

Docket Item #12
ENCROACHMENT # 2003-0009

Planning Commission Meeting
March 2, 2004

ISSUE: Consideration of a request to install an underground utility vault within the public right-of-way.

APPLICANT: Arthur Meushaw
Meushaw Development Company, Incorporated

LOCATION: 124 South West Street

ZONE: CD/Commercial Downtown

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

I. STAFF ANALYSIS:

The applicant requests approval of an encroachment for an underground utility vault to be located within the public right-of-way adjacent to the office building that is currently under construction at 124 South West Street. The property is zoned CD, Commercial Downtown, and is the site of a four-story office building with three stories of underground parking that is currently under construction. The development was approved by City Council on May 12, 2001 (DSUP #2000-0051).

The encroachment area requested will be 17ft. x 24 ft (408 sq. ft.) and located on South West Street under the sidewalk. See attached plans.

Staff generally does not support private utilities within the right-of-way unless there are no other reasonable or practical locations for it, and assuming it does not create any problem for the streetscape or interfere with public users of the right-of-way. In this case, the applicant originally planned to use the existing transformer at 113 South West Street for its building, however, Virginia Power will not permit the applicant to use that transformer because of its capacity limitations. The underground parking garage that is currently under construction occupies the entire site, leaving no room for the addition of a transformer.

The proposed location of the utility vault will not impact any of the proposed landscaping or street trees to be planted in conjunction with the new building. The lid of the vault is proposed to be located within a portion of the sidewalk. Staff is therefore recommending that the lid be flush with the sidewalk and that the material for the top of the lid be brick or comparable material to match the brick sidewalk.

Given these facts, and with the recommended conditions to minimize any impact to the sidewalk, staff is recommending approval of the encroachment.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Jeffrey Farner, Chief, Development;
Charles Burnham, Urban Planner III.

II. 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) shall 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) (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. (P&Z) (T&ES)
4. The applicant shall amend the approved development plan to show the proposed utility vault. (P&Z) (T&ES)
5. The cover for the transformer shall be flush with the sidewalk and shall be brick or comparable material to the satisfaction of the Director of P&Z and T&ES. (P&Z)

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.

III. 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 Applicant shall amend the approved development plan to show installation of the proposed vault.

Code Enforcement

No Comments

Health

No Comments

Police

No objections

Recreation Parks and Cultural Activities

No comments received