



DOCKET ITEM #4
Encroachment #2021-00007
2601 Oakville Street

CONSENT AGENDA ITEM

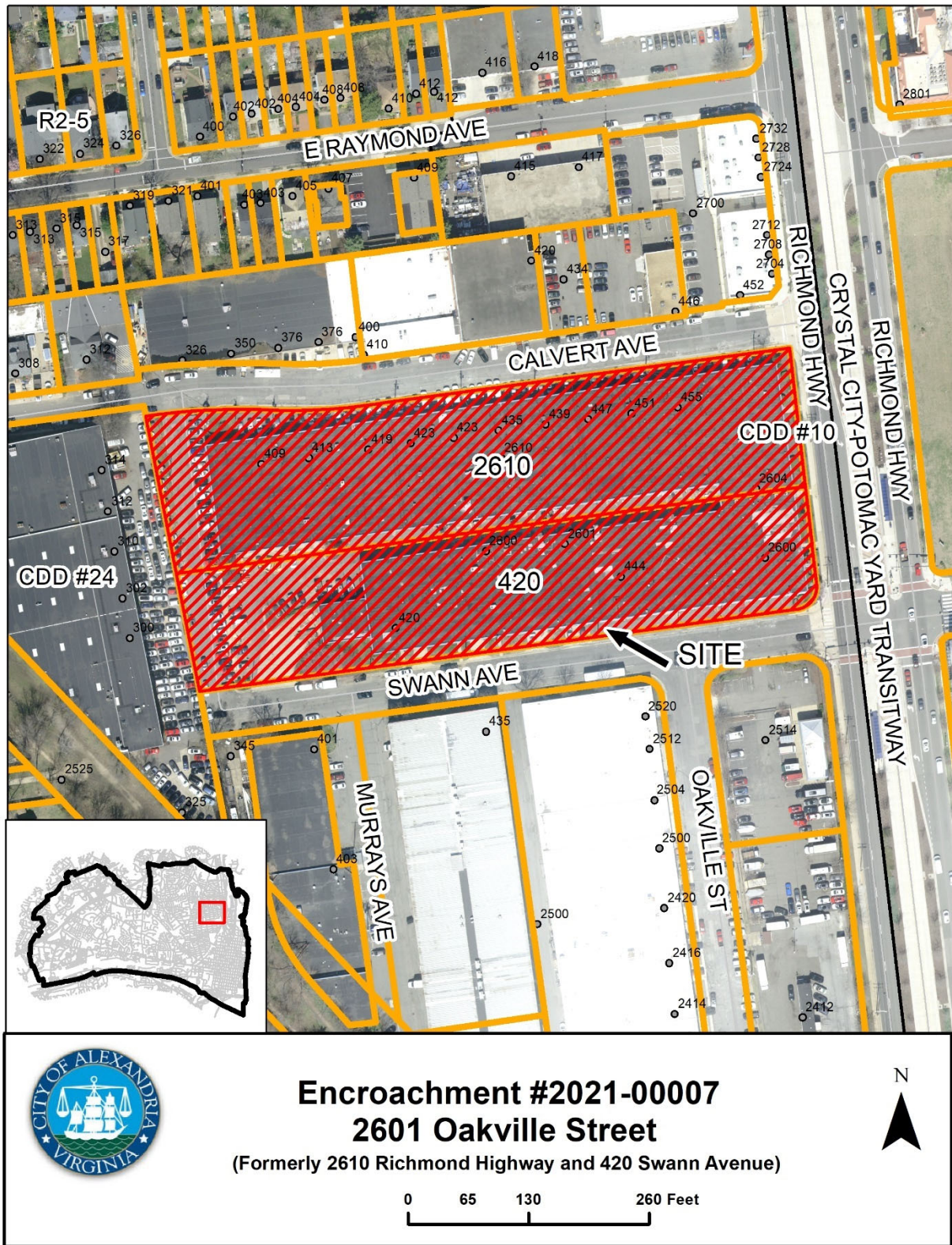
If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Application	General Data	
Request: Public Hearing and consideration of a request for an Encroachment into the public right-of-way for balconies along Richmond Highway; zoned: CDD #24/Coordinated Development District #24	Planning Commission Hearing:	December 7, 2021
	City Council Hearing:	December 18, 2021
Address: 2601 Oakville Street	Zone:	CDD #24 (Coordinated Development District)
Applicant: Oakville Triangle Owner LLC, represented by Attorney Duncan Blair	Small Area Plan:	Potomac West Small Area Plan; Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards & Guidelines Overlay

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended conditions found in Section III of this report.

Staff Reviewers:

Daniel Welles, Urban Planner, daniel.welles@alexandriava.gov
Sara Brandt-Vorel, Urban Planner, sara.brandtvorel@alexandriava.gov
Robert Kerns, AICP, Development Division Chief, robert.kerns@alexandriava.gov



I. DISCUSSION

The applicant, Oakville Triangle Owner, LLC, requests approval for two areas of encroachment into the public right-of-way to be used for residential balconies; each area of encroachment is approximately 70 square feet and measures approximately 4.5 feet in depth and 15.54 feet in length.

SITE DESCRIPTION

The subject property known as Block B of Oakville Triangle is approximately 62,548 square feet or 1.43 acres. The site has approximately 258 feet of frontage along Richmond Highway, 204 feet of frontage along Calvert Avenue, 259 feet facing Swann Avenue, and 264 feet facing Oakville Street. In January 2020, City Council approved DSUP #2020-10030 for the development of a 255,000 sq. ft. multifamily building with 253 units and approximately 15,000 sq. ft. of retail on the ground floor. The total height of the proposed building ranges from approximately 75 feet on Calvert Street and Oakville Street to approximately 85 feet on Swann Avenue and Oakville Street. The site currently consists of a one-story brick and metal warehouse self-storage and auto repair shop structures.



Figure 1 - Oakville Triangle Block Diagram

There are two areas of proposed encroachment, Encroachment Area A and Encroachment Area B (see Figure 2 below). Each area of encroachment will include five (5) vertically stacked balconies which will encroach over the public right-of-way along Richmond Highway.



Figure 2 - Southeast Rendering of Block B as seen from Richmond Highway/Swann Avenue

BACKGROUND

In December 2020, City Council approved CDD Concept Plan Amendment #2020-0003, Master Plan Amendment #2020-0003, and Zoning Text Amendment #TA2020-0006 which amended the land use (incorporation of medical care facility and revised retail and residential mix), building heights, framework streets, and location of open spaces.

In January 2021, City Council approved Development Special Use Permits #2020-10028 and #2020-10030 to construct two multifamily buildings with a total of 715,000 sq. ft., 577 units, and 55,000 sq. ft. of ground floor retail, as part of the Oakville Triangle Phase 1 redevelopment.

	New Construction (sq.ft.)	Residential Units	Retail Space (sq.ft.)
Block A1	419,000	324	40,000
Block B	296,000	253	15,000
Total	715,000	577	55,000

Additionally, in January 2021 City Council approved Development Site Plan #2020-00031 for infrastructure, Subdivision #2020-0007, and Vacation #2020-0005 which set up the location of the streets, sitewide utilities, and construction of sitewide roads and sidewalks.

PROPOSAL

The applicant requests approval for two (2) areas of encroachment, Encroachment Area A and Encroachment Area B, to permit the installation of balconies, due to the location of the building on the property line. Each area of encroachment measures approximately 70 square feet, for a total area of encroachment of 140 square feet which would project into the public right-of-way along Richmond Highway. A projecting balcony would be installed on floors two (2) through six (6), for a total of five (5) balconies in each area of encroachment. The lowest balcony on the second floor would be located approximately 14.5 feet above average finished grade, with each balcony installed on subsequent floors above. A sidewalk with a width of approximately 13.5 feet is located at grade below the areas of encroachment.

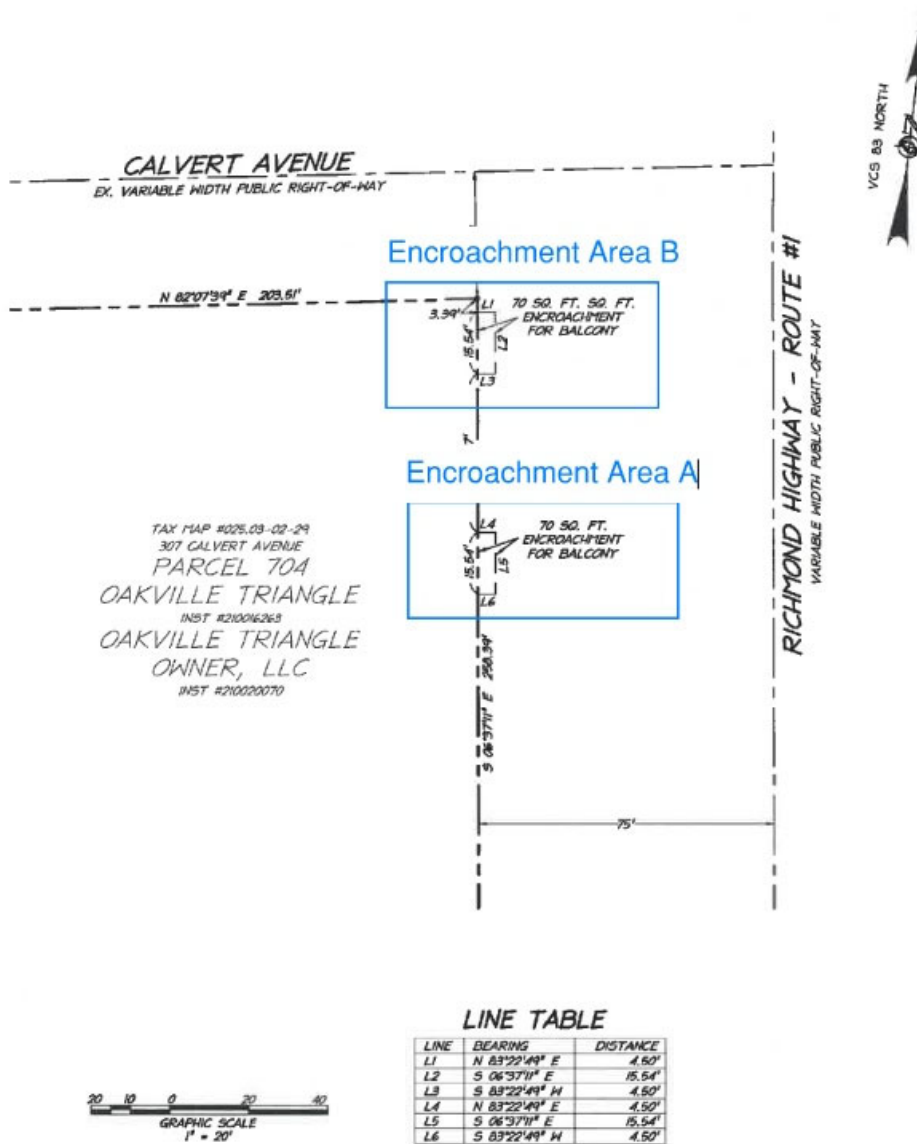


Figure 3 - Areas of Encroachment in Blue

ZONING/MASTER PLAN

The subject property is located within the boundaries of the Potomac West Small Area Plan; Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards & Guidelines Overlay. The Potomac West Small Area Plan was adopted in 1992 as a component of the City Master Plan, and the Oakville Route 1 Corridor Plan was initially adopted in 2014 and has been updated over time. The Oakville Route 1 Corridor Plan encourages residential uses and neighborhood-serving retail as well as an emerging “maker” economy and opportunities for open space. The Plan establishes a long-term vision for the neighborhood including a framework of street improvements for pedestrians, cyclists, and motorists, encourages a network of ground level open spaces and transitions in height and density from Richmond Highway extending east to the adjacent Del Ray and Lynnhaven neighborhoods. The property is also located in the boundaries of CDD #24/Coordinated Development District which permits a mix of uses including residential and retail. An encroachment into the public right-of-way requires approval by City Council if it is not a permitted exception pursuant to Section 5-2-29 of the City Code.

II. STAFF ANALYSIS

Staff supports the applicant’s request for an encroachment to permit the installation of balconies which would project into the public right-of-way. The proposed areas of encroachment provide support for long-term residential use and are consistent with the goals of the of the Master Plan and CDD #24 zone. The proposed areas of encroachment have been reviewed by City Departments to confirm there will be no obstructions to any existing emergency vehicle easements or other potential conflicts. The encroachment areas are located at a safe height above grade and will not impede any active uses or pedestrian access to the below sidewalk. Additionally, the construction of balconies will provide architectural interest to these buildings.

A standard condition of approval, Condition 4, was included to ensure the applicant will maintain general liability insurance and shield the City from any risk associated with the proposed area of encroachment.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** of the requested encroachment subject to compliance with all applicable codes and ordinances and the following conditions:

1. 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 replacement of any utilities that may be located within the area of the proposed encroachment. (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 that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)

3. The applicant shall bear all the cost associated with any future removal of the encroachments. (T&ES)
4. The owner shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000 which will indemnify the owner (and all successors in interest); and the City as an additional insured, against claims, demands, suits and related costs, including attorneys' fees, arising from any bodily injury or property damage which may occur as a result of the encroachment. (sec. 5-29(h)(1))). (T&ES)

Please submit Insurance Certificate:
City of Alexandria T&ES
Attn: TES Permits
301 King Street, Room 4130
Alexandria, VA 22314

IV. CITY DEPARTMENT COMMENTS

Legend: C Code Requirement R Recommendation S Suggestion F Finding

F-1 Encroachments are required to comply with the Virginia Construction code. (Code Administration)

F-2 The maximum encroachment shall be 4 feet when located more than 8 feet per the Virginia Construction code. (Code Administration)

STAFF:

Daniel Welles, Urban Planner, Planning & Zoning;
Sara Brandt-Vorel, Urban Planner, Planning & Zoning;
Robert M. Kerns, AICP, Development Division Chief, Planning & Zoning



APPLICATION

ENCROACHMENT

PROPERTY LOCATION: 2601 Oakville Street, Alexandria, Virginia (2610 Richmond Highway & 420 Swann Ave.
TAX MAP REFERENCE: 25.03 02 29 (formerly part of 25.03 02 19 & 20) **ZONE:** CDD#24
APPLICANT
Name: Oakville Triangle Owner, LLC, a Delaware limited liability company..
Address: 7200 Wisconsin Ave., Suite 700, Bethesda, Maryland 20184
PROPERTY OWNER
Name: OT Block B SUB, LLC, a Delaware limited liability company.
Address: 7200 Wisconsin Ave., Suite 700, Bethesda, Maryland 20184
PROPOSED USE: Sdoption of an Encroachment Ordinance to permit the encroachment of balconies over the public rights-of-way as shown on Exhibits submitted with this application. There are eight (8) balconies
Each balcony is 3.6' X13' 6 1/2".

INSURANCE CARRIER (copy attached) American Casualty **POLICY #** 6076141533

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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.
- ☒ 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.

Duncan W. Blair , Attorney

Print Name of Applicant or Agent
524 King Street

Mailing/Street Address
Alexandria, Virginia 22314

City and State Zip Code

Signature
703 836-1000 703 549-3335

Telephone # Fax #
dblair@landcarroll.com

Email address
8 26 21 Re4vised 10 4 21

Date

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Oakville Triangle Owner, LLC	7200 Wisconsin Ave., Suite 700 Bethesda, MD 20184	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at Parcel A-1 and B Oakville Triangle, Alexandria, Virginia (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Oakville Triangle Owner, LLC	7200 Wisconsin Ave., Suite 700 Bethesda, Maryland 20184	100%
2.		
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Oakville Triangle Owner, LLC	NONE	
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

8/10/21

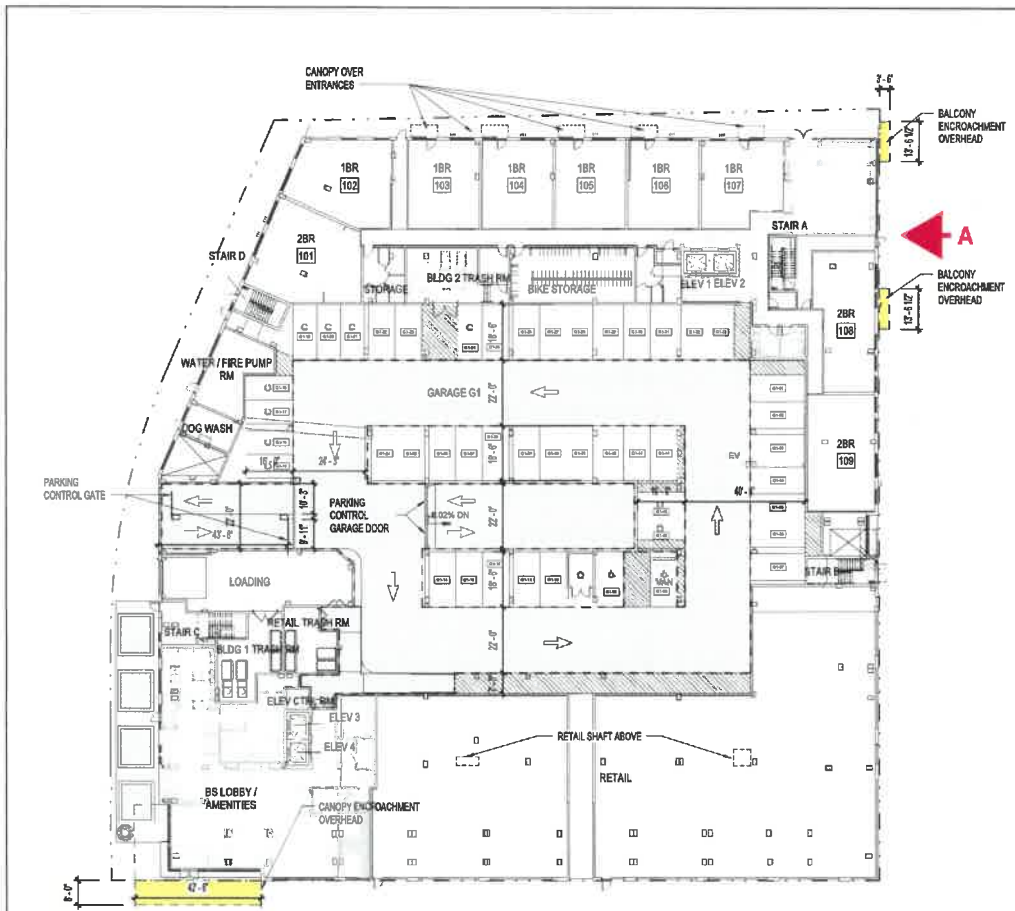
Duncan W. Blair Attorney.



Date

Printed Name

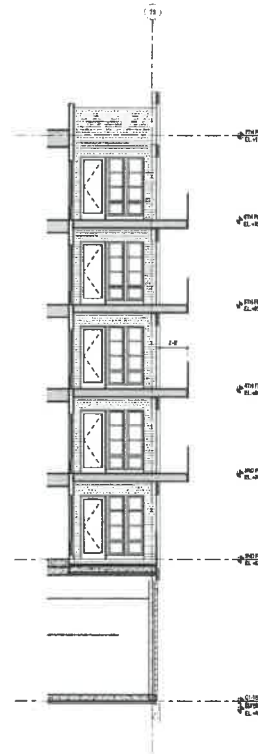
Signature



DRAFT ENCROACHMENT EXHIBIT DIAGRAM



ELEVATION VIEW A



SECTION B

**STB04 - OAKVILLE TRIANGLE
BUILDING B
CANTILEVERED BALCONY PROJECTION
NTS
08.25.20221**

Description of
Encroachment for Balcony in
Richmond Highway - Route 1 at
Parcel 704, Oakville Triangle
City of Alexandria, Virginia
September 14, 2021

Commencing at a point on the westerly right-of-way line of Richmond Highway, Route 1, a variable width right-of-way, said point being the intersection of the southerly right-of-way line of Calvert Avenue, a variable width right-of-way;

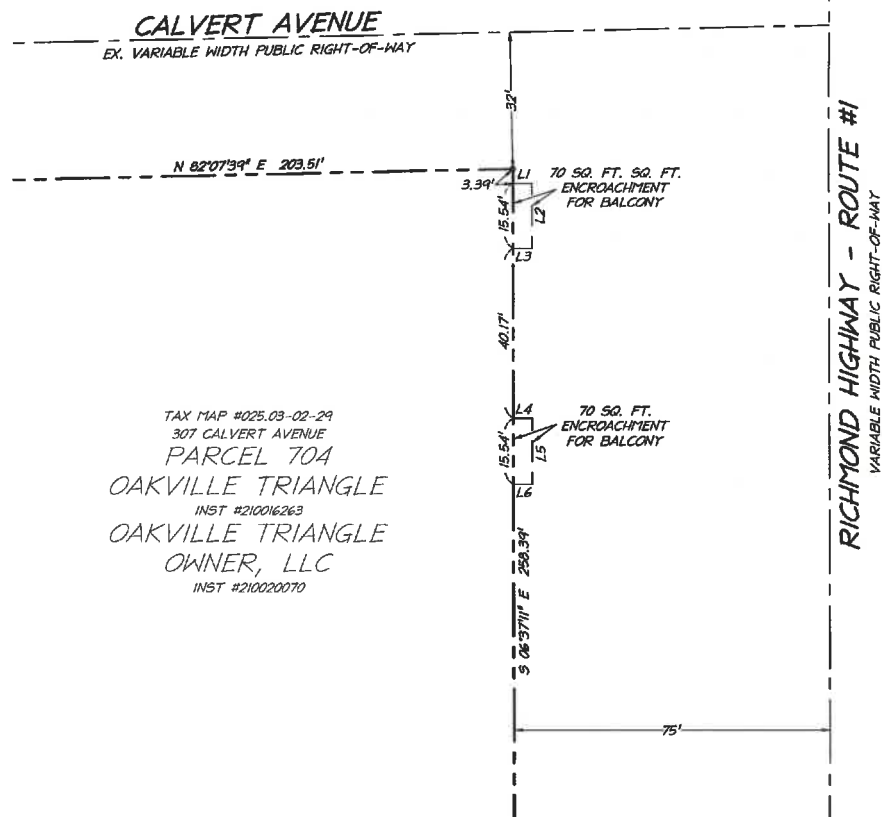
Thence, departing the southerly right-of-way line of Calvert Avenue and with the westerly right-of-way line of Richmond Highway, Route 1 S 06°37'11" E a distance of 59.10 feet to the True Point Of Beginning;

Thence, departing the westerly right-of-way line of Richmond Highway, Route 1 and through the right-of-way of Richmond Highway, Route 1 the following 3 courses and distances:

1. N 83°22'49" E a distance of 4.50 feet to a point;
2. S 06°37'11" E a distance of 15.54 feet to a point;
3. S 83°22'49" W a distance of 4.50 feet to a point on the aforementioned westerly right-of-way line of Richmond Highway, Route 1;

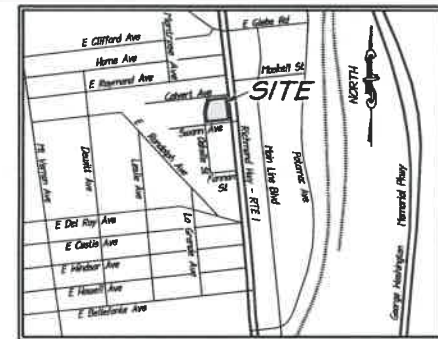
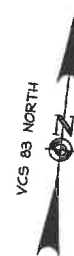
Thence, with the westerly right-of-way line of Richmond Highway, Route 1 N 06°37'11" W a distance of 15.54 feet to the point of beginning,

Containing an area of 70 square feet.



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 83°22'49" E	4.50'
L2	S 06°37'11" E	15.54'
L3	S 83°22'49" W	4.50'
L4	N 83°22'49" E	4.50'
L5	S 06°37'11" E	15.54'
L6	S 83°22'49" W	4.50'



VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES

1. THE PROPERTY SHOWN HEREON IS IDENTIFIED ON CITY OF ALEXANDRIA BY TAX MAP NUMBER 4025.03-02-29.
2. NO CURRENT TITLE REPORT FURNISHED FOR THIS DOCUMENT. ALL UNDERLYING TITLE LINES, EASEMENTS, SERVITUDES AND OTHER MATTERS OF TITLE ARE NOT SHOWN HEREON.



Rev#	DATE	REVISION	SHEET NO.
			1 of 1

EXHIBIT SHOWING
ENCROACHMENT FOR BALCONIES
RICHMOND HIGHWAY - ROUTE #1 - PUBLIC RIGHT OF WAY
AT
PARCEL 704, OAKVILLE TRIANGLE
CITY OF ALEXANDRIA, VIRGINIA

PROJ: 14007.001.00

SCALE: 1"=20'

DATE: 09/13/21

DRAWN: PGS
CHECKED: WEB

SHEET NO.

/ of /

111074

**christopher
consultants**



39417 Innovation drive • manassas, va 20110
phone 703.393.9887 • fax 703.393.9076



2021 City of Alexandria Business License

Finance Department, Revenue Administration Division, City of Alexandria
301 King Street, Room 1700, Alexandria, VA 22314
Phone: 703.746.4800 <http://www.alexandriava.gov/>

License Number: 110827-2021
Account Number: 110827
Tax Period: 2021
Business Name: Land, Carroll & Blair PC
Trade Name: Land, Carroll & Blair PC
Business Location: 524 KING ST
Alexandria, VA 22314

LAND, CARROLL & BLAIR PC
524 KING ST
Alexandria, VA 22314-3104

License Classification(s):

Professional Occupations/Businesses
9-071-007
Attorney-At-Law

February 9, 2021

Dear Taxpayer:

This is your 2021 City of Alexandria Business License. The bottom portion of this page is perforated to allow you to tear off and post the business license in your establishment.

If you paid for your business license via check, please be aware that if your check is not honored by your financial institution, this business license shall be invalid.

As with all taxes, our goal is to administer Business License taxes fairly and in accordance with Commonwealth and Locality code. Our staff strives to provide professional assistance and quality customer service. Your satisfaction is important to us and your comments are always welcome.

If you have any questions regarding this letter, please visit <http://www.alexandriava.gov/> or contact my office via phone at 703.746.4800.

Finance Department, Revenue Administration Division, City of Alexandria

Keep this letter for your records.

City of Alexandria Business License

Revenue Administration Division, City of Alexandria, 301 King Street, Room 1700, Alexandria, VA 22314

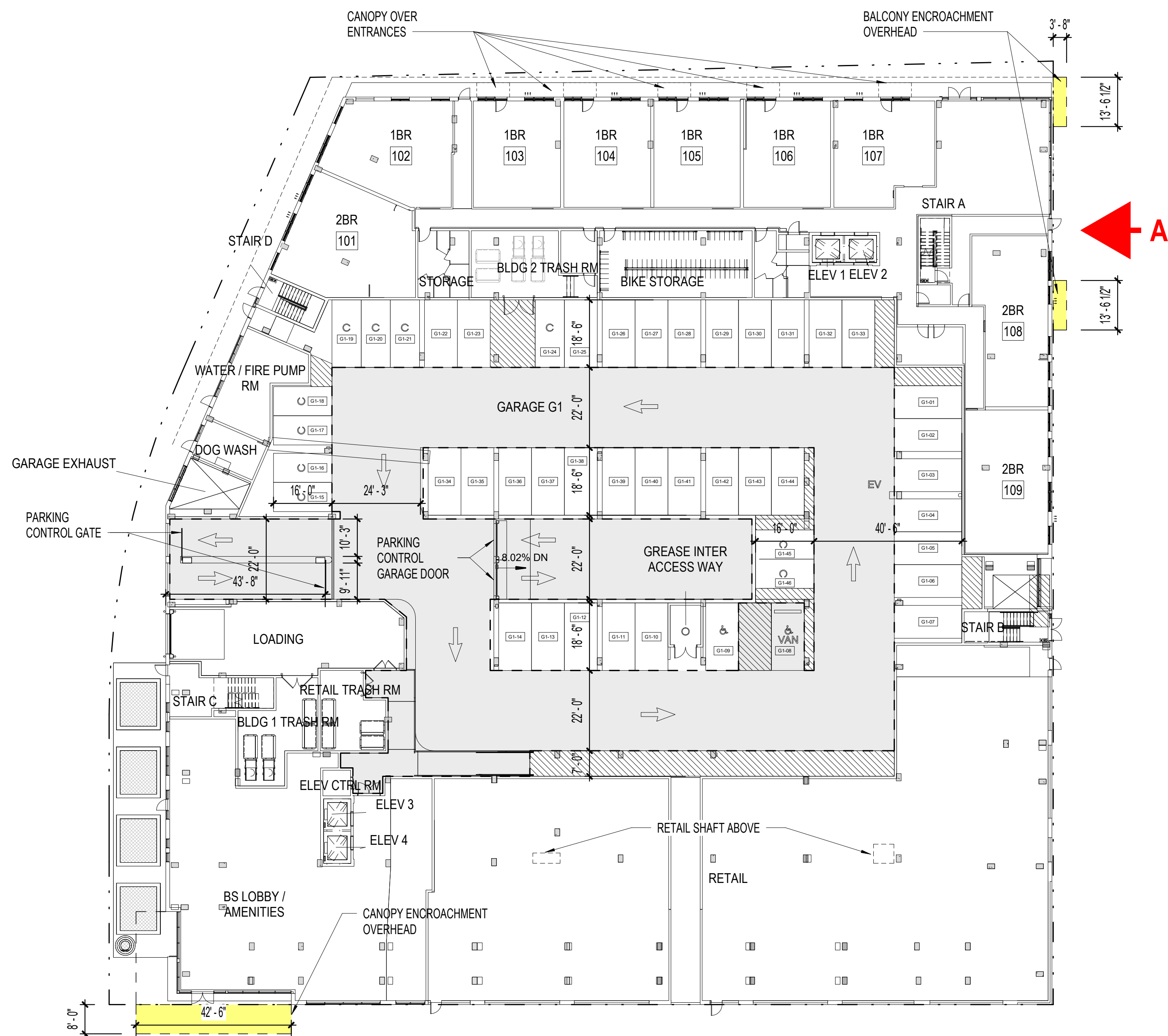


License Number: 110827-2021
Account Number: 110827
Tax Period: 2021
Business Name: Land, Carroll & Blair PC
Trade Name: Land, Carroll & Blair PC
Business Location: 524 KING ST
Alexandria, VA 22314

License Classification(s): Professional Occupations/Businesses
9-071-007
Attorney-At-Law

This license has been issued by the Revenue Administration Division of the City of Alexandria and is granted to:

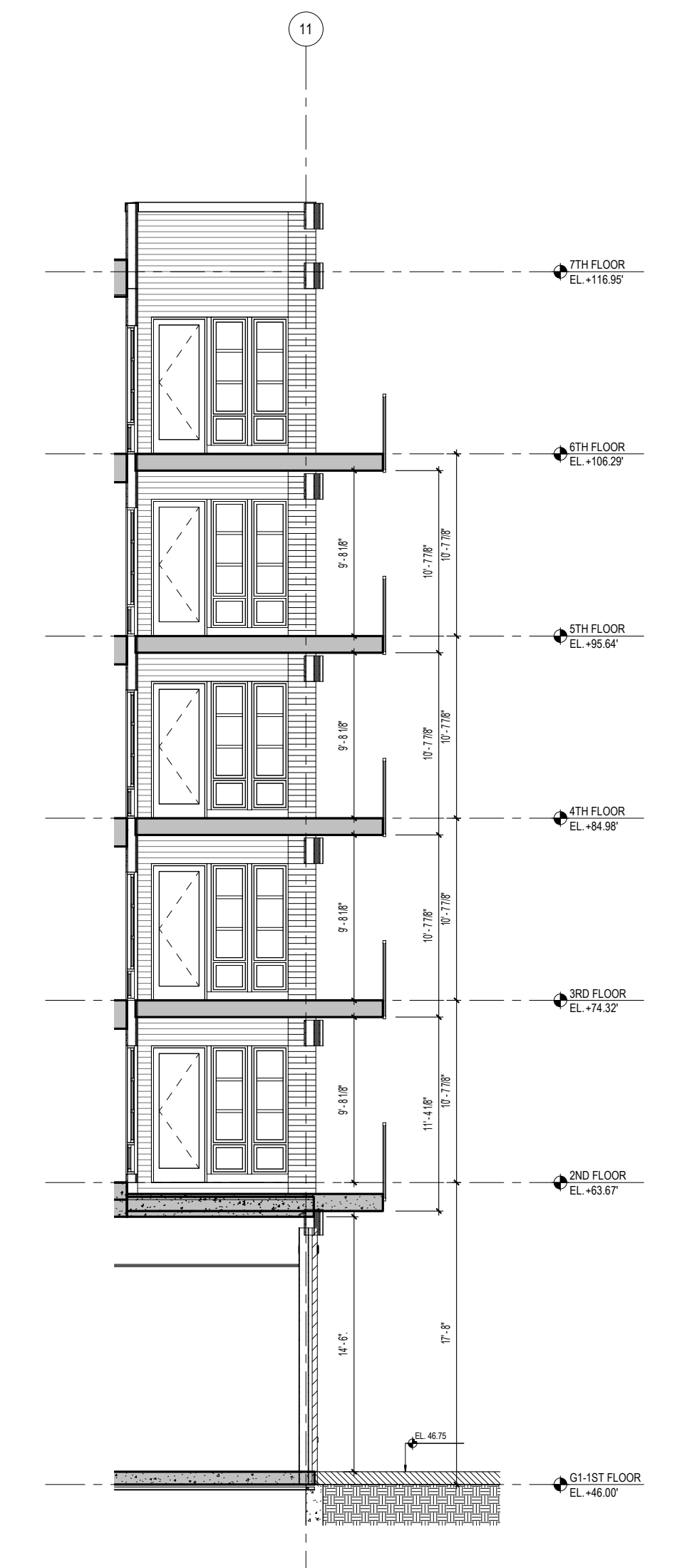
Land, Carroll & Blair PC
524 KING ST
Alexandria, VA 22314



DRAFT ENCROACHMENT EXHIBIT DIAGRAM



ELEVATION VIEW A



SECTION B

**STB04 - OAKVILLE TRIANGLE
BUILDING B
CANTILEVERED BALCONY PROJECTIONS
NTS
09.24.20221**