

Encroachment #2016-0005
3000 Potomac Avenue - National Industries for the Blind

Application	General Data	
Request: Public hearing and consideration of a request for an encroachment into the public right-of-way.	Planning Commission Hearing:	September 8, 2016
	City Council Hearing:	September 17, 2016
Address: 3000 Potomac Avenue	Zone:	CDD #10
Applicant: National Industries for the Blind, represented by Kenneth W. Wire, attorney.	Small Area Plan:	Potomac Yard / Potomac Greens

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.
Staff Reviewers: Dirk H. Geratz, AICP, dirk.geratz@alexandriava.gov Michael Swidrak, AICP, michael.swidrak@alexandriava.gov Robert M. Kerns, AICP, robert.kerns@alexandriava.gov

<p><u>PLANNING COMMISSION ACTION, SEPTEMBER 8, 2016:</u> On a motion by Commissioner Wasowski, seconded by Commissioner McMahon, the Planning Commission voted to recommend approval of Special Use Permit #2016-0035, and Encroachment #2016-0005 subject to compliance with all applicable codes, ordinances and other staff recommendations. The motion carried on a vote of 6-0.</p> <p><u>Reason:</u> The Planning Commission agreed with the staff analysis. Commissioner McMahon instructed City staff to pay extra attention to Condition #2, which concerns the vault hatches. The Commissioner prefers that the vault is vented into the garage entrance and not from the vault hatches into the street if possible. She added that any exposed metal grating on the vault hatches is of concern to any visually impaired users of the NIB building.</p> <p><u>Speakers:</u> Ken Wire, attorney representing the applicant, spoke in favor of the request. In response to Commissioner McMahon's comment concerning the covering of the grating for the vault hatch, Mr. Wire explained that the vault hatch must be designed to the specifications of Dominion Power, the servicer of the transformer, and that the applicant will work with staff find an acceptable solution.</p>



Special Use Permit #2016-0035
Encroachment #2016-0005
3000 Potomac Avenue



I. DISCUSSION

The applicant, National Industries for the Blind, requests approval of an encroachment in the public right-of-way of future Dogue Street to allow the construction of an underground Dominion Virginia Power vault underneath the adjoining sidewalk.

SITE DESCRIPTION

The site of the proposed encroachment is located in a public right-of-way to the west of the recently approved National Industries of the Blind (NIB) building, within the future Dogue Street. The applicant's property was approved for development (DSUP#2014-0028) in Landbay G (Potomac Yard Town Center), Block A, which was subdivided into blocks A1 and A2. Block A2, bounded by Potomac Avenue to the east, E. Glebe Road to the south, the future Dogue Street to the west, and Block A1 to the north, will be developed with a 100,000 net-square-foot, mixed-use building and be served by the underground electrical vault proposed below Dogue Street (see Figure 1). The property is located across Potomac Avenue from the future Potomac Yard Metrorail station, which will have an entrance located at the intersection of Potomac Avenue and E. Glebe Road.

BACKGROUND

The aforementioned office building with ground-floor retail was approved by City Council in September 2015, and the project moved through the staff-led final site plan process, with mylars of the final site plan submitted in May 2016 for final approval. The general location of the encroaching vault was identified in the original Preliminary Plan, dated July 2, 2015, and the vault location was included in the subsequent Final Site Plan submissions. Notice was sent during the Final Site Plan process to the applicant that a separate encroachment application would be required for the approval of the underground vault.

PROPOSAL

The applicant requests an encroachment into the public right-of-way to install an underground electrical vault. The vault will be located underneath the sidewalk within the Dogue Street right-of-way, adjacent to 3000 Potomac Avenue, the building which it will be serving. The proposed area of encroachment is rectangular in shape, measuring 58.68 feet in length and 17.34 feet in width (see Figure 1). The encroachment is approximately 1,018 square feet, and encompasses an area below portions of the sidewalk and driveway apron that will lead into the loading area and underground garage serving the future NIB building.

ZONING/MASTER PLAN

The subject property is located in CDD#10 which permits a mix of uses. The proposed uses at the site (retail and office) are consistent with the goals of the Potomac Yard / Potomac Greens Small Area Plan chapter of the Master Plan.

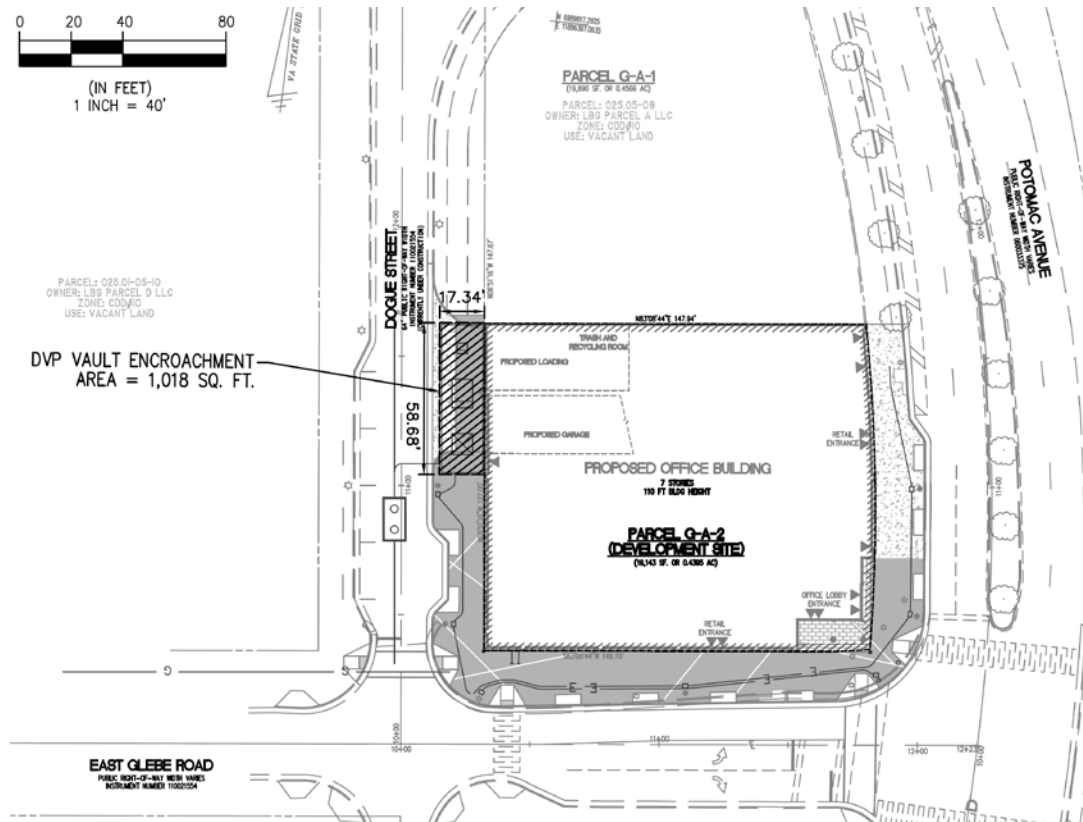


Figure 1

II. STAFF ANALYSIS

Staff does not object to the applicant's request to install an electric transformer vault in the public right-of-way in the proposed location. A similar request has been made recently for the Edens development at 530 First Street (DSUP2015-0019 / ENC2016-0001), where an underground vault is proposed to be placed underneath the sidewalk adjacent to the development site.

Dogue Street is a future public-owned right-of-way that will be constructed as part of the Landbay G or National Industries for the Blind developments. The construction of the underground vault in the right-of-way for Dogue Street will facilitate necessary access for Dominion Virginia Power to service the vault. Since the new building is being built to the sidewalk on all three sides there are no other reasonable areas to locate the transformer. Dogue Street functions as a service street, and is a more appropriate location for a vault compared to E. Glebe Road and Potomac Avenue, which have significant retail frontages and will attract more pedestrian traffic.

As proposed, the vault hatch will be covered with a grate and will be flush with the sidewalk eliminating any potential obstructions to pedestrian movement across the grate. Staff has added a

condition that the applicant covers the hatch with brick pavers that match the adjacent sidewalk to the extent possible. This takes into account that the vault may require some ventilation through the hatch. Staff finds that no impacts to the right-of-way will occur of the granting of the encroachment.

III. STAFF RECOMMENDATION AND CONDITIONS

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

1. The applicant shall not be permitted any above grade encroachment in the public right of way except access hatches that must be flushed with the side walk. The opening of the access hatches shall be minimum required to maintain and replace the transformers and switch gears when needed. (T&ES)
2. Consistent with the approved Preliminary Plan for DSUP2014-0028, dated July 2, 2015, the electrical transformer vault hatch shall be covered with a material that matches the adjacent brick sidewalk. The hatch may incorporate areas of ventilation, and shall be designed to the satisfaction of the Directors of P&Z and T&ES. (P&Z) (T&ES)
3. The underground encroachment shall be limited from 5 feet below grade to the depth needed for installation of transformers and switch gears. The 5 feet below grade depth may be used by the City for landscaping or other infrastructure improvements. (T&ES)
4. 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. The insurance for each building shall be posted prior to the release of the first Certificate of Occupancy for that building. (T&ES) (DSUP2007-0022)
5. 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) (DSUP2007-0022)
6. 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) (DSUP2007-0022)

STAFF: Robert M. Kerns, AICP, Chief of Development, Planning and Zoning;
Dirk H. Geratz, AICP, Principal Planner, Planning and Zoning;
Michael Swidrak, AICP, Urban Planner, Planning and Zoning.

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. (T&ES)
- 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. (T&ES)
- R-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)

Code Enforcement:

No comments

Health Department:

No comments

Parks and Recreation:

No comments

Police Department:

No comments



APPLICATION

ENCROACHMENT

ENC# 2016-0005

PROPERTY LOCATION: Dogue Street

TAX MAP REFERENCE: Dogue Street right of way adjacent to Tax Map **ZONE:** CDD #10

APPLICANT #025.01-05-18 (3000 Potomac Ave.)

Name: National Industries for the Blind

Address: 1310 Braddock Place, Alexandria, VA 22314

PROPERTY OWNER

Name: City of Alexandria

Address: 301 King St., Alexandria VA 22314

PROPOSED USE: Encroachment in right of way necessary for installation of Dominion Virginia Power vault which will service the adjacent properties.

INSURANCE CARRIER (copy attached) Federal Insurance Company **POLICY #** 6937310

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** Ido 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, agent

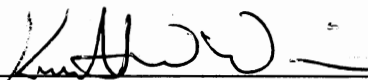
Print Name of Applicant or Agent

1750 Tysons Blvd. Suite 1800

Mailing/Street Address

Tysons, VA 22102

City and State Zip Code


Signature

703-712-5362

Telephone #

703-712-5222

Fax #

kwire@mcguirewoods.com

Email address

2/17/2016

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. National Industries for the Blind	1310 Braddock Place, Alexandria VA 22314	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 Dogue Street Right of Way (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. City of Alexandria	301 King St., Alexandria VA 22314	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. 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.

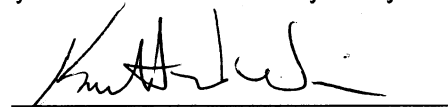
As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

2/17/2016

Date

Kenneth W. Wire, agent

Printed Name


 Signature

