

EXHIBIT NO. 1

7
4-16-05

Docket Item #12
ENCROACHMENT #2004-0002

Planning Commission Meeting
April 5, 2005

ISSUE: Consideration of a request for encroachment into the public right-of-way for construction of a temporary stoop and handicapped accessible ramp.

APPLICANT: Stabler Leadbeater Apothecary Museum
by C. Richard Bierce

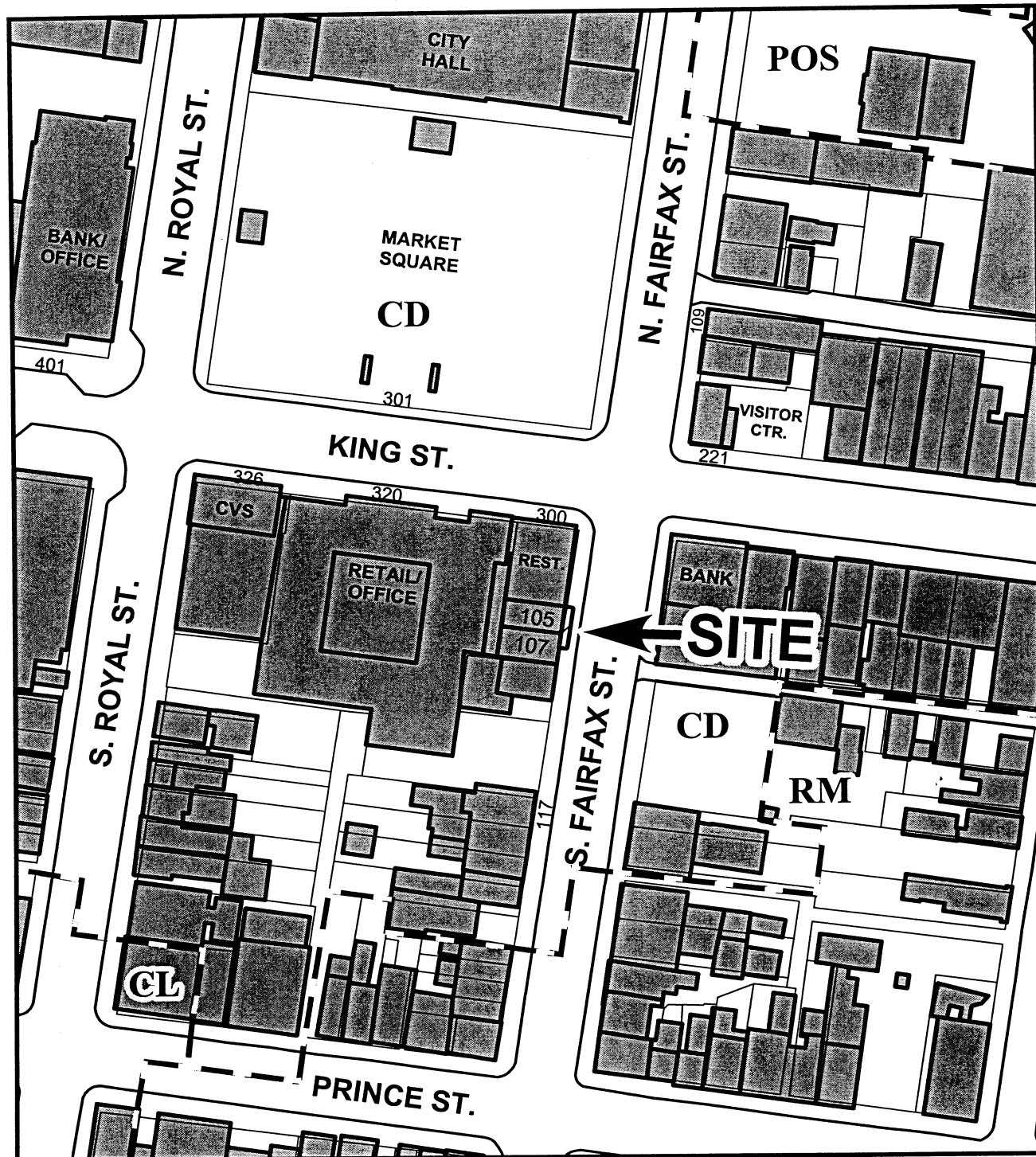
LOCATION: 105-107 South Fairfax Street

ZONE: CD/Commercial Downtown

PLANNING COMMISSION ACTION, APRIL 5, 2005: On a motion by Ms. Fossum, seconded by Mr. Jennings, the Planning Commission voted to recommend 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 #2004-0002

04/05/05



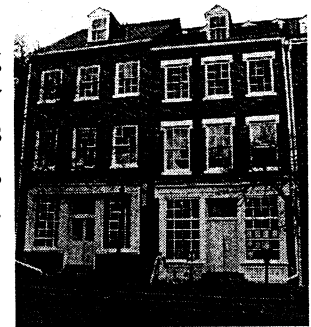
I. DISCUSSION

REQUEST

The applicant, Stabler Leadbeater Apothecary Museum, by C. Richard Bierce, requests approval of an ordinance for encroachment into the public sidewalk right-of-way for 105-107 South Fairfax Street.

SITE DESCRIPTION

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 vicinity.



PROPOSAL

The applicant requests approval of an encroachment to allow the installation of a wheelchair accessible ramp at the Stabler Leadbeater Apothecary Museum. The total encroachment into the public sidewalk will be 17 feet in length and 5 feet in width. The new ramp will rise up approximately 18 inches, starting at a location in front of the northernmost bow window at 107 South Fairfax Street and continuing north to turn in at the entrance of 105 South Fairfax Street. A set of stairs with two steps will be located at the north end of the ramp, providing an alternate means of access. The sidewalk at this location is approximately 12 feet wide, leaving approximately seven feet of sidewalk for pedestrian passage. All existing fabric of the building will be retained, including the stone steps and at-grade cellar hatch at 105 South Fairfax Street. The ramp is considered temporary because the applicant will continue to pursue other access alternatives, but needs a more immediate solution in order to open in the spring.

The ramp will be a wood deck on a steel base with a steel railing. The wood on the ramp will be painted a brick red color intended to blend with the sidewalk. The railing will be painted black. The minimal design materials are not expected to compete with the historic storefront or confuse visitors that the ramp is a historic element.

BACKGROUND

On September 13, 2003, City Council approved 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 Board of Architectural Review approved the design on August 6, 2003. However, the lift proved to be financially infeasible and other alternatives to handicapped access to the building had to be pursued. The applicant explored an alternative of a handicapped accessible

entrance at the side of the building in the abutting alley. Despite the effort to respond to the adverse physical conditions created by the restaurant which shares this narrow service alley, the Director of Code Enforcement rejected the alley proposal by letter of January 18, 2005, following consultation with members of the Alexandria Commission on Persons With Disabilities. In the Director's opinion, the proposed improvements to the alley would still not provide an entrance for the disabled public equal to that afforded to other individuals and were not compliant with the building code. Some persons have suggested that a roll-away ramp would be a preferable solution. However, this type of device does not meet the requirements of the code. The applicant then spent thousands of dollars and worked with staff for several months exploring alternative ways to address the issue of handicapped access. The result is that the current proposal is the only feasible option that would allow the museum to open this spring.

The Board of Architectural Review approved the design of this proposal on March 16, 2005 (BAR#2004-0017), with the condition that the proposal be reviewed in 12 months so that other alternatives may continue to be explored.

MASTER PLAN/ZONING

The subject property is zoned CD/Commercial Downtown zone, and is located in the Old Town Small Area.

II. STAFF ANALYSIS

Staff does not object to the proposed encroachment at 105 South Fairfax Street. The Stabler-Leadbeater Apothecary Museum is an important landmark in Alexandria. The museum has been closed for a number of months undergoing major renovations, with a grant from the city of \$620,000 to provide capital renovations. The applicant explored several alternatives to address the issue of handicapped accessibility, and this proposal is currently the only feasible option that would allow the museum to open in the spring. The proposed ramp will be of a color intended to blend with the existing brick sidewalk, and will not damage the existing facade of the building. There will be seven feet of sidewalk remaining for pedestrians passage.

While the current proposal appears to be the only feasible solution at this time, the Board of Architectural Review required a 12-month review of the proposal by the Board so that other alternatives less visible from the street may continue to be explored. Staff recommends the standard one-year review condition so that if a new and better solution becomes feasible, the case can be brought back to City Council for consideration.

With the following conditions, staff recommends approval of the encroachment.

III. RECOMMENDED 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 the structure from the public right-of-way, within 60 days, upon notification by the City. (T&ES)
4. The Director of Planning and Zoning shall review the encroachment permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the encroachment and that new or revised conditions are needed. (P&Z)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
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.

IV. 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 In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove the structure from the public right-of-way, within 60 days, upon notification by the City.

Code Enforcement:

- C-1 Construction details of the handicap ramp shall be provided with the building permit application.
- C-2 The handicapped ramp must comply with the requirements of USBC.
- C-3 Construction permits are required for the proposed project.
- 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).

ENC #2004-0002
105-107 South Fairfax Street

Health Department:

No comments

Police Department:

F-1 No objections.

APPLICATION for ENCROACHMENT # 2004-0002

[must use black ink or type]

PROPERTY LOCATION: 105-107 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.

PROPERTY OWNER NAME: STABLER LEAD BENTER APOTHECARY MUSEUM

ADDRESS: 105 S. FAIRFAX ALEX VA 22314

ENCROACHMENT DESCRIPTION: 3' x 18' INTO SIDEWALK FOR CONSTRUCTION OF TEMPORARY STOOP & RAMP FOR HANDICAPPED ACCESS

INSURANCE CARRIER (copy attached) HARTFORD COUNTY WA^{CO} POLICY # 4253A036011
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

C. Richard Bierce
Signature

121 S. ROYAL
Mailing/Street Address

703 836 9085 703 836 9107
Telephone # Fax #

Alex VA 22314
City and State Zip Code

1-27-04 Revised 3-14-05
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 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:

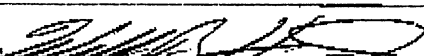
COVERAGES

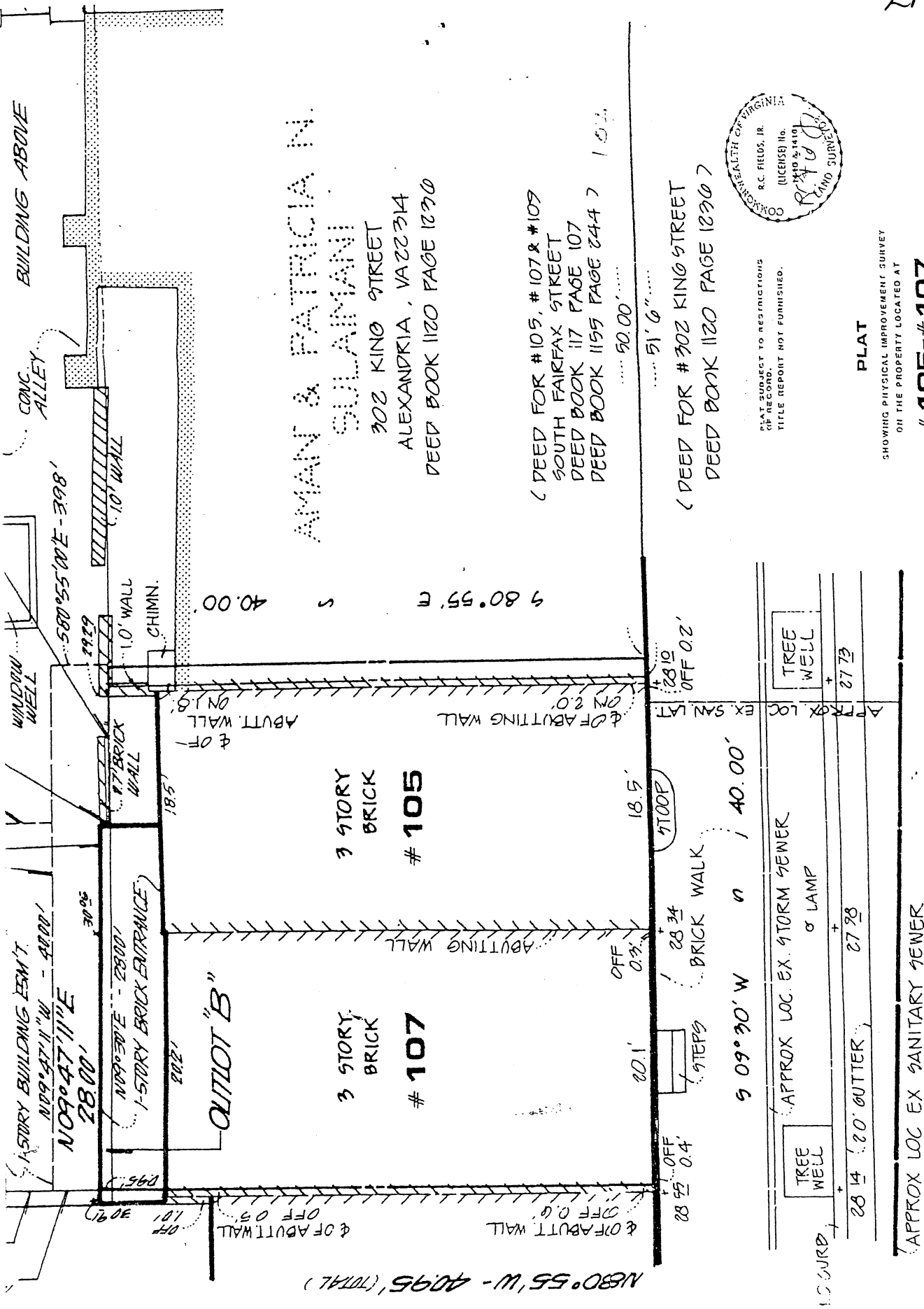
THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES 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 \$ 1000000	
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire) \$ 300000	
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$ 10000	
					PERSONAL & ADV INJURY \$ 1000000	
					GENERAL AGGREGATE \$ 2000000	
					PRODUCTS - COMP/OP AGG \$ 2000000	
	GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JEC <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) \$	
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$	
					OTHER THAN AUTO ONLY: EA ACC \$	
	EXCESS LIABILITY				EACH OCCURRENCE \$	
					<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE	AGGREGATE \$
					<input type="checkbox"/> DEDUCTIBLE	\$
					<input type="checkbox"/> RETENTION \$	\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS OTHER \$	
					E.L. EACH ACCIDENT \$	
					E.L. DISEASE - EA EMPLOYEE \$	
	OTHER				E.L. DISEASE - POLICY LIMIT \$	

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

Additional Insured: City of Alexandria

CERTIFICATE HOLDER	<input checked="" type="checkbox"/> ADDITIONAL INSURED; INSURER LETTER: CITY004	CANCELLATION
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. 



SOUTH FAIRFAX STREET

PLAT # 105-# 107

CITY OF ALEXANDRIA, VIRGINIA

JULY 5, 1989
 FEBRUARY 29, 1991
 R. C. Fields, Jr. & Associates
 Alexandria, Virginia 22314 (703) 549-6422

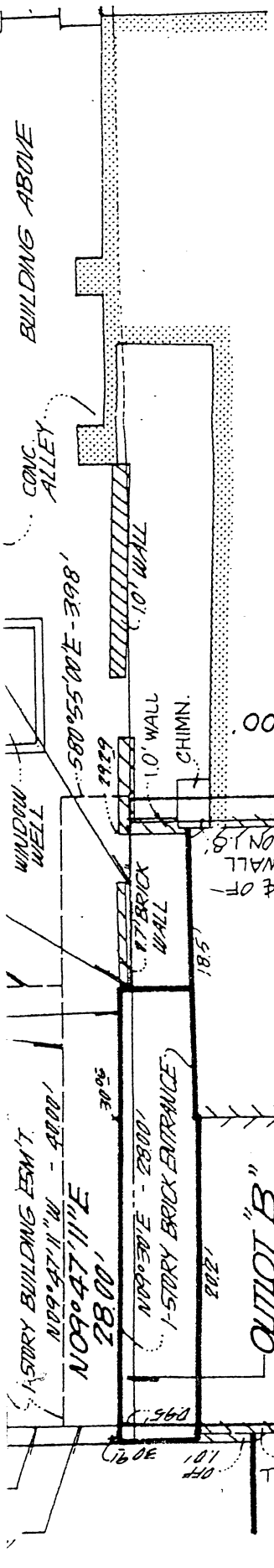


NOT SUBJECT TO RESTRICTIONS
 OF RECORD
 TITLE REPORT NOT FURNISHED.

AMAN & PATRICIA N.
 SULAIMANI
 302 KING STREET
 ALEXANDRIA, VA 22314
 DEED BOOK 1120 PAGE 1230

(DEED FOR #105, #107 & #109
 SOUTH FAIRFAX STREET
 DEED BOOK 117 PAGE 107
 DEED BOOK 1155 PAGE 244)

(DEED FOR #302 KING STREET
 DEED BOOK 1120 PAGE 1230)

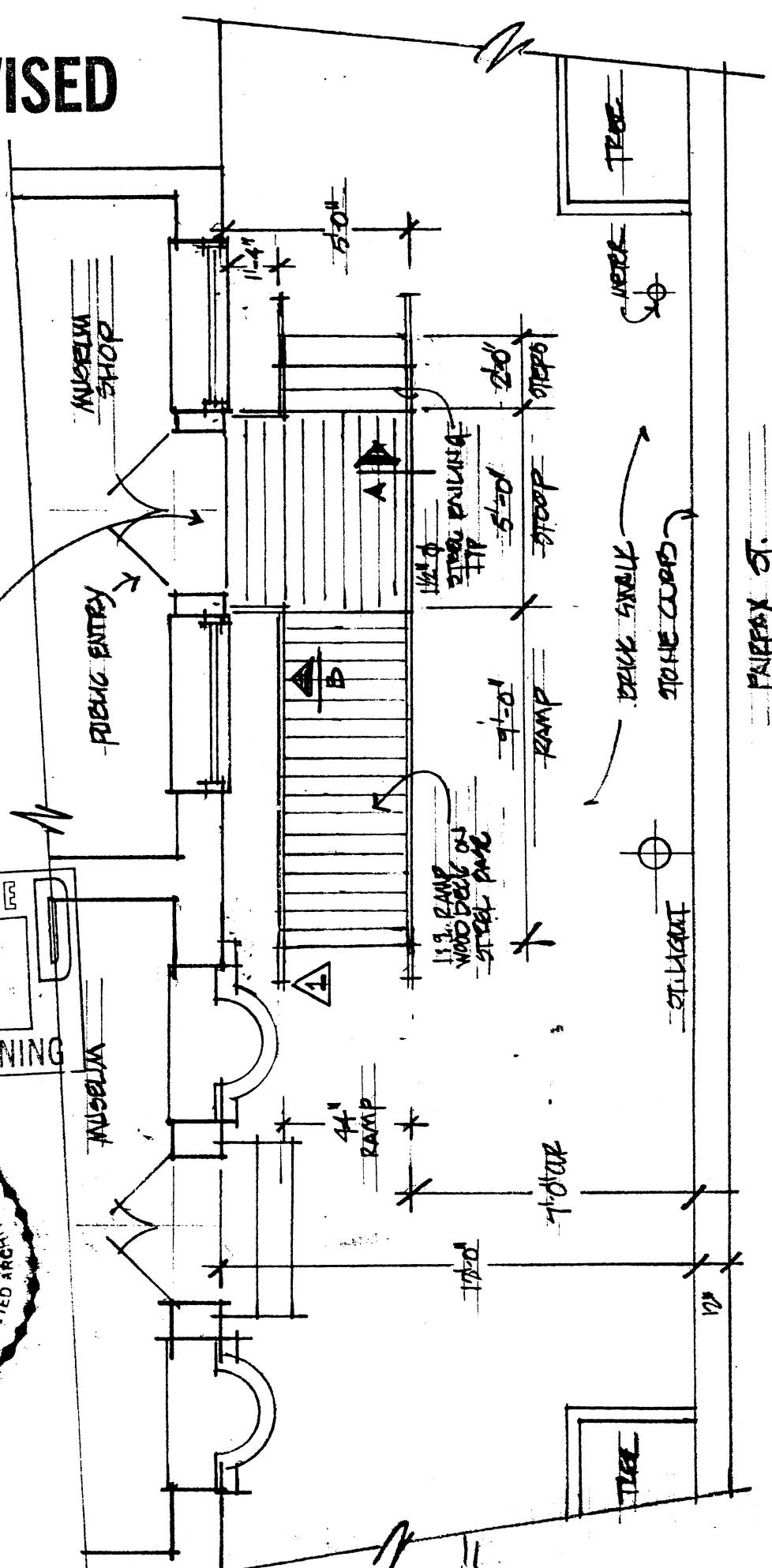


HEERMAN W. LUTZ (TRUS)
 109 SOUTH FAIRFAX STREET
 ALEXANDRIA, VA 22314

REVISED

NOTE!
EXISTING STONE STEPS TO
REMAIN IN PLACE

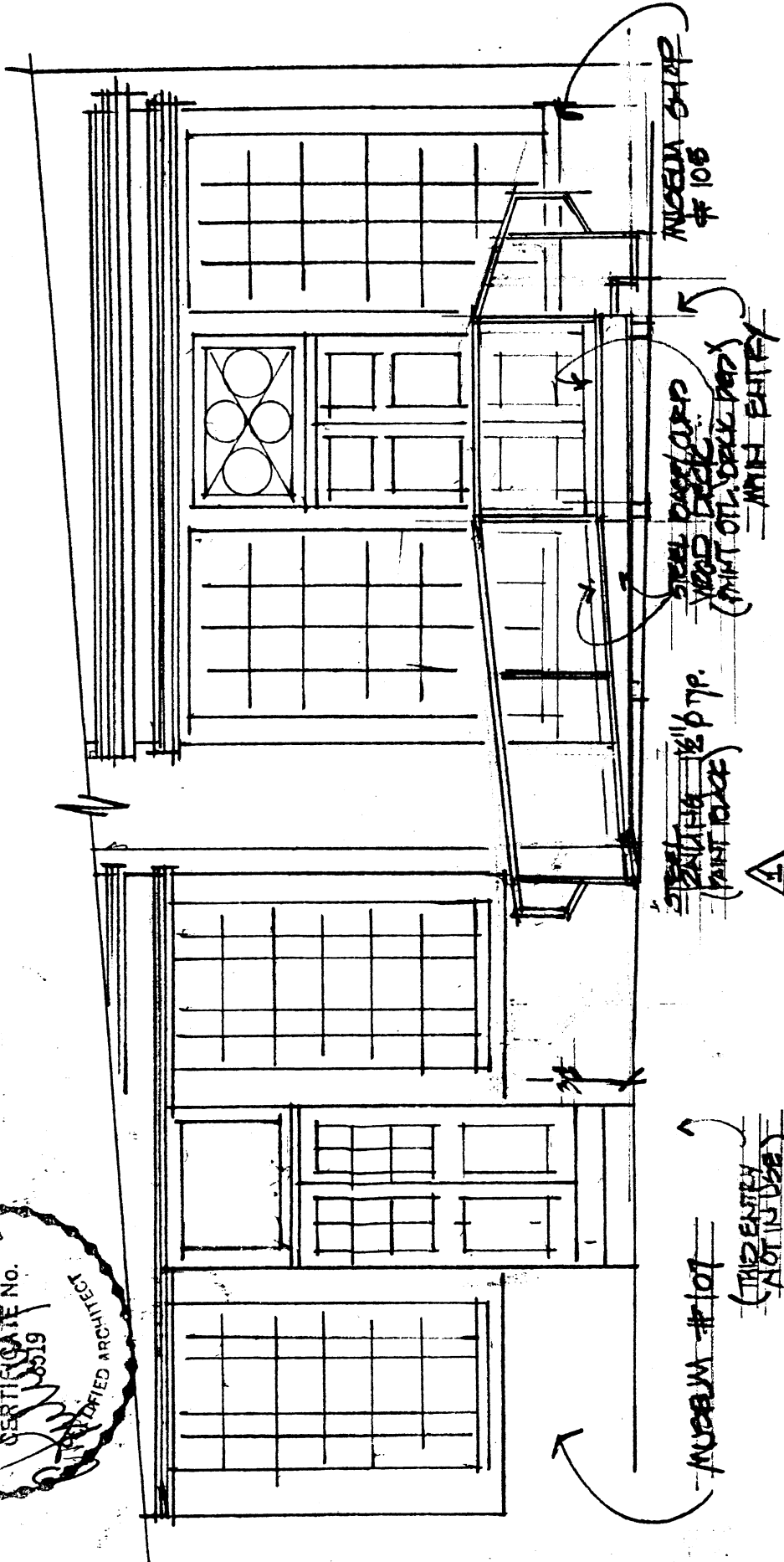
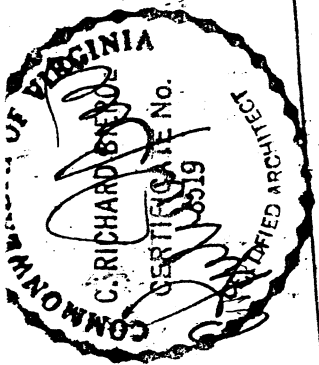
RECEIVED
MAR 14 2005
PLANNING & ZONING



JAN 30 2004 2 of 3	G. C. DREBE, AIA REGISTERED ARCHITECT 181 S. ROYAL	PLAN - SIDEWALK ENCLOSUREMENT / RAMP 1/4" = 10'	TRIPLE LEAD CENTER MUSEUM 1025 S. PARKWAY
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2-15-05



12

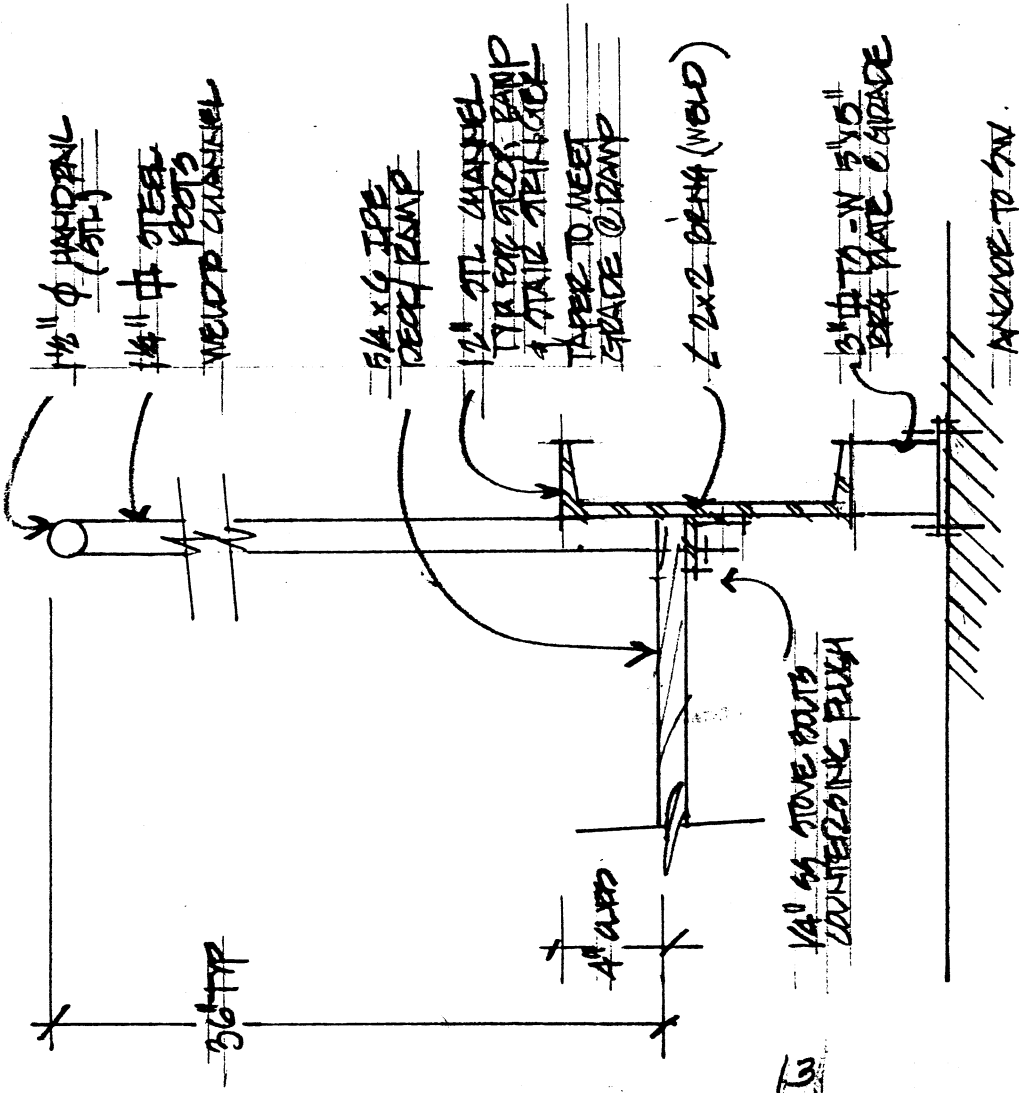
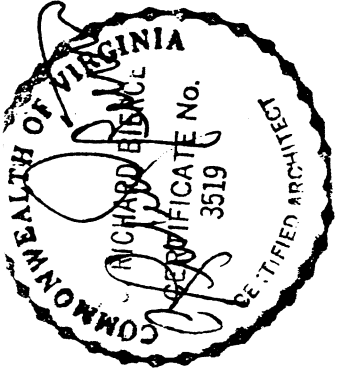
STABLE LEAD DEATER
 APOTHECARY MUSEUM
 105-2 FAIRFAX

ELEVATION OF MUSEUM &
 RAMP/STAIR
 1/4 1/11/04

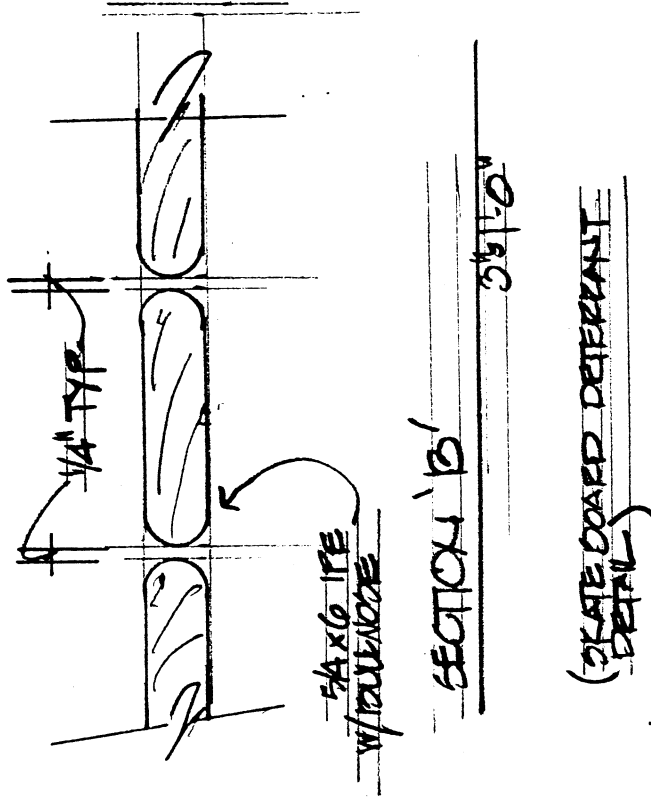
C. R. BREDER, AIA
 ARCHITECT
 171 9. PARK
 2004
 2/23

JAN 30
 2004
 2/23

△ CAMP
 2/23/04



SECTION A 3/6/04



STANLEY - LEAD IDENTIFIER
 APOTHECARY MUSEUM
 105 S. FAIRFAX

RAMP DETAILS

C. P. PIERCE AIA
 ARCHITECT
 1701 S. ROYAL

JAN 30
 2004
 3 of 3

APPLICATION for ENCROACHMENT # 2004-0002

[must use black ink or type]

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

C. Richard Bierce
Signature

121 S. ROYAL
Mailing/Street Address

703 836 9085 703 836 9107
Telephone # Fax #

Alex VA 22314
City and State Zip Code

1-27-04 REVISED 3-14-05
Date

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

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

ACTION - PLANNING COMMISSION: 4/05/2005 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 4/16/2005 City Council approved the Planning Commission recommendation 7-0