

EXHIBIT NO. 1

10
9-13-03

Docket Item #11
ENCROACHMENT #2003-0004

Planning Commission Meeting
September 4, 2003

ISSUE: Consideration of a request for encroachment into the public right-of-way for a new masonry stoop with handrail and new ADA lift within a sub-surface enclosure.

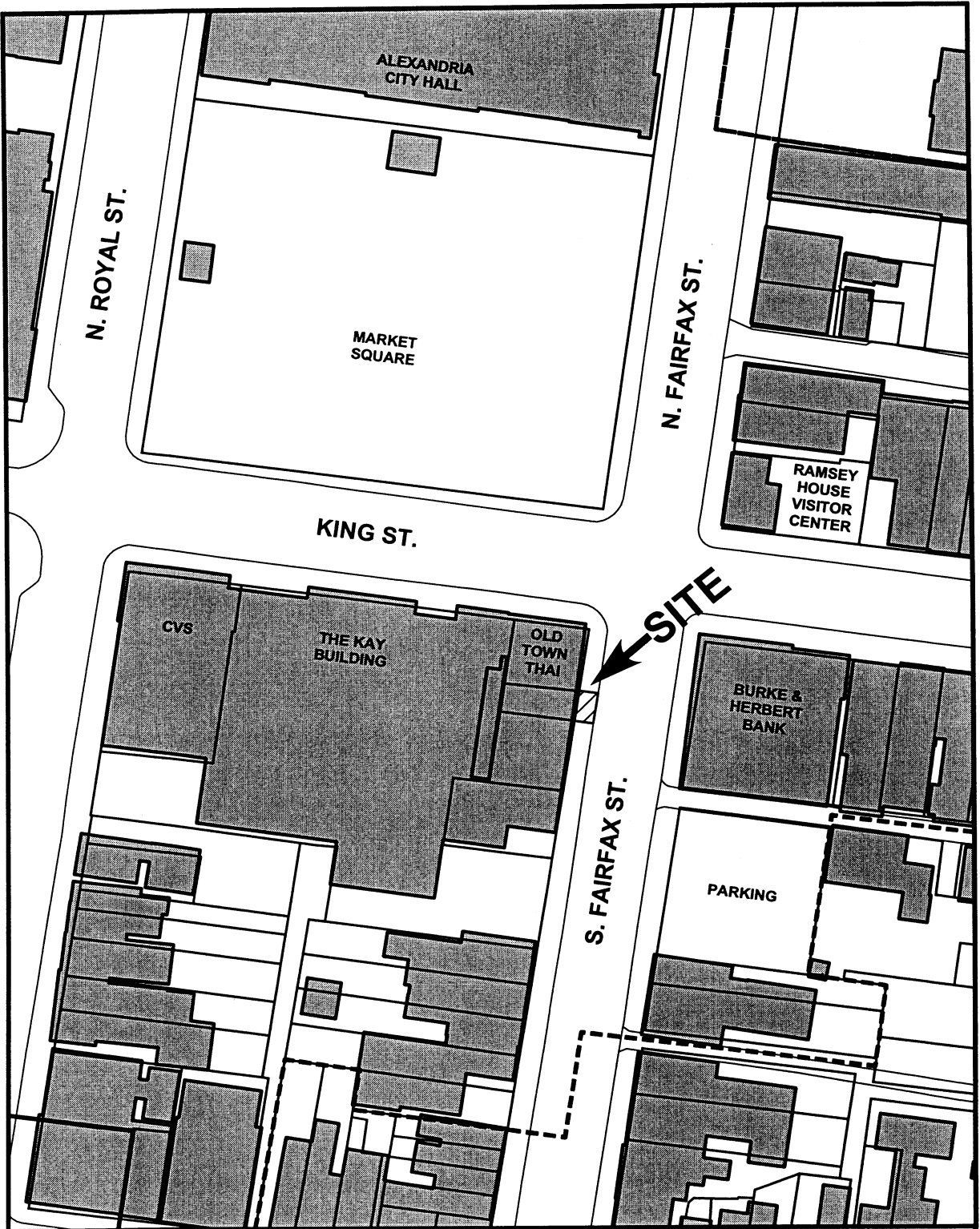
APPLICANT: C. Richard Bierce

LOCATION: 105 South Fairfax Street

ZONE: CD/Commercial downtown

PLANNING COMMISSION ACTION, SEPTEMBER 4, 2003: 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 #2003-0004

09/04/03



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)
3. Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds. This statement must appear in the General Notes of the site plan so that on-site contractors are aware of the requirement. (Historic Alexandria)
4. Contact Alexandria Archaeology (703-838-4399) two weeks prior to any ground disturbing activity (such as coring, grading, filling, vegetation removal, undergrounding utilities, pile driving, landscaping and other excavations as defined in Section 2-151 of The Zoning Ordinance) on this property. City archaeologists will provide on-site inspections to record significant finds. This statement must appear in the General Notes of the site plan so that on-site contractors are aware of the requirement. (Historic Alexandria)
5. 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)

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, C. Richard Bierce, AIA, requests approval of an ordinance for encroachment into the public sidewalk right-of-way for 105 South Fairfax Street.
2. The subject property is one lot of record with 40 feet of frontage on South Fairfax Street, 40 feet of depth, and a total lot area of 1,600 square feet. The property is developed with a three story brick commercial building built in ca. 1807, and is occupied by the Stabler-Leadbeater Apothecary Museum. In the immediate vicinity of the museum are commercial uses including Old Town Thai restaurant and the Burke and Herbert Bank, City Hall and the Ramsay House Visitor Center across the street. Residential uses are also in the near vicinity.
3. The applicant requests approval of an encroachment to allow the installation of a new masonry stoop and a below grade handicapped lift, in order to create handicapped accessibility to the museum. The total sidewalk width from the building face is currently 12 feet. The masonry stoop is proposed to project seven feet into the right-of-way, and is five feet six inches wide. Five feet of sidewalk will remain, although there is a water meter in this area. The recessed lift platform is proposed immediately to the right of the stoop, and projects six feet into the right-of-way. The platform is flush with the sidewalk elevation. There is a tree well located approximately two and a half feet from the corner of the below grade lift. (See attached plan).
4. On August 6, 2003, the Board of Architectural Review approved the stoop and lift. On June 15, 2003, the Board considered the demolition of portions of the rear wall of the building which would have allowed construction of a small addition and significant aesthetic improvements to the existing private alley to provide accessibility at grade (BAR Case #2002-0303). However, the construction of the addition was dependent upon an easement being granted from the owners of 320 King Street to allow the use of the alley that runs between the two properties. Unfortunately, the necessary approval could not be obtained and the museum now is proposing this alternative method of achieving accessibility.
5. 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 does not object to the proposed encroachment at 105 South Fairfax Street. The applicant explored another handicapped accessibility option out of the right-of-way, in the adjacent alley, that proved infeasible. The proposed encroachment is a costly effort that attempts to minimize the amount of structure at the front of the building, while still providing accessibility. There is still five feet of sidewalk from the edge of the handrail of the stoop to the curb for pedestrians. Although there will technically be only two and a half feet of sidewalk area between the northeast corner of the platform and a tree well, the platform will be recessed below grade. Therefore, staff finds that there is still ample area for pedestrian access.

Staff recommends approval of the encroachment.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- F-1 T&ES believes that the proposed masonry stoop and recessed lift allows for an adequate pedestrian pathway and has no objection to the application.
- 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.

Code Enforcement:

- C-1 Construction permits are required for the proposed project.

Health Department:

- F-1 No comments

Police Department:

- F-1 No objections.

Historic Alexandria

- F-1 The Stabler-Leadbetter Apothecary Museum is a significant historic property. There is potential for archaeological resources to be located in the area of these projects.
- R-1 Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- R-2 Contact Alexandria Archaeology (703-838-4399) two weeks prior to any ground disturbing activity (such as coring, grading, filling, vegetation removal, undergrounding utilities, pile driving, landscaping and other excavations as defined in Section 2-151 of The Zoning Ordinance) on this property. City archaeologists will provide on-site inspections to record significant finds.
- R-3 The statements in R-1 and R-2 above must appear in the General Notes of the site plan so that on-site contractors are aware of the requirement.

APPLICATION for ENCROACHMENT # 2003-0004

[must use black ink or type]

PROPERTY LOCATION: 105 S. FAIRFAX ST.

TAX MAP REFERENCE: 075.01-08-04 ZONE: CD/COMMERCIAL

APPLICANT'S NAME: C. RICHARD BIERCE, AIA

ADDRESS: 121 S. ROYAL ST. ALEX. VA 22314

PROPERTY OWNER NAME: STABLER LEADBEATER APOTHECARY MUSEUM

ADDRESS: 105 S. FAIRFAX ST. ALEX. VA 22314

ENCROACHMENT DESCRIPTION: NEW MASONRY STOOP W/ HANDRAIL -
NEW ADA LIFT IN SUB-SURFACE ENCLOSURE

INSURANCE CARRIER (copy attached) HARTFORD CAS. INS. POLICY # 42 58 AB S 6011
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.

C. RICHARD BIERCE, AIA
Print Name of Applicant or Agent

[Signature]
Signature

121 S. ROYAL
Mailing/Street Address

703 836 9085 703 836 9107
Telephone # Fax #

ALEX VA 22314
City and State Zip Code

6/24/03
Date

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

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

ACORD CERTIFICATE OF LIABILITY INSURANCE

CSR, GM
STABL-1

DATE (MM/DD/YY)
06/23/03

PRODUCER

Clarke & Sampson, Inc.
228 S. Washington St., Ste 200
Alexandria VA 22314-5404
Phone: 703-683-6601 Fax: 703-739-8967

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

INSURED

Stabler & Leadbater
Landmark Society of Alexandria
105 S. Fairfax Street
Alexandria VA 22314

INSURER A: Hartford Casualty Ins Co-SCIC
INSURER B:
INSURER C:
INSURER D:
INSURER E:

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	42SEABS6011	02/01/03	02/01/04	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire) \$ 300,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$ 10,000
					PERSONAL & ADV INJURY \$ 1,000,000
					GENERAL AGGREGATE \$ 2,000,000
					PRODUCTS - COMP/OP AGE \$ 2,000,000
					GEN'L AGGREGATE LIMIT APPLIES PER: POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/>
	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				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> NON-OWNED AUTOS				OTHER THAN EA ACC \$
	GARAGE LIABILITY				AGG \$
	<input type="checkbox"/> ANY AUTO				EACH OCCURRENCE \$
	EXCESS LIABILITY				AGGREGATE \$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				\$
	<input type="checkbox"/> DEDUCTIBLE				\$
	<input type="checkbox"/> RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU-TORY LIMITS OTH-ER
					E.L. EACH ACCIDENT \$
					E.L. DISEASE - EA EMPLOYEE \$
					E.L. DISEASE - POLICY LIMIT \$
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

Additional Insured: City of Alexandria

CERTIFICATE HOLDER

ADDITIONAL INSURED; INSURER LETTER: _____


CANCELLATION

CITY004

City of Alexandria
301 King Street
Alexandria VA 22314

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

Clarke & Sampson Inc. 



105 S. FAIRFAX

ENC 2003-0004



105 S. FAIRFAX.

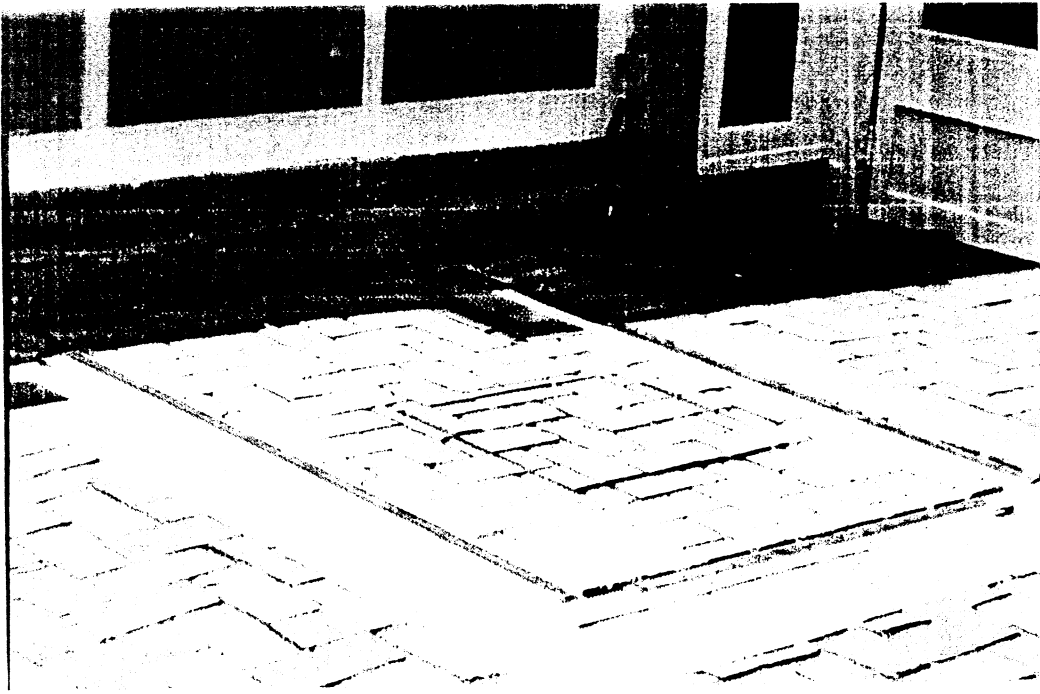
ENC 2003-0004



NEW STOOP

105 S. FAIRFAX

ENC 2003-0004



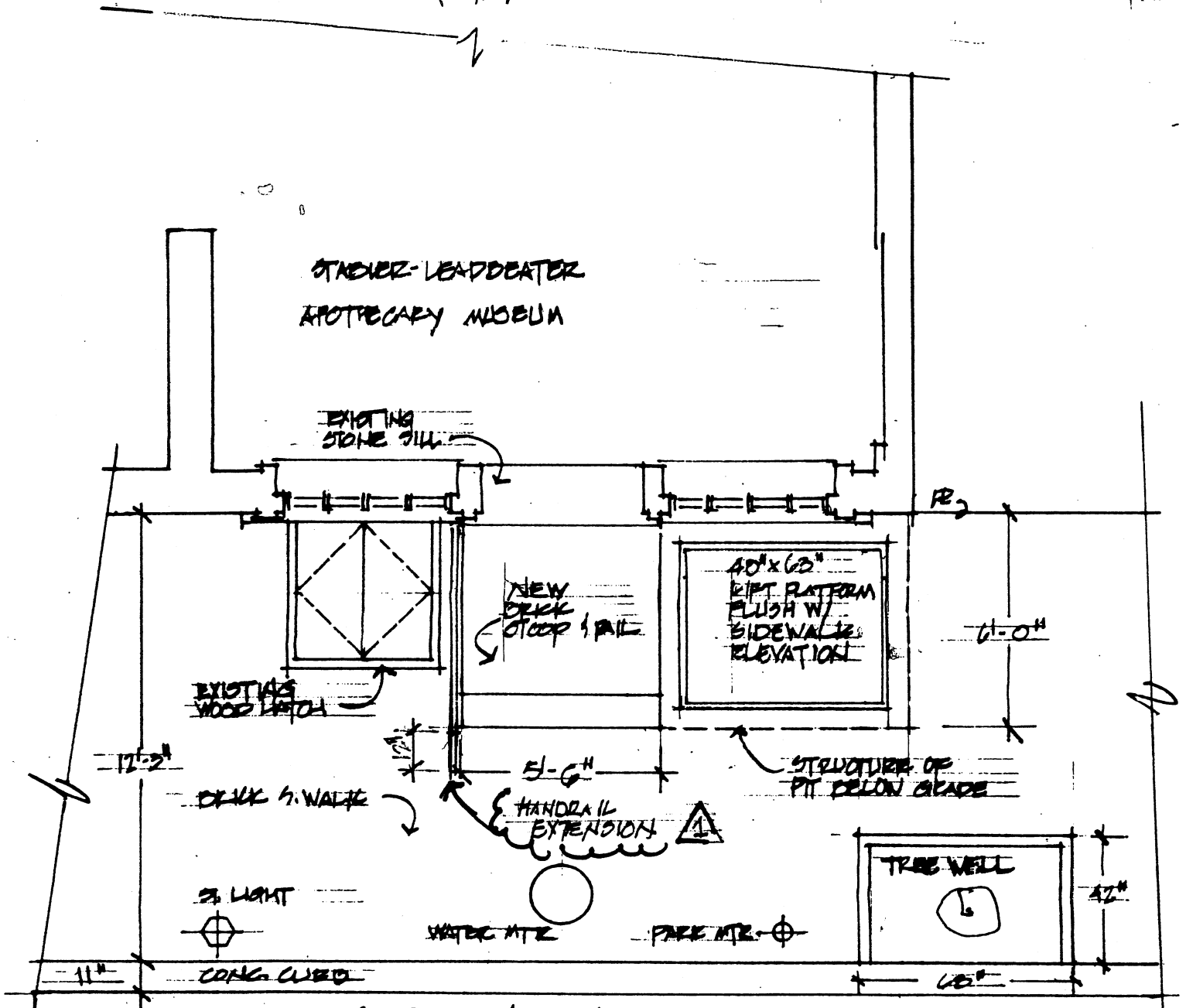
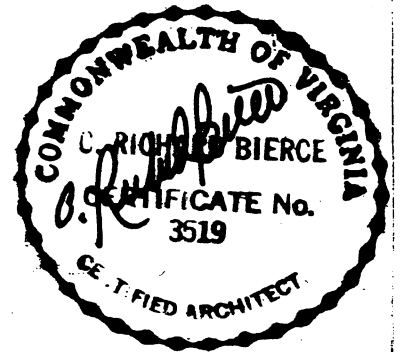
TYPICAL - LIFT INSTALLATION

REVISED

PROJECT SUMMARY:
INSTALL NEW ADA LIFT
IN OLD-SURFACE PIT
BUILD NEW MASONRY STOP

TOTAL ENCROACHMENT
INCLUDING HANDRAIL
13'-11"

FIELD DIMENSIONS VERIFIED
6/22/03 C.R. BIERCE, AIA

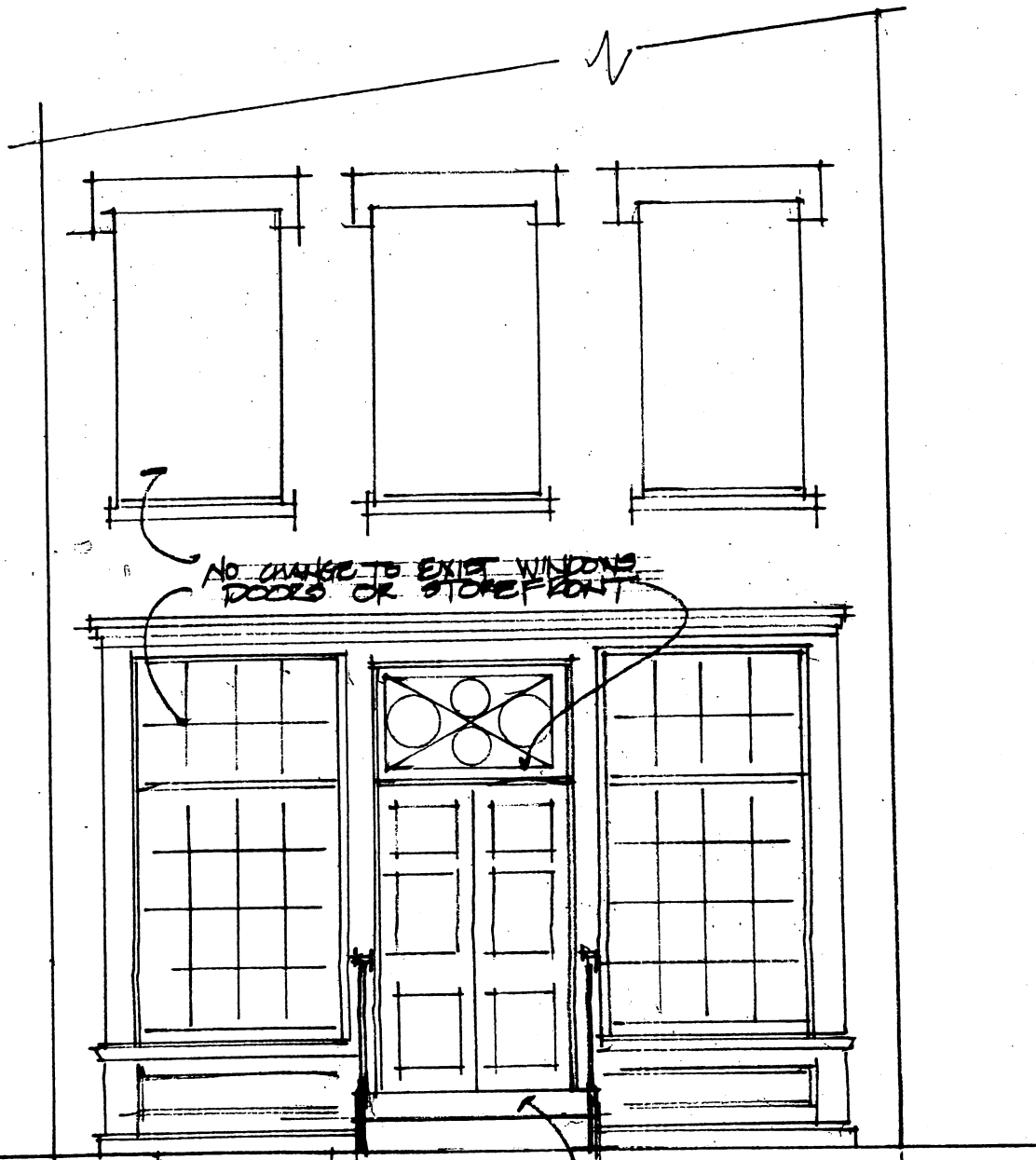


REVISION 8-11-03

C. RICHARD BIERCE, AIA
ARCHITECT
121 S. ROYAL AVE. #2
703 836-9085

DATE 6-24-03
SCALE 1/4" = 1'-0"

STABLER-LEADBEATER APOTHECARY
MUSEUM
105 S. FAIRFAX ST
ENCROACHMENT - PLAN



NO CHANGE TO EXIST WINDOWS
DOORS OR STOREFRONT

EXIST HISTORIC
PATCH & AIRWAY
TO REMAIN
UNDISTURBED

NEW BRICK
STEEP W/ IRON
RAILINGS

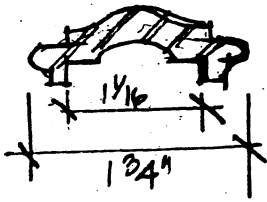
NEW UNDER-
GROUND PIT FOR
HANDICAPPED
LIFT - NO CHANGE ABOVE
GRADE

PARTIAL ELEVATION #105
1/4" = 0"

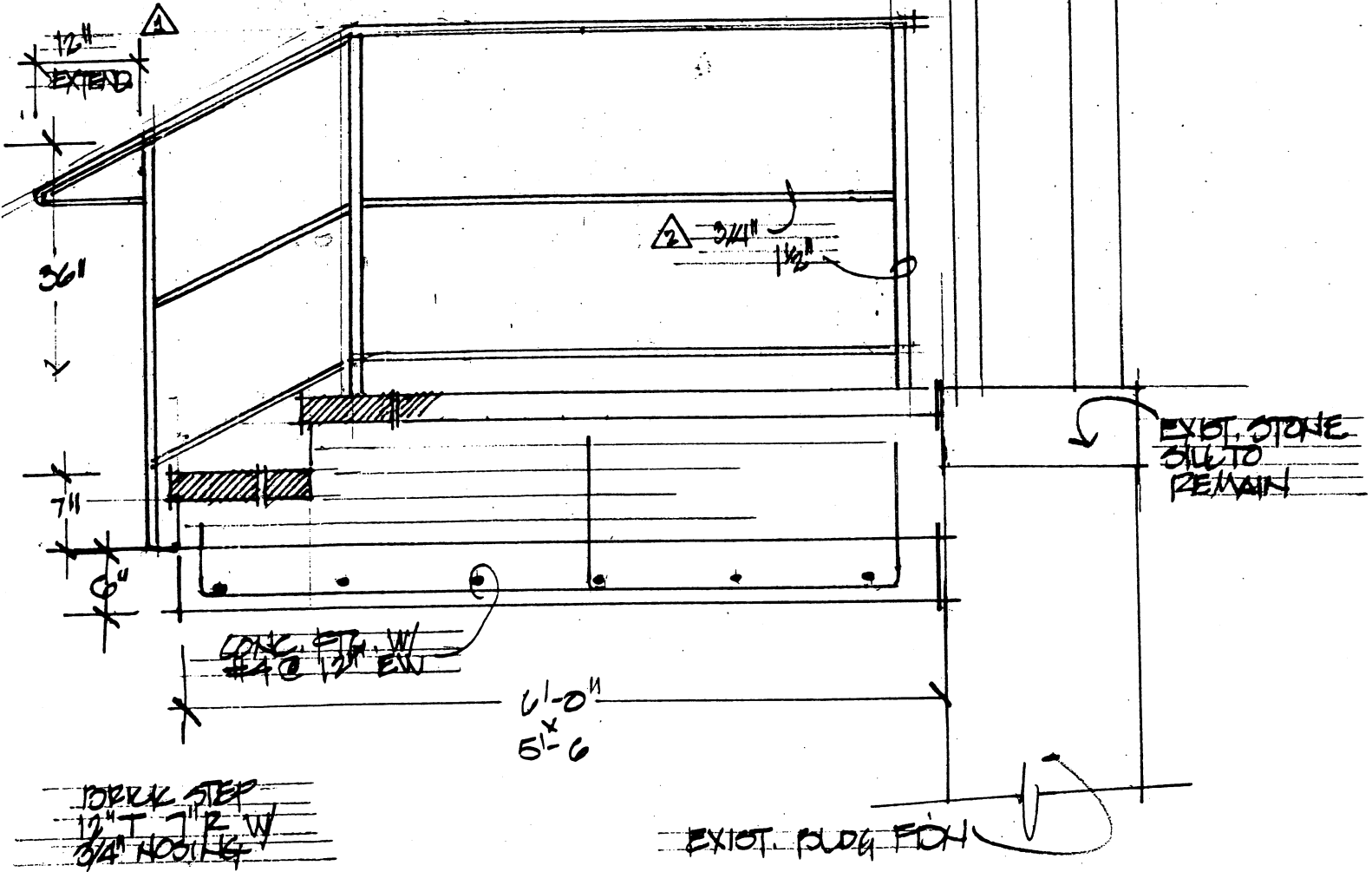
C. RICHARD BIERCE, AIA
ARCHITECT
121 N. ROYAL ST
703 836 9085

DATE 7/07/05
SCALE 1/4" = 1'-0"
11. 8. 05 15

STADLER - LEINDBERGER ARCHITECTS
MUSEUM
105 S. PALMER ST
NEW STEEP - ELEVATION



STEEL RAILINGS
PAINT BLACK



SECTION @ NEW STOOP

3/4"



11/10/03
HANDRAIL EXTENSION
RAIL AT SIDE PANEL

OR. BIERCE, AIA
ARCHITECT
721 S ROYAL
703 806 9006

DATE 7/07/03
SCALE 3/4" = 1'-0"

3 of 3

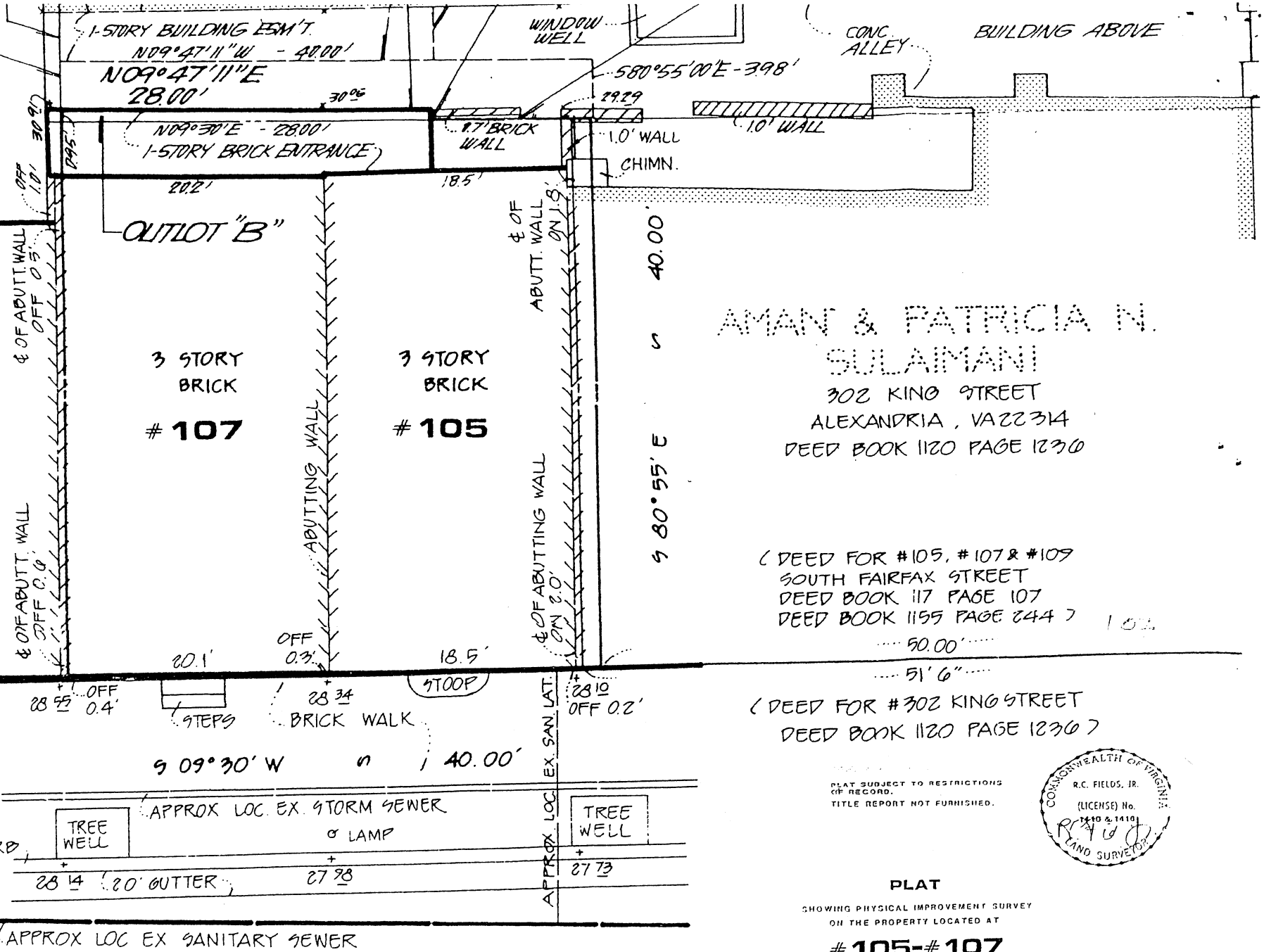
15

STADLER LEONBERGER
APOTHECARY MUSEUM
105 S FAIRFAX
SECTION

HERMAN W. LUTZ (TRUS)
109 SOUTH FAIRFAX STREET
ALEXANDRIA, VA 22314

L1

N80°55'W - 40.95' (TOTAL)



SOUTH FAIRFAX STREET

AGENT LINE;