

EXHIBIT NO. 1

4
6-14-08

Docket Item #5
ENCROACHMENT #2008-0002

Planning Commission Meeting
June 3, 2008

ISSUE: Consideration of a request for encroachment into the public right-of-way for the addition of a bay window.

APPLICANT: Cloverdale, LLC

STAFF: Nathan Randall
nathan.randall@alexandriava.gov

LOCATION: 1309 King Street

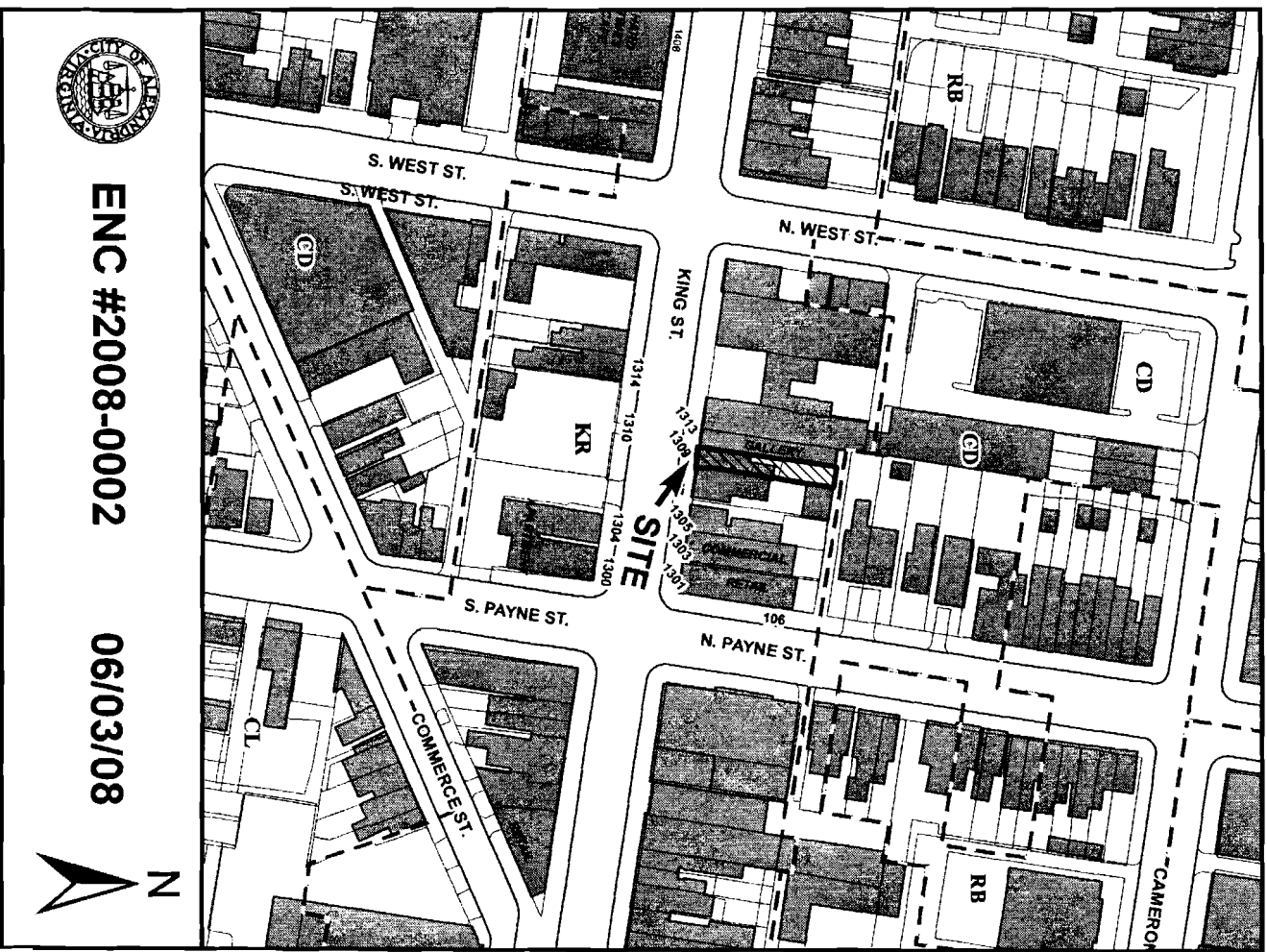
ZONE: KR/King Street Retail

PLANNING COMMISSION ACTION, JUNE 3, 2008: 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 recommended permit conditions found in Section III of this report.

ENC #2008-0002
1309 King Street



ENC #2008-0002

06/03/08



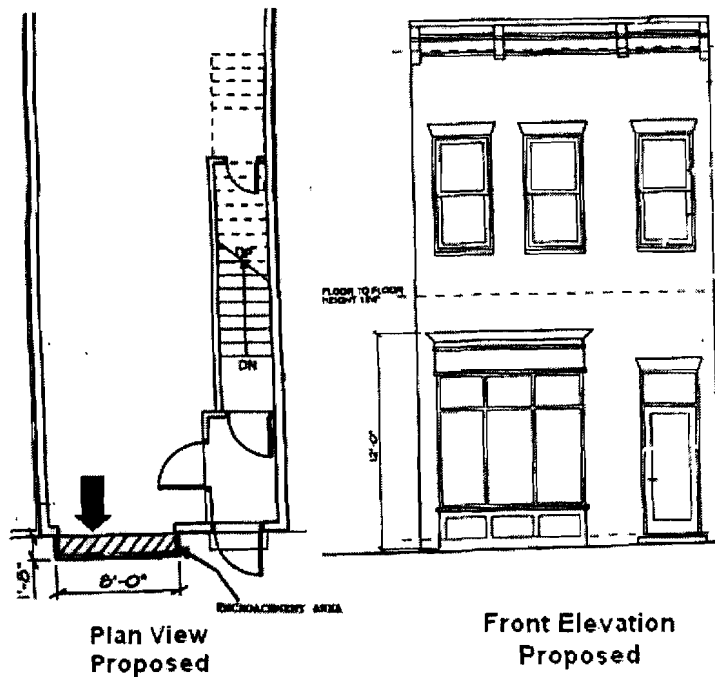
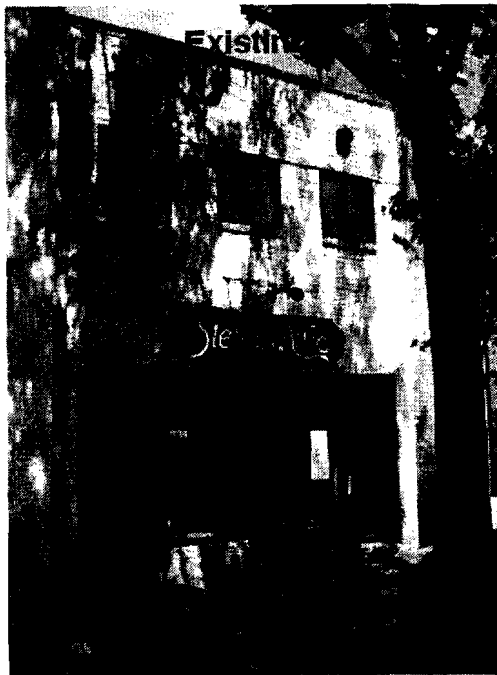
I. DISCUSSION

REQUEST

The applicant, Cloverdale, LLC, requests approval of an encroachment into the public right-of-way for the addition of a bay window at 1309 King Street.

SITE DESCRIPTION

The subject property is one lot of record with 15 feet of frontage on King Street, 100 feet of depth and 1,500 square feet of lot area. A separate subdivision application currently under consideration (SUB#2008-0003) would change the lot configuration to 16.67 feet of frontage and a lot area of 1,621 square feet. The surrounding area is occupied by a mix of commercial and office uses. Immediately to the north is an office use. To the south are an automobile dealership and a comic book store. To the east and west are an arts gallery and a clothing/tailoring shop, respectively.



PROJECT DESCRIPTION

The applicant requests approval of an encroachment to include a bay window facing King Street on the façade of the future structure proposed at this location. The existing structure will be demolished and replaced with a new two-story structure. The Old & Historic Alexandria District Board of Architectural Review approved demolition of the existing structure in case BAR# 2008-0039 on April 16, 2008. The proposed new structure, including the bay window, received a

Certificate of Appropriateness from the Board of Architectural Review in case BAR# 2008-0040 on April 16, 2008.

The proposed bay window is 12 feet in height. It will encroach 1.67 feet into the right of way for a length of 8 feet for a total encroachment of 13.36 square feet.

ZONING/MASTER PLAN

The subject property is zoned KR/King Street Urban Retail zone. The proposed retail use is consistent with the Old Town Small Area Plan chapter of the Master Plan which has designated the property for commercial use.

II. STAFF ANALYSIS

Staff supports the proposed encroachment. At 1.67 feet, the encroachment into the public right of way does not create a significant impact. The encroachment would leave approximately seven (7) feet of sidewalk width as measured to the existing tree well. Other commercial storefronts along King Street, such as neighboring 1311 King, 1303 King, and 1104 King, also have bay windows. An encroachment of 1.8 feet was granted at 1303 King in 1998 and an encroachment of 1.8 feet was granted at 1104 King in 2003.

Staff recommends approval of the encroachment subject to the following conditions.

III. 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) 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) (City Atty)(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. (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. (T&ES)

4. The applicant shall place green safety fencing around the existing tree well to protect the tree during construction of the bay window. No storage of construction supplies shall be allowed within the tree save area. (P&Z)

STAFF: Richard Josephson, Deputy Director, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: For commercial properties, the applicant and/or his or her successors are responsible for payment of an annual charge for such encroachment pursuant to Section 3-2-85 of the City Code.

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. (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)
- R-3 In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)

Code Enforcement:

- F-1 No Comment

Health Department:

- F-1 No Comment

Historic Preservation/BAR:

The subject property is located in the Old and Historic Alexandria District and is under the jurisdiction of the Old and Historic Alexandria Board of Architectural Review (BAR). The request is for an encroachment into the City right-of-way in order to construct a bay window on the new front façade at 1309 King Street. The proposed bay window will project 1.67' south of the new façade, encroaching 1.67' into the right-of-way. 1309 King Street appeared before the Old and Historic Board of Architectural Review at the April 16, 2008, public hearing. The Board approved a Permit to Demolish for the existing non-historic building and granted a Certificate of Appropriateness for the new construction, which includes a new façade with the proposed bay window element. The approval contained the following conditions:

1. * The applicant/developer shall 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.
2. * The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.
3. The statements in archaeology conditions above marked with an asterisk (*) shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Erosion and Sediment Control, Grading, and Sheeting and Shoring) so that on-site contractors are aware of the requirements. Additional statements to be included on the Final Site Plan will be determined in consultation with Alexandria Archaeology.

The Staff report to the Board noted that an encroachment had been applied for by the applicant in order to construct the bay element. The Board and Staff support this request for an encroachment of 1.67'. The proposed bay element on the new façade repeats an established pattern of first-floor bay elements in the commercial storefronts found on other buildings within the 1300, 1200, and 1100 blocks of King Street, including the adjacent 1311 King Street, as well as 1303 King Street and 1104 King Street, which required encroachment approvals.

The applicant is reminded that any future exterior changes, including new or replacement signage, lighting, window replacement, fencing, kitchen exhaust and/or new HVAC vents or fixtures, or other alterations visible from a public right-of-way would need to be submitted for review and approval by the BAR Staff and the Board of Architectural Review. It is the applicant's responsibility to inform BAR Staff when new signage, lighting, or other external alterations are proposed which require BAR review and approval.

Police Department:

- F-1 The Police Department has no objections to the encroachment of the bay window onto the public right of way.



APPLICATION

ENCROACHMENT

ENC# 2008-0002

PROPERTY LOCATION: 1309 King Street
TAX MAP REFERENCE: 064.03-09-06 **ZONE:** KR

APPLICANT

Name: Cloverdale, LLC (f/k/a Cloverdale Limited Partnership)
Address: 216 South Payne Street, Alexandria, VA 22314

PROPERTY OWNER

Name: Cloverdale, LLC (f/k/a Cloverdale Limited Partnership)
Address: 216 South Payne Street, Alexandria, VA 22314

PROPOSED USE: One bay window, 8' wide extending 1.5' south of
the building facade (encroaching 1.5')

INSURANCE CARRIER (copy attached) Hanover Insurance Group **POLICY #** ZHQ-8643105

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 hereby applies for an Administrative Use Permit in accordance with the provisions of Article VI, Section 6-600 of the 1992 Zoning Ordinance 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 I so 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.

Cloverdale, LLC
(f/k/a Cloverdale Limited Partnership)

Print Name of Applicant or Agent
216 South Payne Street
Mailing/Street Address
Alexandria, VA 22314
City and State Zip Code

Signature David S. Cammack, Manager
703/836-8801 Telephone # 703/836-8169 Fax #

Email address
March 25, 2008
Date

Application Received: _____ Date and Fee Paid: \$ _____
ACTION - PLANNING COMMISSION: _____ ACTION - CITY COUNCIL: _____

ENC 2008-0002


ACORD CERTIFICATE OF LIABILITY INSURANCE		CSR EC CLOVE-1	DATE (MM/DD/YYYY) 03/20/08
PRODUCER Weaver Bros. Insurance Associates, Inc. 7315 Wisconsin Ave., #900E Bethesda MD 20814 Phone: 301-986-4400.		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 Cloyerdale, LLC Bill Cammack 216 S. Payne Street Alexandria VA 22314		INSURERS AFFORDING COVERAGE	NAIC #
		INSURER A: Hanover Insurance Group	
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	

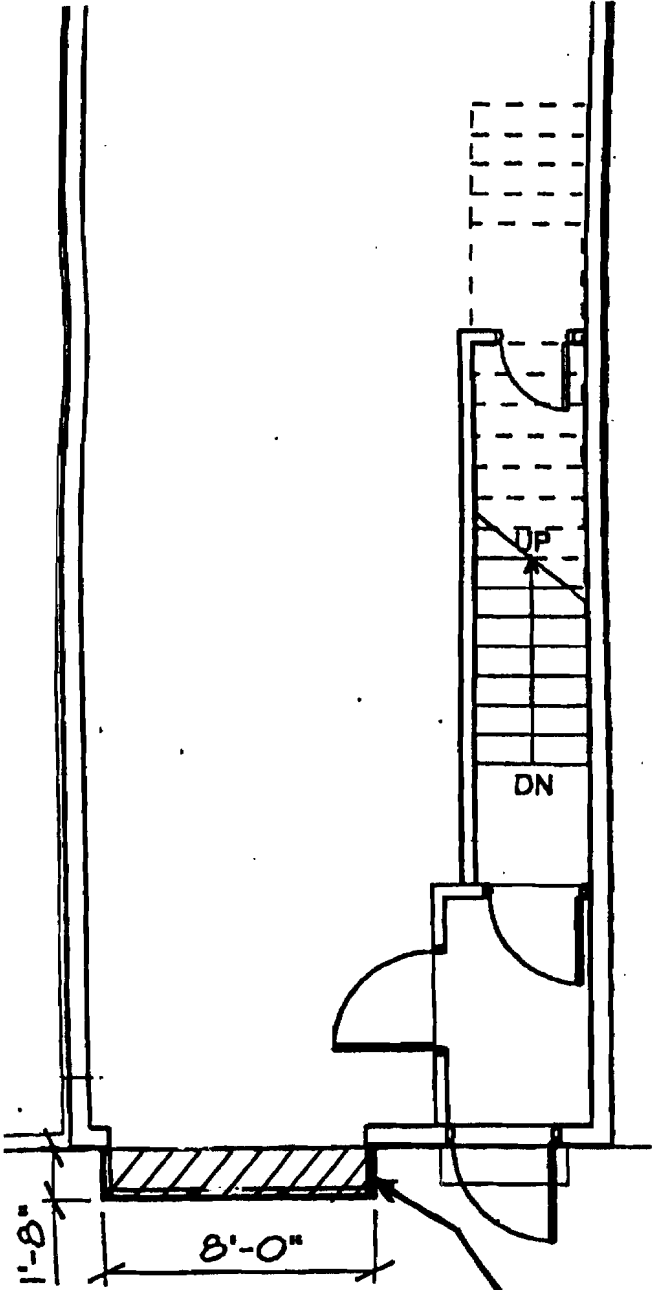
COVERAGES

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.

TRK ADJTS	LTR INRS	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
	A X	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-SECT <input type="checkbox"/> LOC	ZHQ 8643105	04/21/07	04/21/08	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (EA OCCURRENCE) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ INCL GEN A
	A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	ARQ-8643100-00	04/21/07	04/21/08	COMBINED SINGLE LIMIT (EA accident) \$ 1,000,000 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 \$
	A	EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$NIL	UHQ 8694452	04/21/07	04/21/08	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$ \$ \$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER				WC STATUTORY LIMITS: [] [] [] [] E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 City of Alexandria is additional insured as respects 1309 King Street, Alexandria, VA 22314

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 <u>30</u> 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:  BRANDON R. CLUE
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FIRST FLOOR

1309 King Street

PUBLIC SIDEWALK ENCROACHMENT APPLICATION

12 March 2008



APPLICATION

ENCROACHMENT

ENC# 2008-0002

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TAX MAP REFERENCE: 064.03-09-06 **ZONE:** KR

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(f/k/a Cloverdale Limited Partnership)

Print Name of Applicant or Agent

216 South Payne Street

Mailing/Street Address

Alexandria, VA 22314

City and State Zip Code

David S. Cammack
Signature David S. Cammack, Manager

703/836-8801 703/836-8169

Telephone # Fax #

Email address

March 25, 2008
Date

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

ACTION - PLANNING COMMISSION: _____ ACTION - CITY COUNCIL: CC approved PC

By unanimous consent, recommended approval 6-3-08 recommendation 7-0 6/14/08