

Docket Item #18
ENCROACHMENT #2005-0001

Planning Commission Meeting
June 7, 2005

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

APPLICANT: National Center for Missing and Exploited Children
by Bill Shaffer

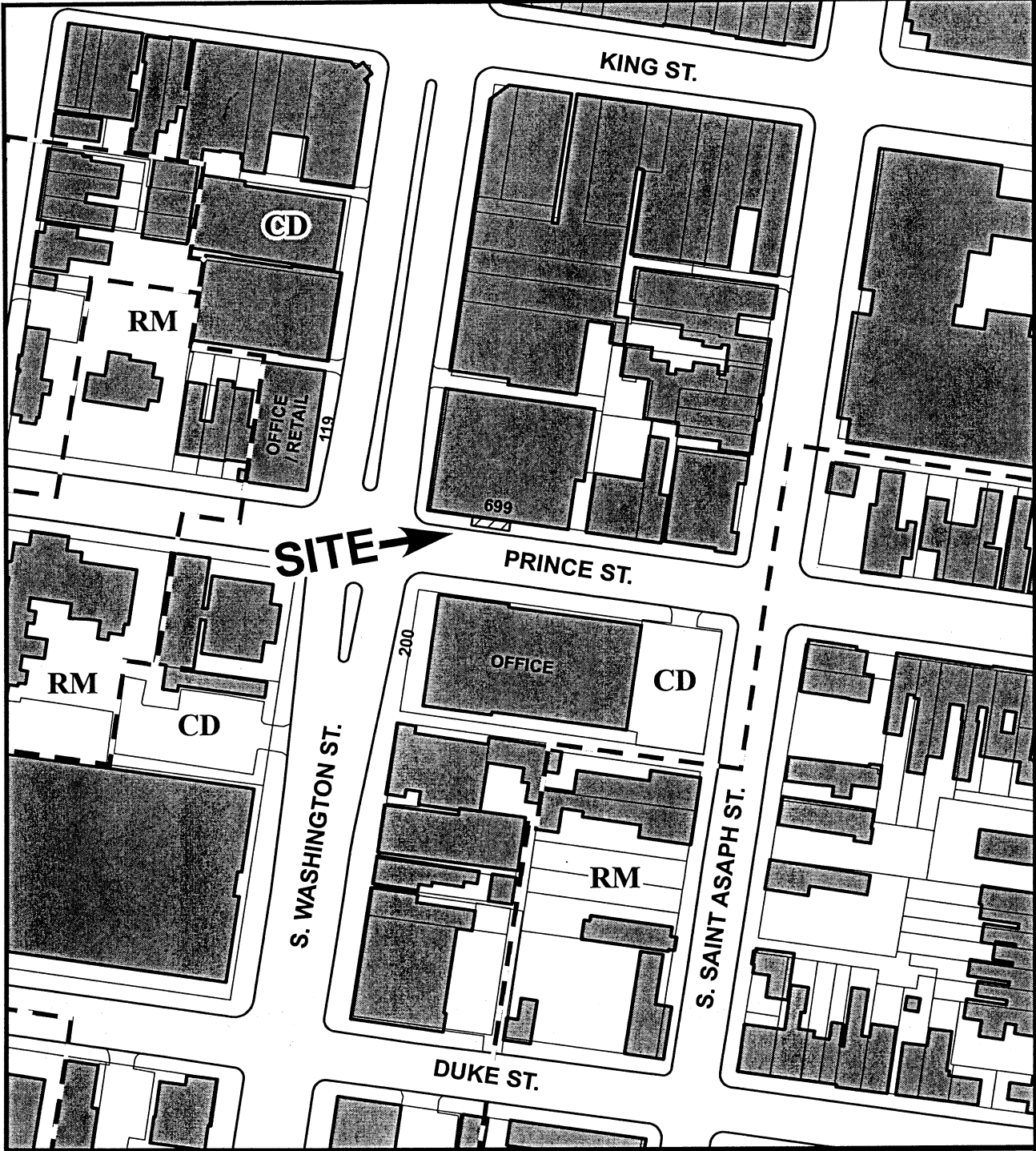
LOCATION: 699 Prince Street

ZONE: CD/Commercial Downtown

PLANNING COMMISSION ACTION, JUNE 7, 2005: 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.

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



ENC #2005-0001

06/07/05



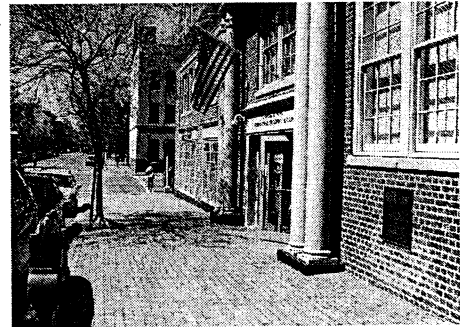
I. DISCUSSION

REQUEST

The applicant, National Center for Missing and Exploited Children, by Bill Shaffer, requests approval of an encroachment into the public right-of-way for a canopy at 699 Prince Street.

SITE DESCRIPTION

The subject property is one lot of record with 123 feet of frontage on Prince Street, 100 feet of frontage on South Washington Street and a total lot area of 12,300 square feet. The site is developed with a six-story office building, built originally as a hotel, and is occupied by the National Center for Missing and Exploited Children. The property is surrounded by a mix of uses including commercial, office, and residential.



PROJECT DESCRIPTION

The applicant requests approval of an encroachment to allow the installation of a canopy located over the main entrance of the National Center for Missing and Exploited Children, on the south side of the building. The canopy measures 11 feet from the building front and is 12 feet and two inches wide. The encroachment area totals 133.8 square feet. The sidewalk width at this location is 13 feet and eight inches. The canopy was originally proposed as nine feet above the sidewalk as is pictured on the attached drawings. On May 18, 2005, the Board of Architectural Review approved the proposal, but required that the canopy be raised to 10.5 feet above the sidewalk. There are no support posts or any other obstruction on the ground within the encroachment area. The canopy will be supported by two overhead metal tie rods. As a hotel, the building had a similar style canopy over the South Washington Street entrance.

ZONING / MASTER PLAN

The subject property is located in the CD/Commercial downtown zone and the Old and Historic District.

II. STAFF ANALYSIS

Staff does not object to the proposed encroachment. The encroachment will be 10.5 feet above the sidewalk and will not obstruct pedestrian traffic or street elements such as trees and trash cans. A similar canopy had been on the building historically when it was a hotel.

Staff recommends approval of the encroachment permit subject to the recommended conditions.

III. RECOMMENDED PERMIT 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)

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
Valerie Peterson, Urban Planner.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 T&ES has on opposition to the proposed encroachment.
- F-2 The proposed awning will not require ground supports along the public street to interfere with the public sidewalk.
- F-3 There is curb side parking located where the awning is proposed. The leading edge of the awning is 2 feet for the curb face which will not interfere with parked vehicles or moving vans.
- 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. (T&ES)
- 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. (T&ES)

Code Enforcement:

- C-1 A construction permit is required
- C-2 Awnings must comply with all applicable requirements of USBC 3105 and 3202. Fixed awnings must have a minimum 7 foot clearance form a sidewalk to the lowest part of the framework or any fixed portion of nay retractable awning is required.
- C-3 Fixed awnings must be designed and constructed to withstand wind or other lateral loads and live loads required by the USBC. Structural members must be protected to prevent deterioration (USBC 3105.2).

Health Department:

F-1 No comments.

Police Department:

F-1 Because the encroachment will be elevated nine feet off the ground there should be no safety concerns reference impeding pedestrian foot traffic at this location. The Police Department has no objections to the encroachment.

APPLICATION for ENCROACHMENT # 2005-0001

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PROPERTY LOCATION: 699 Prince Street Alex. VA 22314

TAX MAP REFERENCE: 74.02-9-2422.C ZONE: CD

APPLICANT'S NAME: BILL SHAFFER

ADDRESS: 699 Prince Street Alex. VA 22314

PROPERTY OWNER NAME: NATIONAL Center For MISSING + EXPLOITED CHILDREN

ADDRESS: 699 Prince Street Alex. VA 22314

ENCROACHMENT DESCRIPTION: We would like to install an 11' x 12' 2"

Awning - Encroaching 7' over City Property.
ST. PAUL FIRE & MARINE

INSURANCE CARRIER (copy attached) CONTINENTAL CASUALTY CO. POLICY # CK04600298
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.

BILL SHAFFER
Print Name of Applicant or Agent

Bill Shaffer
Signature

699 Prince St. Alex. VA
Mailing/Street Address

703-837-6265 703-274-2095
Telephone # Fax #

Alexandria VA 22314
City and State Zip Code

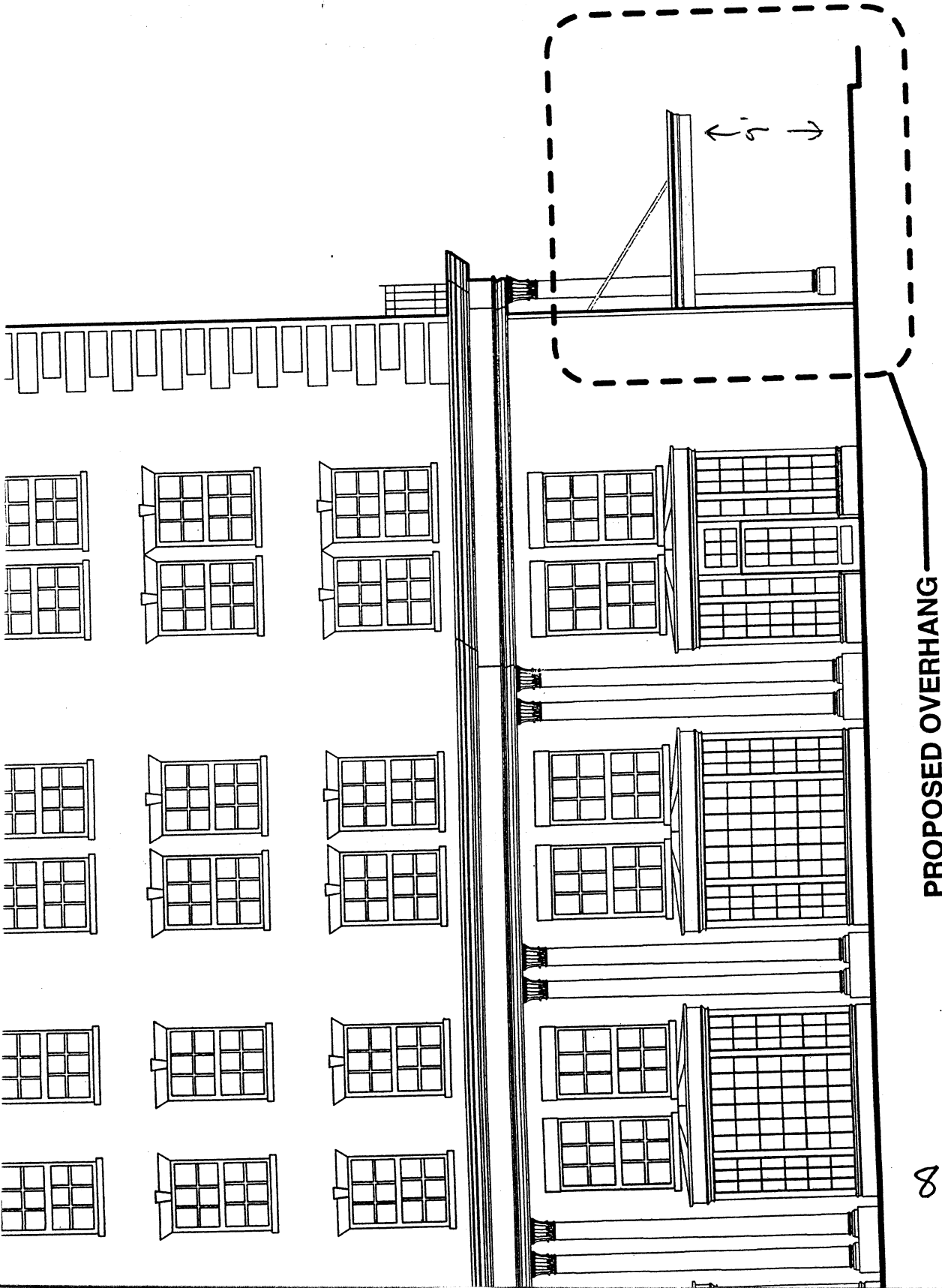
3-29-05
Date

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

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

ACTION - PLANNING COMMISSION: _____

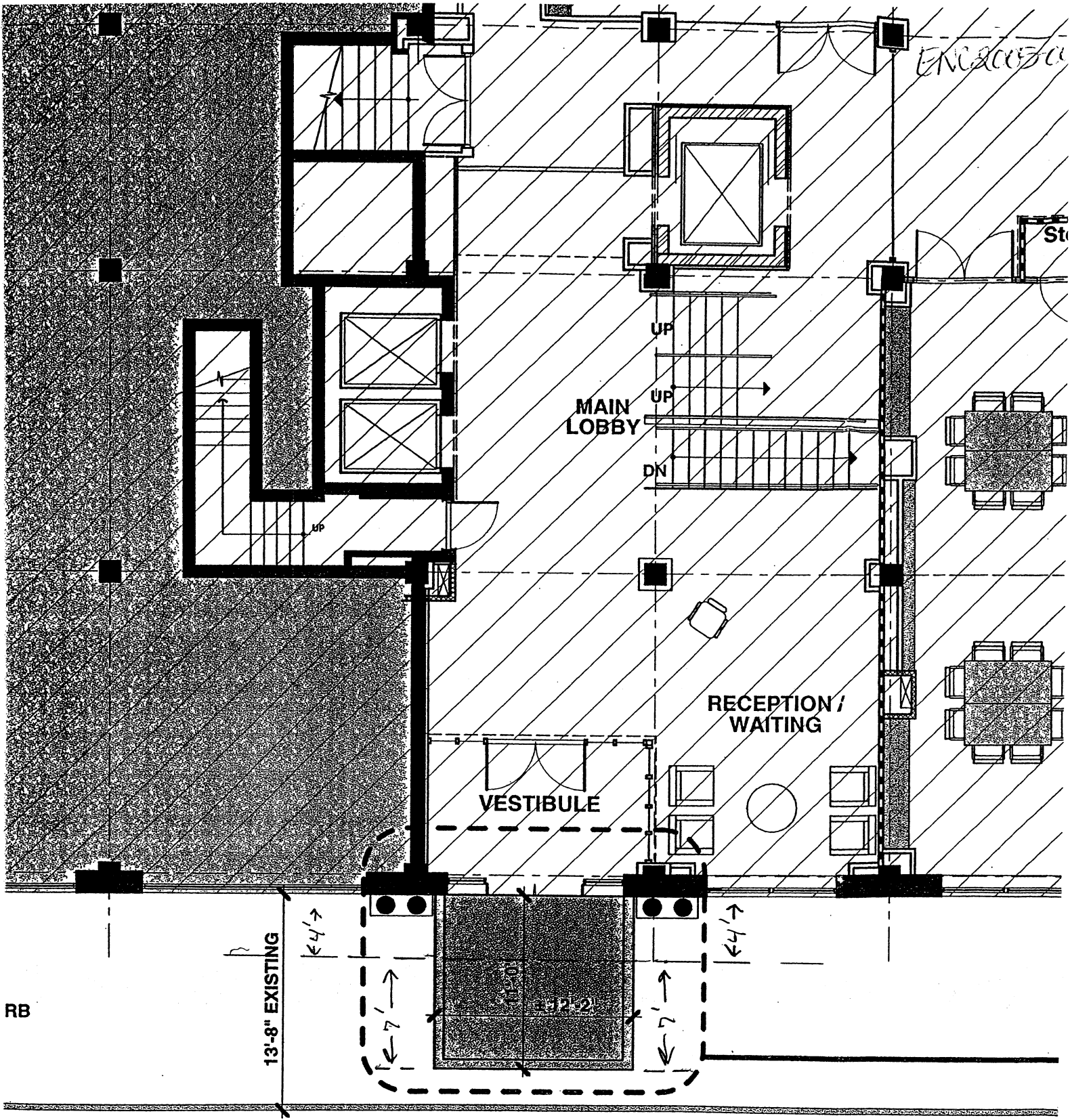
ACTION - CITY COUNCIL: _____



PROPOSED OVERHANG

8

on Street



PRINCE STREET

9

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/29/05

PRODUCER
The CIMA Companies, Inc. (CIM)
216 S. Peyton Street
Alexandria, VA 22314
703 739-9300

INSURED
National Center For Missing & Exploited Children
699 Prince Street
Alexandria, VA 22314-3077

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 | | NAIC # |
|-----------------------------|--------------------------|--------|
| INSURER A: | St. Paul Fire & Marine | 24767 |
| INSURER B: | Continental Casualty Co. | 20443 |
| 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 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 | CK04600298 | 05/01/04 | 05/01/05 | EACH OCCURRENCE | \$1,000,000 |
| | | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) | \$300,000 |
| | | <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR | | | | MED EXP (Any one person) | \$15,000 |
| | | | | | | PERSONAL & ADV INJURY | \$1,000,000 |
| | | | | | | GENERAL AGGREGATE | \$2,000,000 |
| | | | | | | PRODUCTS - COMP/OP AGG | \$2,000,000 |
| | | | | | | GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | |
| A | | AUTOMOBILE LIABILITY | CA04600223 | 05/01/04 | 05/01/05 | COMBINED SINGLE LIMIT (Ea accident) | \$1,000,000 |
| | | <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 | \$ |
| | | <input type="checkbox"/> ANY AUTO | | | | OTHER THAN EA ACC | \$ |
| | | | | | | AUTO ONLY: AGG | \$ |
| B | | EXCESS/UMBRELLA LIABILITY | CUP2076564857 | 05/01/04 | 05/01/05 | EACH OCCURRENCE | \$4,000,000 |
| | | <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE | | | | AGGREGATE | \$4,000,000 |
| | | <input type="checkbox"/> DEDUCTIBLE | | | | | \$ |
| | | <input checked="" type="checkbox"/> RETENTION \$ 10,000 | | | | | \$ |
| A N | | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | WVA4601328 | 05/01/04 | 05/01/05 | <input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER | |
| | | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below | | | | E.L. EACH ACCIDENT | \$500,000 |
| | | | | | | E.L. DISEASE - EA EMPLOYEE | \$500,000 |
| | | | | | | E.L. DISEASE - POLICY LIMIT | \$500,000 |
| | | OTHER | | | | | |

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

The certificate holder is additional insured on the general liability policy as respects operations performed by the named insured.

CERTIFICATE HOLDER

City of Alexandria
301 King Street
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



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TAX MAP REFERENCE: 74.02-9-2422.C ZONE: (D)

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Bill Shaffer
Print Name of Applicant or Agent

Bill Shaffer
Signature

699 Prince St. Alex. VA
Mailing/Street Address

703-837-6265 703-274-2095
Telephone # Fax #

Alexandria VA 22314
City and State Zip Code

3-29-05
Date

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

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

ACTION - PLANNING COMMISSION: UC recommended approval

ACTION - CITY COUNCIL: 6/21/05- CC approved Planning Commission recommendation 5-0