



## City of Alexandria, Virginia

## MEMORANDUM

DATE: NOVEMBER 13, 2007

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: JAMES K. HARTMAN, CITY MANAGER *JKH*

FROM: FAROLL HAMER, DIRECTOR  
DEPARTMENT OF PLANNING AND ZONING *FH*

SUBJECT: ENC#2006-0007 (1101 QUEEN STREET)

On March 17, 2007, a request for an encroachment into the public right-of-way for a marquee was approved by the City Council. The ordinance for the encroachment was heard and deferred by the City Council on May 12, 2007. The City Council requested more information regarding the design of the proposed marquee for the building.

The encroachment is for a marquee that is 11 feet in height over the existing sidewalk right-of-way. The marquee extends 32 feet along the building's façade on Queen Street, and approximately 43 feet along North Henry Street.

The sidewalk width at this location is approximately 14 feet wide. The marquee extends six feet into the sidewalk right-of-way. Adjacent to the marquee canopy are two tree wells, one along the frontage of Queen Street and one along the frontage of North Henry Street. The encroachment does not impact the existing tree wells (see attached graphics).

The marquee is part of a renovation plan for retail uses, previously approved by the Parker-Gray Board of Architectural Review for the design of the marquee, building demolition/ encapsulation, and other exterior site renovations. Should you have any further questions, contact Richard Bray at 703-838-4666.

cc: Michele Evans, Deputy City Manager

## Attachments:

Docket Item # 5, March 17, 2007

Docket item # 14, May 12, 2007

Marquee Graphics (2)

EXHIBIT NO. 1

5  
3-17-07

Docket Item #9  
ENCROACHMENT #2006-0007

Planning Commission Meeting  
March 6, 2007

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

**APPLICANT:** Crispin Enterprises, LLC  
by Robert Bunn

**STAFF:** James Hunt, Planner  
james.hunt@alexandriava.gov

**LOCATION:** 1101 Queen Street

**ZONE:** CL/Commercial Low

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**PLANNING COMMISSION ACTION, MARCH 6, 2007:** 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.

ENC2006-0007  
1101 Queen Street





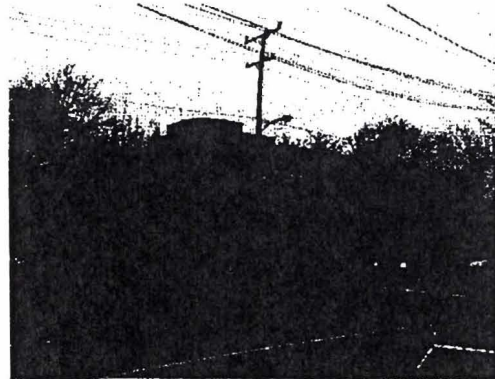
## I. DISCUSSION

### REQUEST

The applicant, Crispin Enterprises, LLC, requests an encroachment at 1101 Queen Street.

### SITE DESCRIPTION

The subject property is one lot of record with 35 feet of frontage on Queen Street, 100 feet of frontage on North Henry Street, and a total lot area of 3,500 square feet. The site is occupied by Sykes Warehouse, an automotive parts retail use. The proposed encroachment is located along the northwest corner of the intersection.



### PROPOSAL

The applicant proposes to replace an existing marquee that encroaches one foot into the public right-of-way, 20 feet along Queen Street, 25 feet along Henry Street, and approximately 2.5 feet in height. The proposed marquee will measure approximately 32 feet along Queen Street, approximately 43 feet along N. Henry Street, approximately 11 feet in height, and with a six foot maximum extension, which varies along the frontage of the building (see attached survey plat). The sidewalk width at this location is approximately 14 feet wide. There are two tree wells adjacent to the proposed marquee canopy, one along Queen Street and one along N. Henry Street. The applicant proposes to occupy the building with multiple retail tenants. The marquee will be used for signage for prospective tenants.

### BACKGROUND

On July 26, 2006, the Parker-Gray Board of Architectural Review approved the design of the marquee in conjunction with a request for demolition/encapsulation as well as other exterior renovations for the site.

### ZONING/MASTER PLAN DESIGNATION

The subject property is zoned CL/Commercial Low, and is located in the Braddock Road Metro Small Area Plan.

## II. STAFF ANALYSIS

Staff does not object to the new marquee. The marquee does not obstruct pedestrian traffic as it is located approximately 11 feet above the sidewalk, and does not have any supporting structures located below it. The marquee is part of an extensive renovation plan for retail uses which has been previously approved by the Board of Architectural Review for the design of the marquee, building demolition/encapsulation, and other exterior site renovations.

Staff recommends approval.

### III. RECOMMENDED PERMIT CONDITIONS

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 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 of the area of the proposed encroachment, the applicant shall remove any structure that encroaches into the public right-of-way, within 60 days, upon notification by the City. (T&ES)

STAFF: Richard Josephson, Acting Director, Department of Planning and Zoning;  
James Hunt, 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 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 of the area of the proposed encroachment, the applicant shall remove any structure that encroaches into the public right-of-way, within 60 days, upon notification by the City.

Code Enforcement:

- C-1 Canopies must comply with USBC 3202 for support and clearance from the sidewalk, and the applicable sections of USBC's Chapter 11. The horizontal portions of the framework must not be less than 8 feet nor more than 12 feet above the sidewalk.
- C-2 Awnings must comply with all applicable requirements of USBC 3105 and 3202. Fixed awnings must have a minimum 7 foot clearance from a sidewalk to the lowest part of the framework 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).
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

ENC2006-0007  
1101 Queen Street

- C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

Police Department:

- F-1 The Police Department has no comments or objections to the encroachment of the marquee.



# APPLICATION for ENCROACHMENT # 2006-0007

[must use black ink or type]

PROPERTY LOCATION: 1101 QUEEN STREET, ALEXANDRIA, VA 22314

TAX MAP REFERENCE: 064.03 04 13 ZONE: C2

APPLICANT'S NAME: CRISPIN ENTERPRISES L.L.C.

ADDRESS: 12019 LEE HIGHWAY FAIRFAX, VA.

PROPERTY OWNER NAME: CRISPIN ENTERPRISES L.L.C.

ADDRESS: ABOVE

ENCROACHMENT DESCRIPTION: MARQUIS OVERHANG, ~~NEW MARQUIS~~

INSURANCE CARRIER (copy attached) Selective Ins. Co. POLICY # \_\_\_\_\_

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.

ROBERT BURN  
Print Name of Applicant or Agent

[Signature]  
Signature

12019 LEE HIGHWAY  
Mailing/Street Address

703 615-6096 DMT 777 @ AOL  
Telephone # FAX EMAIL

FAIRFAX VA 22030  
City and State Zip Code

12/21/06  
Date

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

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

ACTION - PLANNING COMMISSION: \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_



5

# APPLICATION for ENCROACHMENT # 2006-0007

[must use black ink or type]

PROPERTY LOCATION: 1101 QUEEN STREET, ALEXANDRIA, VA 22314

TAX MAP REFERENCE: 064.03 04 13 ZONE: C2

APPLICANT'S NAME: CRUPIN ENTERPRISES L.L.C.

ADDRESS: 12019 LEE HIGHWAY FAIRFAX, VA.

PROPERTY OWNER NAME: CRUPIN ENTERPRISES L.L.C.

ADDRESS: ABOVE

ENCROACHMENT DESCRIPTION: MARQUIS OVERHANG, ~~ABOVE~~

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ROBERT BUNN  
Print Name of Applicant or Agent

[Signature]  
Signature

12019 LEE HIGHWAY  
Mailing/Street Address

703 615-6096 Don't list 777 @ AOL  
Telephone # FAX EMAIL

FAIRFAX, VA 22030  
City and State Zip Code

12/21/06  
Date

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

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

ACTION - PLANNING COMMISSION: By unanimous consent, recommended approval 3-6-07

ACTION - CITY COUNCIL: 3/17/07- CC approved the PC recommendation 7-0

EXHIBIT NO.

1

14  
5-12-07

20  
5-8-07

Introduction and first reading:  
Public hearing:  
Second reading and enactment:

5/08/2007  
5/12/2007  
5/12/2007

### INFORMATION ON PROPOSED ORDINANCE

#### Title

AN ORDINANCE authorizing Crispin Enterprises, LLC, to establish and maintain an encroachment for a marquee at 1101 Queen Street.

#### Summary

The proposed ordinance permits the owner of the property at 1101 Queen Street to construct a marquee which will encroach over the public sidewalk along Queen and N. Henry Streets.

#### Sponsor

#### Staff

Faroll Hamer, Director, Planning & Zoning  
Ignacio B. Pessoa, City Attorney

#### Authority

§ 2.04(e), Alexandria City Charter

#### Estimated Costs of Implementation

None

#### Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

EXHIBIT NO. 2

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE authorizing Crispin Enterprises, LLC, to establish and maintain an encroachment for a marquee at 1101 Queen Street.

WHEREAS, Crispin Enterprises, LLC, ("Owner") is the Owner of the property located at 1101 Queen Street, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain a marquee which will encroach into the public sidewalk right-of-way along Queen and N. Henry Streets; and

WHEREAS, the public sidewalk right-of-way at that location will not be significantly impaired by this encroachment; and

WHEREAS, this encroachment has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings subject to certain conditions; and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 1101 Queen Street, in the City of Alexandria, said encroachment consisting of a marquee which will generally encroach a maximum of six feet into the right-of-way, for 32 feet along Queen Street and 43 feet along N. Henry Street, and a maximum of 11 feet in height, as approved by the Parker-Gray Board of Architectural Review, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on its part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at its own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence
	\$1,000,000 aggregate
Property Damage:	\$1,000,000 each occurrence
	\$1,000,000 aggregate



1 This liability insurance policy shall identify the City of Alexandria and Owner as named  
2 insureds and shall provide for the indemnification of the City of Alexandria and Owner against  
3 any and all loss occasioned by the establishment, construction, placement, existence, use or  
4 maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed  
5 with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the  
6 event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in  
7 force and effect, the authorization herein granted to establish and maintain the encroachment  
8 shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In  
9 that event, Owner shall, upon notice from the city, remove the encroachment from the public  
10 right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of  
11 Owner. Nothing in this section shall relieve Owner of its obligations and undertakings required  
12 under this ordinance.  
13

14 Section 3. That the authorization hereby granted to establish and maintain said  
15 encroachment shall in addition be subject to and conditioned upon the following terms:  
16

- 17 (a) Neither the City of Alexandria nor any public utility company shall be responsible  
18 for damage to Owner' property encroaching into the public right-of-way during  
19 repair, maintenance or replacement of the public right-of-way or any public facilities  
20 or utilities in the area of encroachment.  
21

22 Section 4. That by accepting the authorization hereby granted to establish and  
23 maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner  
24 shall be deemed to have promised and agreed to save harmless the City of Alexandria from any  
25 and all liability (including attorneys' fees and litigation expenses) arising by reason of the  
26 establishment, construction, placement, existence, use or maintenance of the encroachment.  
27

28 Section 5. That the authorization herein granted to establish and maintain the  
29 encroachment shall be subject to Owner maintaining the area of the encroachment at all times  
30 unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous  
31 matter.  
32

33 Section 6. That nothing in this ordinance is intended to constitute, or shall be  
34 deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any  
35 of its officers or employees.  
36

37 Section 7. That the authorization herein granted to establish and maintain the  
38 encroachment shall be terminated whenever the City of Alexandria desires to use the affected  
39 public right-of-way for any purpose whatsoever and, by written notification, demands from  
40 Owner the removal of the encroachment. Said removal shall be completed by the date specified  
41 in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be  
42 found, or shall fail or neglect to remove the encroachment within the time specified, the city  
43 shall have the right to remove the encroachment, at the expense of Owner, and shall not be liable  
44 to Owner for any loss or damage to the structure of the encroachment or personal property  
45 within the encroachment area, caused by the removal.  
46



1           Section 8. That this ordinance shall be effective upon the date and at the time of its  
2 final passage.

3  
4  
5           WILLIAM D. EUILLE  
6           Mayor  
7

8  
9           Introduction:           5/08/2007  
10          First Reading:        5/08/2007  
11          Publication:  
12          Public Hearing:  
13          Second Reading:  
14          Final Passage:

15  
16  
17  
18  
19          Encroachment Ord 1101 Queen.wpd



333 North Fairfax Street  
Alexandria, Virginia 22314  
Tel. 703 684.5994  
Fax. 703 548.0975

Structural Engineer:  
Mason & Associates, P.C.  
8346 Traford Lane, Suite 108  
Springfield, Virginia 22152

Mech, Plumb, & Elec. Engineer  
Potomac Energy Group  
20 South Quaker Lane  
Alexandria, VA 22314

1101 Queen Street:  
Renovation

Alexandria, Virginia 22313

Seal

Drawing  
Elevations

W: FILE  
DWG FILE

Revisions

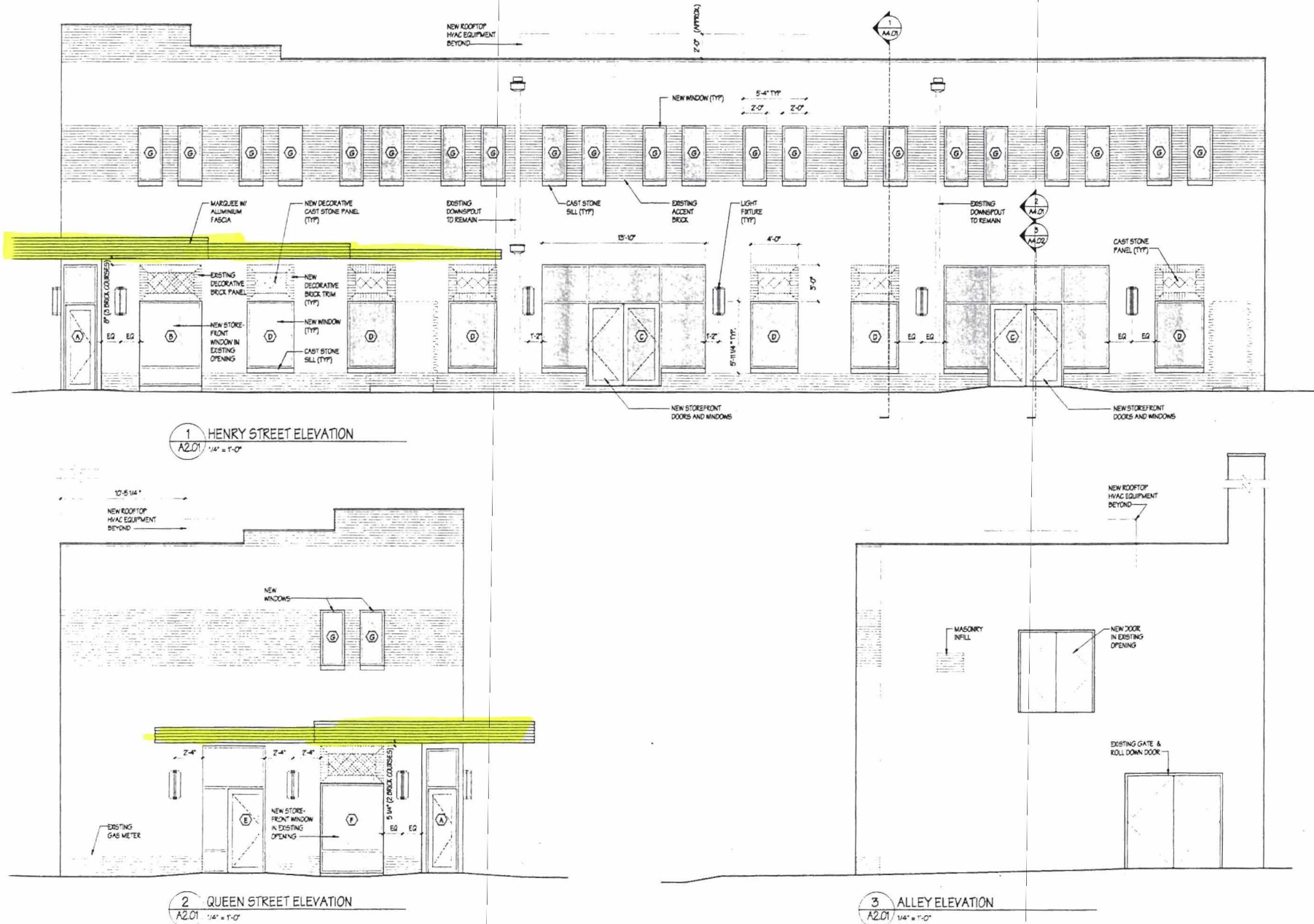
No.	Revision	Date
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Date: February 22, 2007

Project No. 06007

Sheet No.

A2.01





ORDINANCE NO. 4503

AN ORDINANCE authorizing Crispin Enterprises, LLC, to establish and maintain an encroachment for a marquee at 1101 Queen Street.

WHEREAS, Crispin Enterprises, LLC, ("Owner") is the Owner of the property located at 1101 Queen Street, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain a marquee which will encroach into the public sidewalk right-of-way along Queen and N. Henry Streets; and

WHEREAS, the public sidewalk right-of-way at that location will not be significantly impaired by this encroachment; and

WHEREAS, this encroachment has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings subject to certain conditions; and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 1101 Queen Street, in the City of Alexandria, said encroachment consisting of a marquee which will generally encroach a maximum of six feet into the right-of-way, for 32 feet along Queen Street and 43 feet along N. Henry Street, and a maximum of 11 feet in height, as approved by the Parker-Gray Board of Architectural Review, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on its part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at its own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence \$1,000,000 aggregate
Property Damage:	\$1,000,000 each occurrence \$1,000,000 aggregate



This liability insurance policy shall identify the City of Alexandria and Owner as named insureds and shall provide for the indemnification of the City of Alexandria and Owner against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owner shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Owner. Nothing in this section shall relieve Owner of its obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public utility company shall be responsible for damage to Owner' property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owner maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Owner the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Owner, and shall not be liable to

Owner for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Section 8. That this ordinance shall be effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE  
Mayor

Final Passage: November 19, 2007