

Docket Item #6
ENCROACHMENT #2003-0007

Planning Commission Meeting
November 6, 2003

ISSUE: Consideration of a request for encroachment into the public right-of-way for two building canopies.

APPLICANT: JBG/Rockwood Duke Street, LLC
by Timothy S. Munshell

LOCATION: 1700 Duke Street

ZONE: CDD-1/Coordinated Development District

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) must 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. The canopies shall have a clearance of eight feet above a sidewalk.(P&Z)
4. The design of the canopies shall be reviewed by the Carlyle Design Review Board. (P&Z)
5. 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) (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.

BACKGROUND

The applicant, JBG/Rockwood Duke Street, L.L.C., requests approval of an encroachment into the public right-of-way for two entrance canopies for the Whole Foods Market building that is currently under construction on Holland Lane. The proposed canopies' depths are needed to provide adequate shelter and to provide architectural proportions that are compatible with the proposed building. It was anticipated during the preliminary review approval that approval of encroachment for the canopies would be needed. In fact, a condition of approval for the development special use permit required subsequent encroachment approvals of the canopies.

The City Code permits canopies to extend up to 4 feet into a public right-of-way. The two canopies on Holland Lane project approximately 6 feet into its right-of-way. The entrance and window canopies measure 20 feet in length and 8 feet in width, with a minimum sidewalk clearance of 12 feet. Each canopy covers approximately 160 square feet of the sidewalk. The canopies are for the Holland Lane entrances for the 43,342 square foot Whole Foods Market and three levels of condominiums.

Due to the Duke Street development's proximity to the Carlyle site, staff required that development be reviewed by the Carlyle Design Review Board to ensure the use of high quality materials compatible with Carlyle. The Board approved the proposed building design as generally represented during the preliminary approval; however, there are details of the building that still require additional refinements and review, such as the signage and railings for the buildings. As part of the encroachment approval, staff is also recommending that the canopies be reviewed by the Carlyle Design Review Board.

STAFF ANALYSIS

Staff supports the proposed encroachment. These canopies will offer shelter to the public at entrance pavilions to the building and will cause no significant obstruction to passing pedestrians.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Jeffery Farner, Development, Division Chief;
Laura Durham, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The applicant (and his or 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 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.
- R-2 In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any fence or structure that encroached into the public right-of-way, within 60 days, upon notification by the City.

Code Enforcement:

- C-1 A construction permit is required for the proposed project.
- C-2 Canopies must comply with USBC 510.4 for support and clearance from the sidewalk, and the applicable sections of USBC's Chapter 11. Structural designs of fabric covered canopies must comply with USBC 1110.5.2. The horizontal portions of the framework must not be less than 8 feet nor more than 12 feet above the sidewalk and the clearance between the covering or valance and the sidewalk must not be less than 7 feet.

Health Department:

No comments.

Police Department:

No comments.