

DOCKET ITEM #5

Encroachment #2014-0003

941 N Alfred Street – Old Town Commons (James Bland)

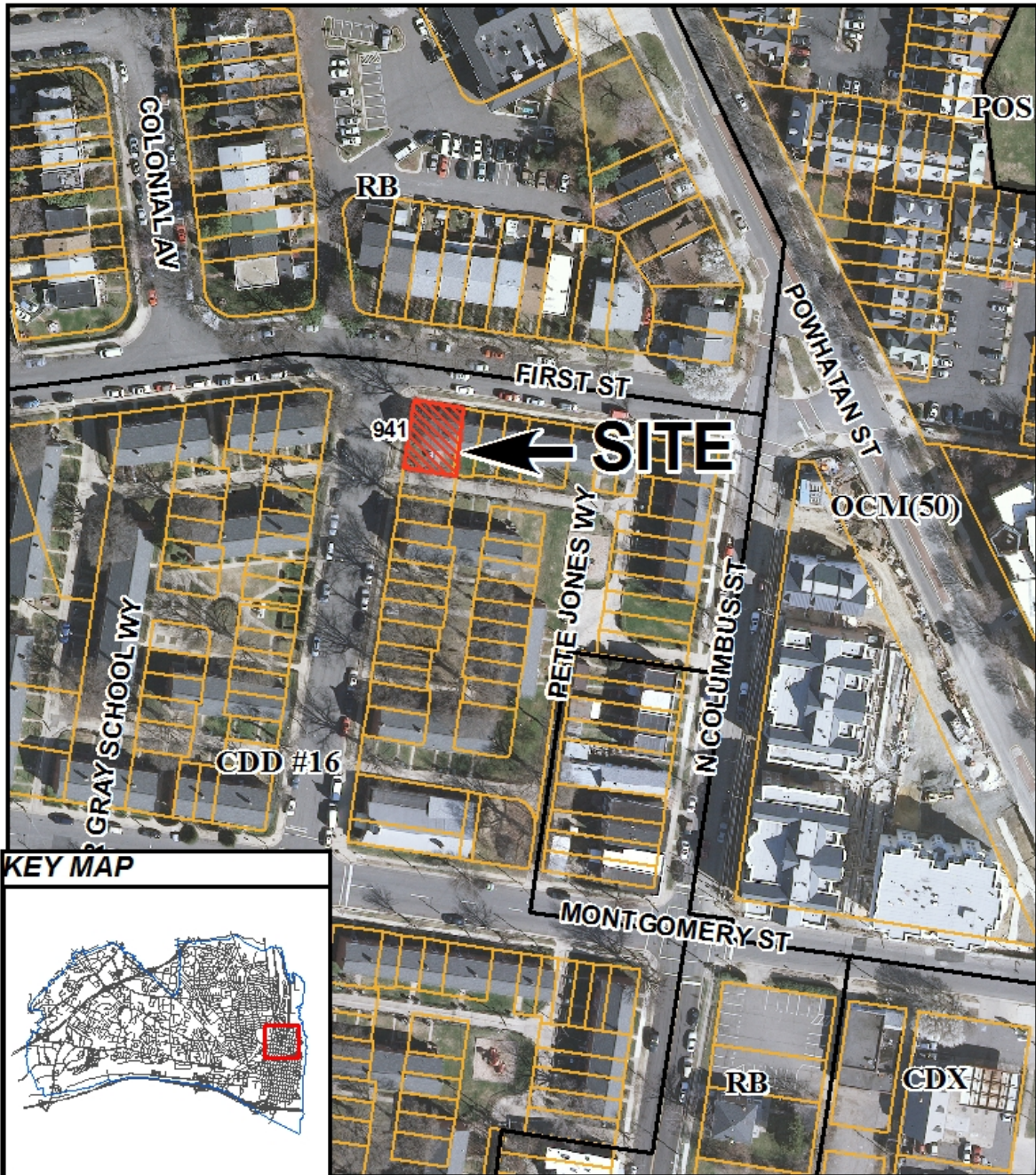
Application	General Data	
Request: Consideration of a request for an encroachment into the public right of way for two porches	Planning Commission Hearing:	April 1, 2014
	City Council Hearing:	April 12, 2014
Address: 941 N. Alfred Street	Zone:	CDD #16
Applicant: James Bland Housing V Limited Partnership	Small Area Plan:	Northeast and Braddock East

Staff Recommendation: APPROVAL subject to compliance with all applicable codes, ordinances, and conditions of approval.

Staff Reviewers: Dirk H. Geratz, AICP dirk.geratz@alexandriava.gov
Katie North, AICP katie.north@alexandriava.gov
Maya Contreras, maya.contreras@alexandriava.gov

PLANNING COMMISSION ACTION, APRIL 1, 2014: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. Commissioner Wasowski recused herself.

Reason: The Planning Commission agreed with the staff analysis.



ENC #2014-0003
941 North Alfred Street



I. DISCUSSION

The applicant, James Bland Housing V, LP requests approval of an encroachment ordinance for two porches on property located at 941 North Alfred Street.

SITE DESCRIPTION

The requested encroachment is located at the northeastern end of North Alfred Street, at the intersection with First Street. The porch encroachment is part of the new ARHA triplex at 941 and 945 North Alfred Street that was constructed as part of the James Bland redevelopment now called Old Town Commons. These units are part of the last phase of construction for the five block development. New townhouses that are part of Old Town Commons are already constructed to the east and south of the building, and new townhouses are also proposed to the west across North Alfred Street. Existing two-story townhouses not part of the redevelopment are located across First Street to the north.

BACKGROUND

The property is part of the James Bland public housing redevelopment that was approved in 2008 under DSUP #2008-0013 for a mix of market rate and ARHA units spread over five blocks. The development has been under construction since 2010 and three of the five blocks are completed. The property, subject of this encroachment, request is on one of the last two blocks to be redeveloped. The building with the encroachment is one of the ARHA triplexes for this block (the triplexes provide three public housing units, although, they are designed to appear as two townhouses). There is a mix of styles within the five blocks for the ARHA triplexes and a number of them include front porches.

SCOPE OF APPROVAL

The applicant requests approval of an encroachment into the North Alfred Street public right of way for two adjoining porches that have already been constructed on the structure at 941 and 945 North Alfred Street. Both porches are approximately 6 feet deep and 14 feet wide. The porches encroach a maximum of 2.62 feet into the right of way for each porch for a total encroachment of 66 square feet. The porches are within a landscape strip between the triplex and the sidewalk and there is no physical encroachment into the public sidewalk along North Alfred Street (see attached images).

ZONING/MASTER PLAN

The subject property is zoned CDD #16, which is the Coordinated Development District approved for the James Bland site. The overall development falls within two planning areas: Braddock Road Metro and Northeast. The specific site for the requested encroachment is in the Northeast planning area. However, the entire development also falls within the boundaries of the Braddock East Master Plan, which was established to guide development of the ARHA sites in the Braddock neighborhood.

II. STAFF ANALYSIS

Staff supports the requested encroachment for the two porches. Being in the Parker Gray Historic District, the architecture for the townhouses was refined after the Council approval of the DSUP through the BAR Certificate of Appropriateness process. Previous blocks had incorporated porches into the design of the ARHA triplexes to add to the variety along the street. That particular design feature was well received and added to several of the ARHA units at the north end of the development. For this particular location, the addition of the porches created an encroachment issue that was unfortunately only identified with the final location survey that is provided at the time of certificate of occupancy.

During the concept review of this development, staff and applicant received several comments from First Street residents about the number of ARHA units facing the existing townhouses on their street. As a result, this particular unit was designed to have entrances facing North Alfred Street. This also allowed for a larger front setback along First Street which was consistent with the deeper setbacks for the existing townhouses on the north side of the street. The addition of porches was intended to create more variety and articulation of the street wall along North Alfred Street.

Approval of this encroachment will allow the porches to remain as proposed, approved, and constructed, which is consistent with the architecture and design of the surrounding townhouses. The porches do not extend into the six foot public sidewalk along North Alfred Street, so the pedestrian and streetscape conditions are consistent with the rest of the development. In fact, the encroachment will likely not be perceived by the public given the location behind the sidewalk. Removal of the porches would create an awkward building condition at this highly visible corner of the development and is not recommended by staff.

III. STAFF RECOMMENDATION

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

1. The applicant (and his 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 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)



View of encroaching porches looking north on North Alfred Street



Street view of ARHA Triplex with encroaching porches

CITY DEPARTMENT COMMENTS

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

Planning and Zoning - BAR Staff:

F-1 The request is for an encroachment for two front porches on North Alfred Street. The two front porches are on two townhouses recently constructed as part of the James Bland redevelopment, now known as Old Town Commons. The property is located within the Parker-Gray District and is subject to review by the Parker-Gray Board of Architectural Review. The design of the townhouses was approved by the Parker-Gray BAR as part of BAR2012-0023. The BAR supported the use of front porches throughout the development to promote architectural variety.

BAR Staff has no objection to the proposed encroachment.

Archaeology:

F-1 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.

Transportation and Environmental Services:

No comments.

Code Administration:

No comments.

Police Department:

No comments.

Fire Department:

No comments.

Health Department:

No comments.



APPLICATION
ENCROACHMENT

ENC#

2014-0003

PROPERTY LOCATION: 941 N. Alfred Street

TAX MAP REFERENCE: 054.02-09-27

ZONE: CDD #16

APPLICANT

Name: JAMES BLAND HOUSING V LIMITED PARTNERSHIP, a Virginia limited partnership

Address: 600 N. Fairfax Street, Alexandria, VA 22314

PROPERTY OWNER

Name: JAMES BLAND HOUSING V LIMITED PARTNERSHIP, a Virginia limited partnership

Address: 600 N. Fairfax Street, Alexandria, VA 22314

PROPOSED USE: Proposed encroachment for two front porches.

INSURANCE CARRIER (copy attached) _____ **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** 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.

Kenneth W. Wire

Print Name of Applicant or Agent

McGuireWoods LLP, 1750 Tysons Blvd., Suite 1800

Mailing/Street Address

Tysons, VA 22102

City and State Zip Code


Signature

703-712-5362

703-712-5222

Telephone #

Fax #

kwire@mcguirewoods.com

Email address

2/12/14
Date

Application Received: _____

Date and Fee Paid: \$ _____

ACTION - PLANNING COMMISSION: _____ ACTION - CITY COUNCIL: _____

application encroachment ROW.pdf

8/1/06 Pnz\Applications, Forms, Checklists\Planning Commission

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 ten 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. See attached.		
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 941 N. Alfred Street (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten 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. See attached.		
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. 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.

2/12/14
Date

Kenneth W. Wire
Printed Name


Signature

Ownership Disclosure

JAMES BLAND HOUSING V LIMITED PARTNERSHIP, a Virginia limited partnership

is wholly owned by the Alexandria Redevelopment and Housing Authority