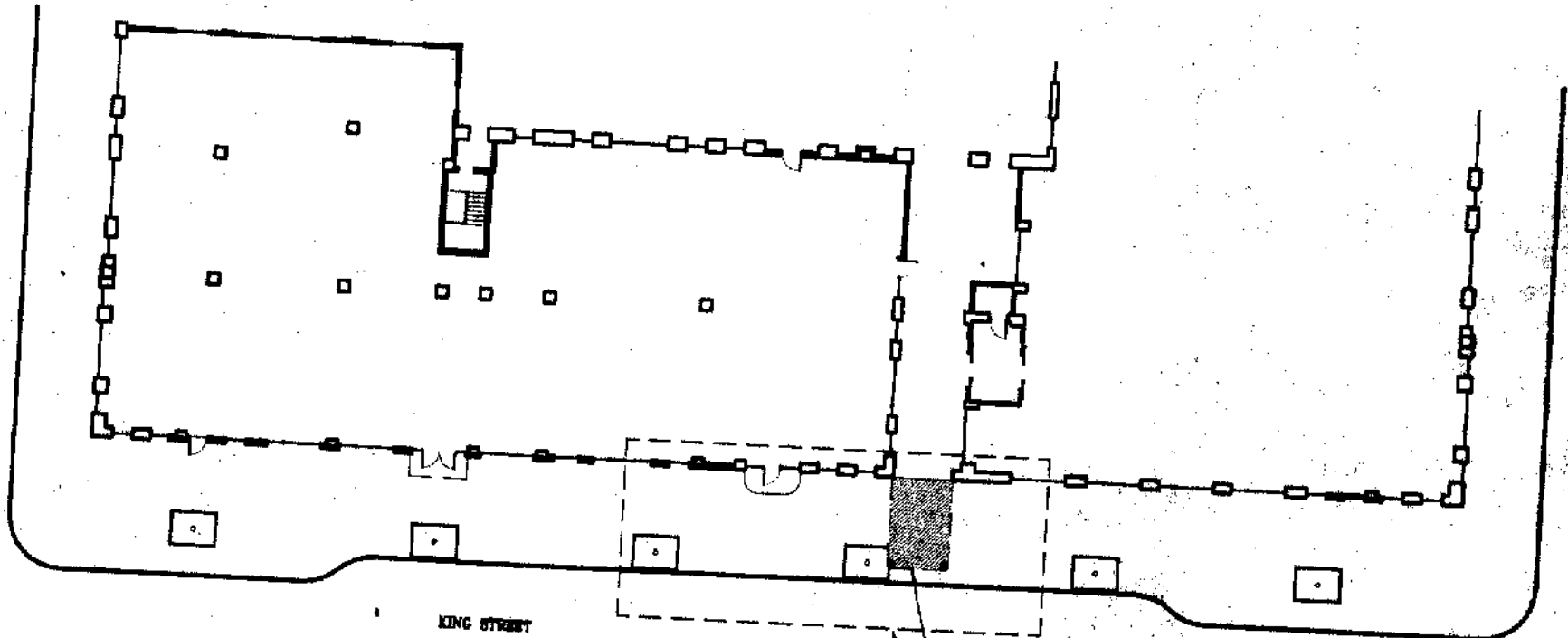
CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 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

8

4

SOUTH ROYAL STREET



3 KEY PLAN
A1 SCALE: 1/32" = 1'-0"

NEW CANOPY LOCATION
OUTLINE OF PLAN 1/A1

ENC. 2002-0005

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STEPHEN KULINSKI
Print Name of Applicant or Agent

[Signature]
Signature

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Mailing/Street Address

703 836 7243 703 836 7243
Telephone # Fax #

ALEXANDRIA VA 22314
City and State Zip Code

July 19, 2002
Date

ENCROACHMENT
JUL 19 2002
PLANNING & ZONING
\$150.00
see file folder SIP 02-75
for receipt.

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY
Application Received: 7-19-02 Date & Fee Paid: 7-19-02

ACTION - PLANNING COMMISSION: 10/01/02 RECOMMENDED APPROVAL UC

ACTION - CITY COUNCIL: 10/19/02PH -- CC approved the Planning Commission recommendation.