

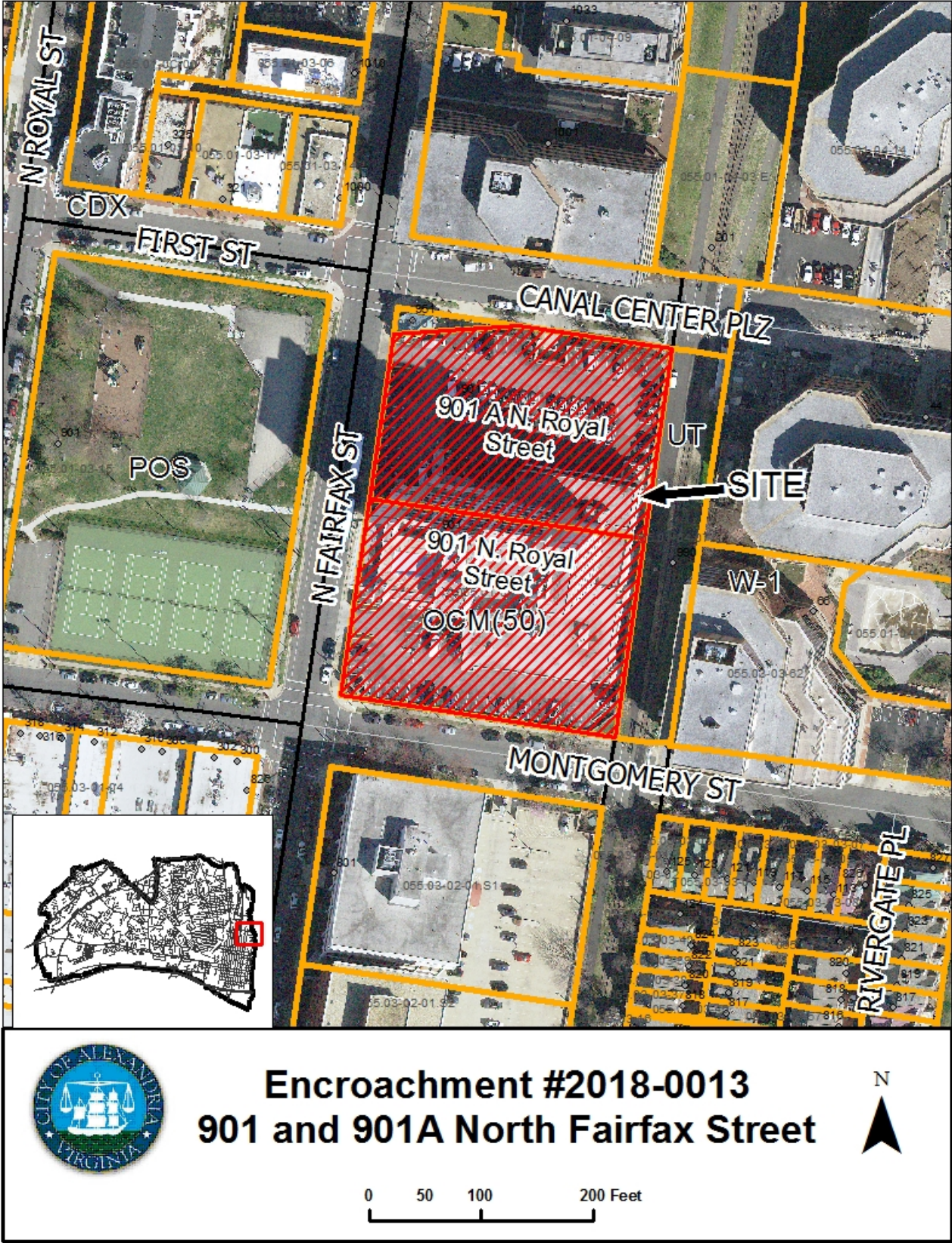
***DOCKET ITEM #7***  
***Encroachment #2018-0013***  
***901 and 901A N. Fairfax Street***

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<b>Application</b>	<b>General Data</b>	
<b>Request:</b> Public hearing and consideration of a request for an encroachment into the public right-of-way on Montgomery Street and N. Lee Street / Mount Vernon Trail.	<b>Planning Commission Hearing:</b>	January 3, 2019
	<b>City Council Hearing:</b>	January 12, 2019
<b>Address:</b> 901 and 901A N. Fairfax St.	<b>Zone:</b>	CRMU-X
<b>Applicant:</b> CP Alexandria Owner LLC, represented by Kenneth W. Wire, attorney.	<b>Small Area Plan:</b>	Old Town North

**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:** Michael Swidrak, AICP, [michael.swidrak@alexandriava.gov](mailto:michael.swidrak@alexandriava.gov)  
Robert M. Kerns, AICP, [robert.kerns@alexandriava.gov](mailto:robert.kerns@alexandriava.gov)



PROJECT LOCATION MAP

## **I. DISCUSSION**

The applicant, CP Alexandria Owner LLC, requests approval of an encroachment in the public right-of-way of Montgomery Street and N. Lee Street / Mount Vernon Trail for garage exhaust vents.

### SITE DESCRIPTION

The site of the proposed encroachments is located in public rights-of-way to the south and east of the recently approved Crowne Plaza redevelopment (DSUP#2017-0011) on Montgomery Street and N. Lee Street, which is coterminous on this block with the Mount Vernon Trail. The nearly 2-acre site is bounded by N. Fairfax Street to the west, Canal Center Plaza to the north, the Mount Vernon Trail / N. Lee Street to the east, and Montgomery Street to the south.

### BACKGROUND

DSUP#2017-0011 was approved by City Council in April 2018 and included the conversion of existing Crowne Plaza hotel to multifamily units, the construction of 41 townhouses and an arts and cultural anchor (live theater) fronting N. Fairfax Street. As part of the project approval, the applicant requested encroachments onto the Mount Vernon Trail for a stair and ramp to enter the trail from the parklet (trail overlook terrace) at the eastern portion of the site, and a stair and landing for a townhouse<sup>1</sup>. These encroachments were requested to directly connect the residential units of the site and publicly accessible open space to the trail. This portion of the Mount Vernon Trail is public right-of-way (N. Lee Street), though Norfolk Southern Railways (NSR) has an inactive rail line that runs through the right-of-way.

After City Council approval, the applicant requested another site encroachment onto the trail right-of-way for garage vents. Two garage vents (approximately 22 feet long by 3 feet deep) are needed to be placed outside of the property line due to the existing parking structure that extends to the property line and will remain as part of the redevelopment. These proposed garage vents are submitted as encroachment exhibit “B” and are discussed further in the Proposal.

As part of the DSUP approval process, the City and the applicant have worked with NSR on any potential issues with trail improvements and encroachments into the area adjacent to the rail line. The applicant has also sought encroachments with NSR, as NSR has “preemptive” rights over active and inactive (not abandoned) rail lines. NSR has not granted any permanent encroachments to the applicant for the approved stair, ramp and landing encroachments or for the garage vents, citing that no structures are able to encroach within 25 feet of the center of the rail line in any railroad right-of-way. The aforementioned structural elements would encroach within this 25-foot area, and the applicant must seek another location for the garage vents, while accommodating access to the trail from within the garage slab.

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<sup>1</sup> A total of three townhouses require encroachments for stairs and landings under this proposal, though two of the townhouses provide encroachments within the City-allowed dimensions (4 feet by 12 feet).



### PROPOSAL

The applicant requests an encroachment into the public right-of-way to allow for garage vents in Montgomery Street and N. Lee Street. While the applicant seeks approval for encroachments into both rights-of-way, only one option will be implemented through the encroachment ordinance and project construction.

The “Option A” encroachment is for a proposed garage vent along Montgomery Street. The garage vent area is approximately 28 feet long by 3 feet deep and located at the western end of the block near the intersection with N. Fairfax Street. The garage vent would be located between the townhouse that fronts N. Fairfax Street on the corner and the Montgomery Street sidewalk.

The “Option B” encroachment is for two garage vents to be placed along N. Lee Street at the southern half of the block. The two approximately 22 feet long by 3 feet deep vents are proposed to be placed at the property line adjacent to two townhouses at the southeast corner of the site. Option B implements the preferred site development, with direct visual and physical access between the site and the Mount Vernon Trail. The Option B encroachment will only be implemented pending any resolution to the issue of encroachments adjacent to the rail line between the City, applicant and NSR.

### ZONING/MASTER PLAN

The subject property is located in CRMU-X which permits a mix of uses. The proposed uses at the site are consistent with the goals of the Old Town North Small Area Plan chapter of the Master Plan.



Figure 1: Site Map showing Option A encroachment on Montgomery Street, and Option B encroachment on N. Lee Street.

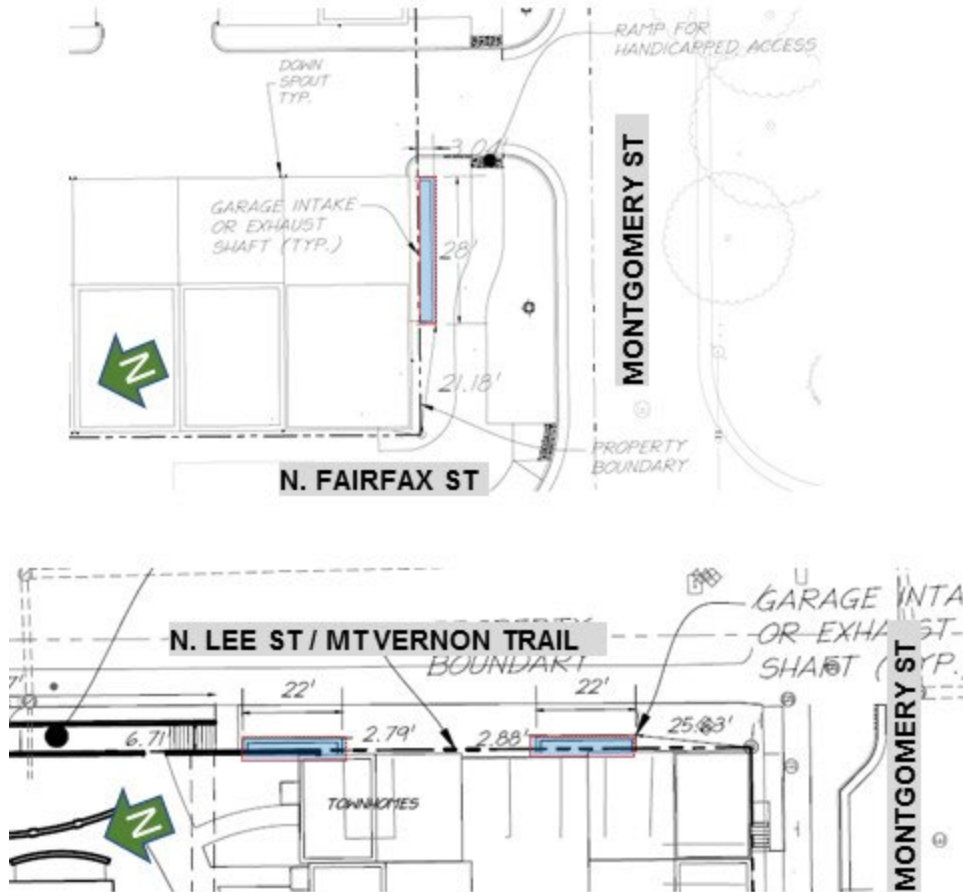


Figure 2: Option A on Montgomery Street (top) and Option B on N. Lee Street (bottom).

## II. STAFF ANALYSIS

Staff does not object to the applicant's request to install garage vents as proposed on either the Montgomery Street and N. Lee Street public rights-of-way. The applicant is integrating the existing parking structure into the redevelopment, and the extent of the garage structure limits the placement of the garage vents inside of the property line.

The approval of garage vents in both rights-of-way does not hinder the implementation of the approved DSUP. The DSUP approved by City Council included two options for site development, one with and one without direct site connections to the Mount Vernon Trail. Staff will work with the applicant through the Final Site Plan process for the DSUP on landscaping around each proposed encroachment area. Staff will also coordinate with the applicant and the City Attorney's Office on future discussions with NSR on development in the Mount Vernon Trail and the drafting and scope of the encroachment ordinance.

### 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 (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)

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



## APPLICATION

### ENCROACHMENT

ENC# \_\_\_\_\_

**PROPERTY LOCATION:** 901 N. Fairfax Street

**TAX MAP REFERENCE:** 055.01-04-05 and 06

**ZONE:** CRMU-X

#### APPLICANT

Name: CP ALEXANDRIA OWNER LLC

Address: 1455 Pennsylvania Avenue, NW, Suite 800, Washington, DC 20004

#### PROPERTY OWNER

Name: Same as above

Address: \_\_\_\_\_

**PROPOSED USE:** Garage intake or exhaust shaft along Mount Vernon Trail/Lee Street and Montgomery Street

**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 / Wire Gill LLP

Print Name of Applicant or Agent

1750 Tysons Boulevard, Suite 1500

Mailing/Street Address

Tysons, VA 22102

City and State

Zip Code

Signature

703-677-3129

Telephone #

Fax #

kwire@wiregill.com

Email address

12/6/2018

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 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. Oliver T. Carr, Jr.	1455 Pennsylvania Avenue, NW, Ste 800 Washington, DC 20004	Greater than 3%
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 901 N. Fairfax Street (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. Oliver T. Carr, Jr.	1455 Pennsylvania Avenue, NW, Ste 800 Washington, DC 20004	Greater than 3%
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 require 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 indicated 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.**

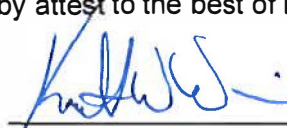
As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

12/6/2018

Date

Kenneth W. Wire

Printed Name



Signature



VIRGINIA COORDINATE SYSTEM  
OF 1983, NORTH ZONE

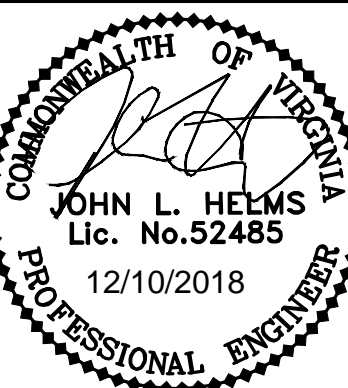
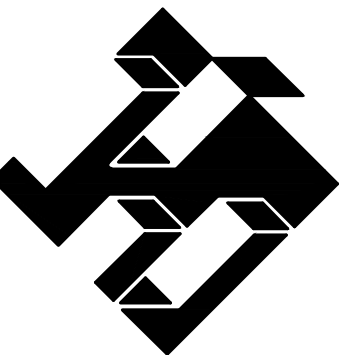
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ALL CONSTRUCTION SHALL CONFORM TO THE  
CURRENT CITY OF ALEXANDRIA STANDARDS AND  
SPECIFICATIONS

DISTURBED AREA:  
2.72 AC OR 118,642 S.F.

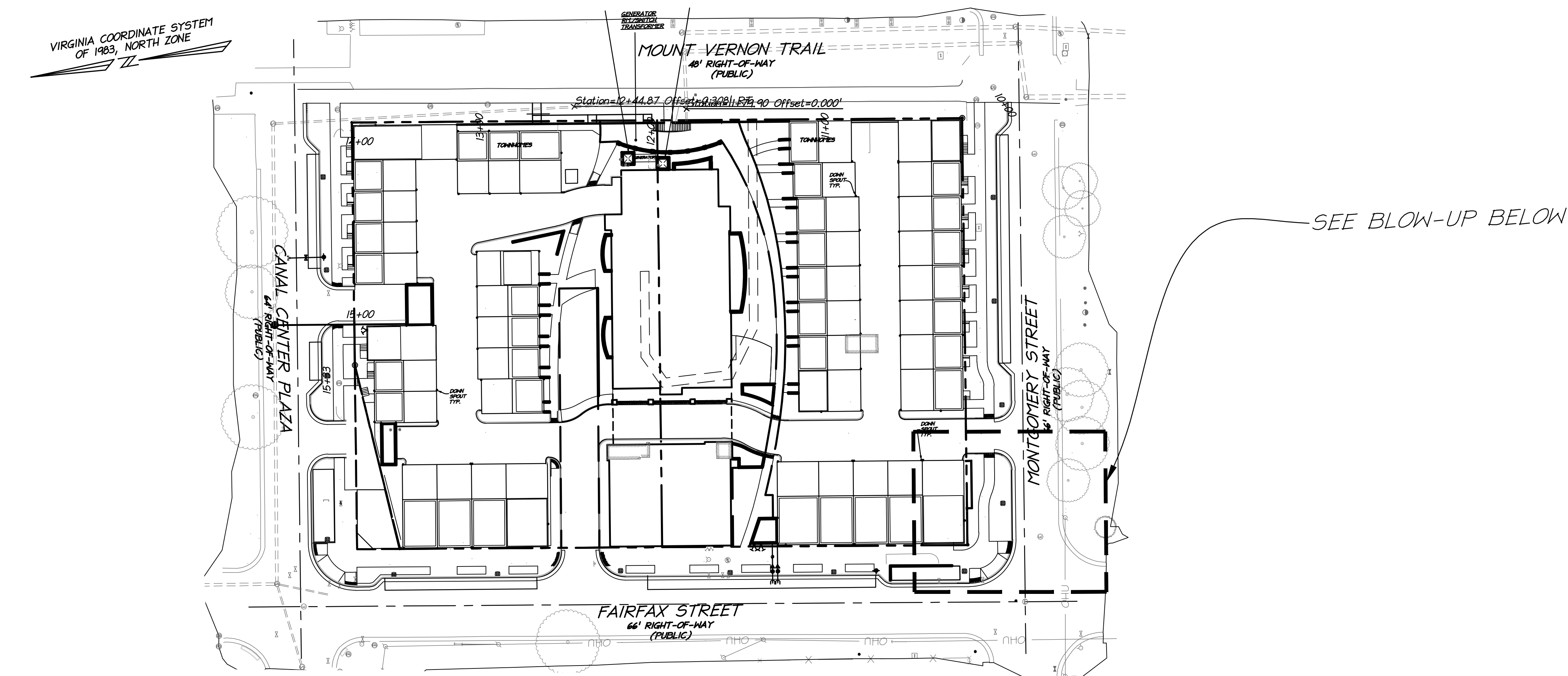
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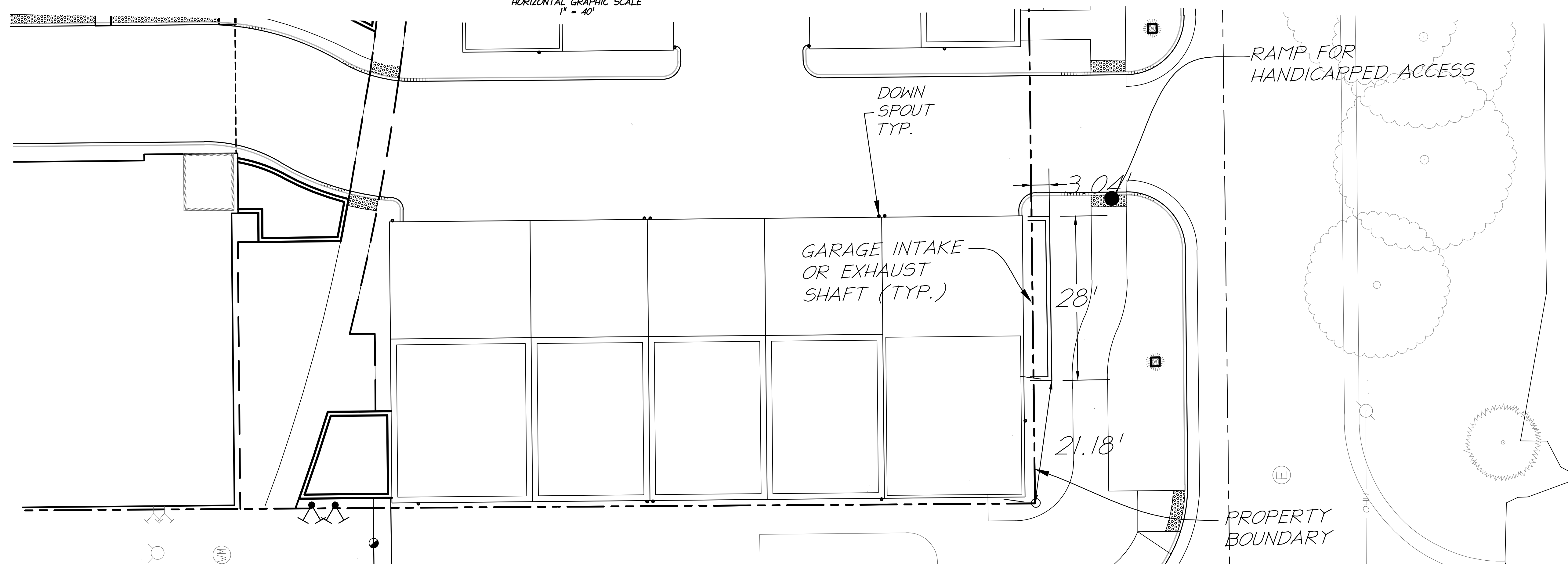
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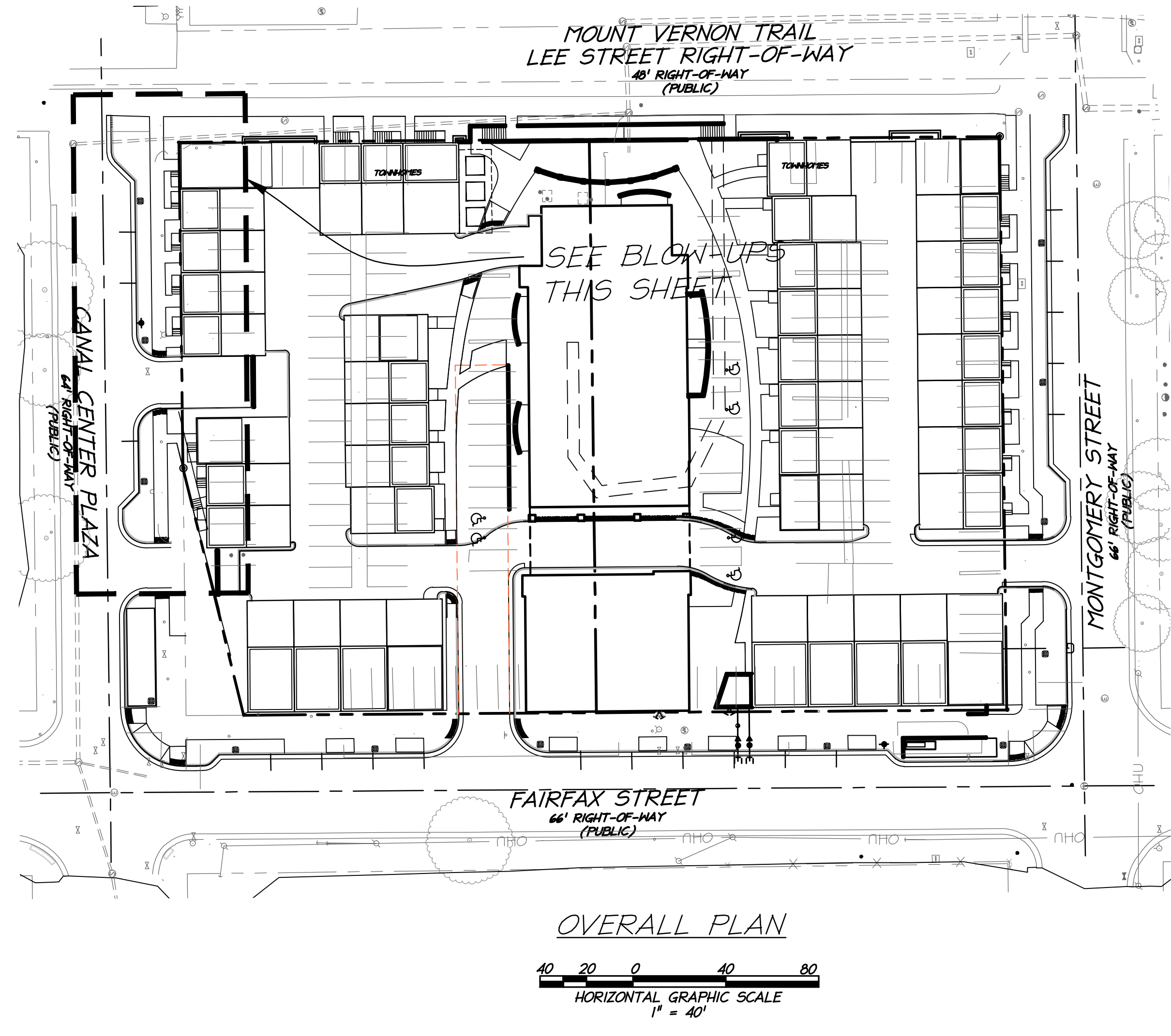
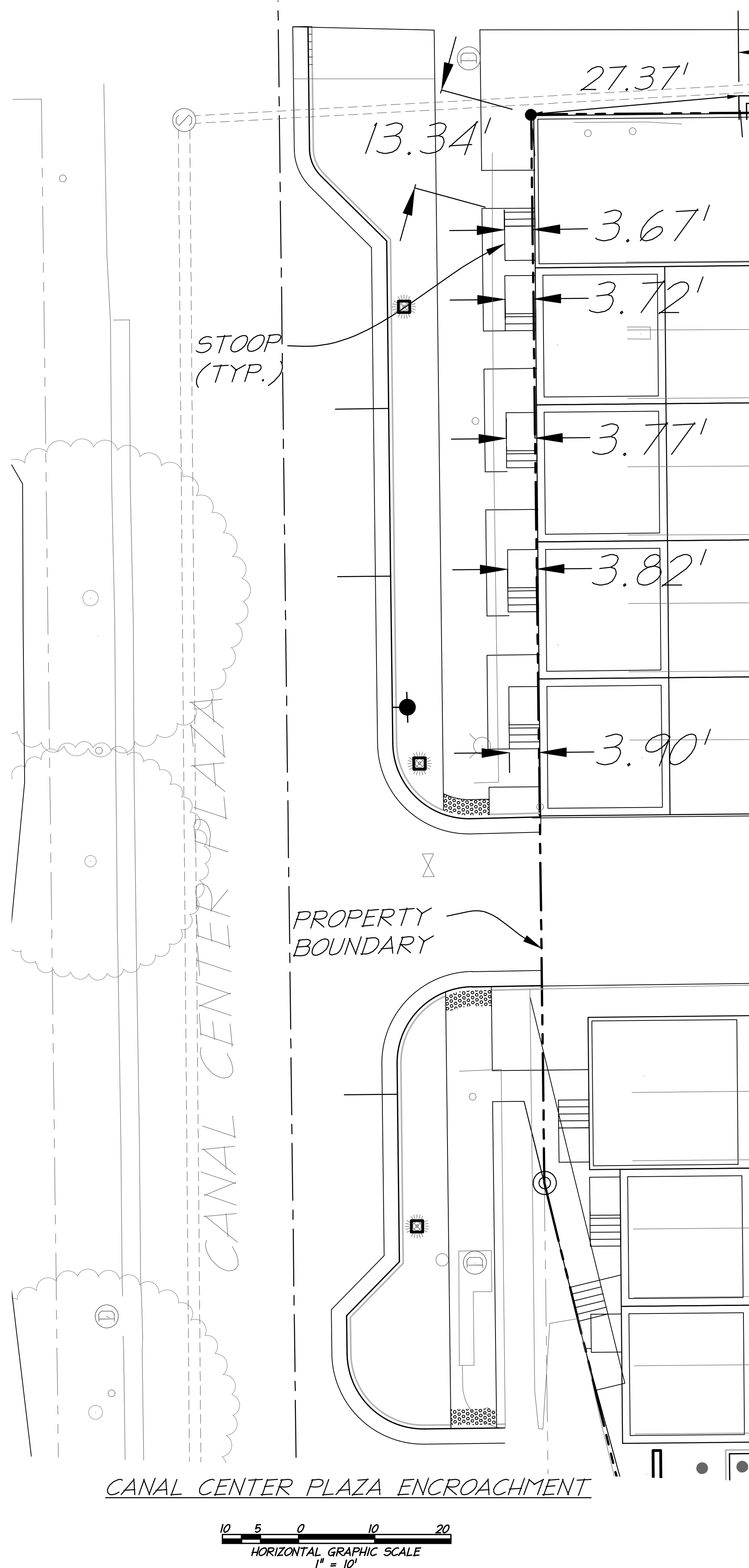
OVERALL PLAN

HORIZONTAL GRAPHIC SCALE  
1" = 40'



RAMP AND STAIR, STOOP, GARAGE  
INTAKE & EXHAUST ENCROACHMENT

HORIZONTAL GRAPHIC SCALE  
1" = 10'



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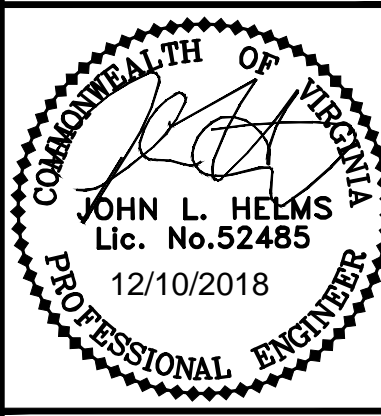
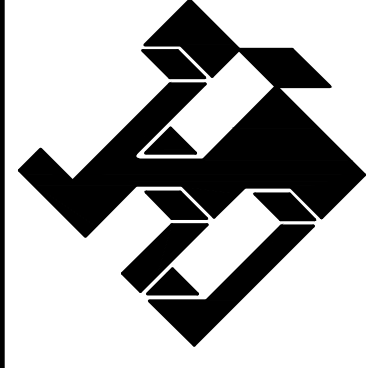
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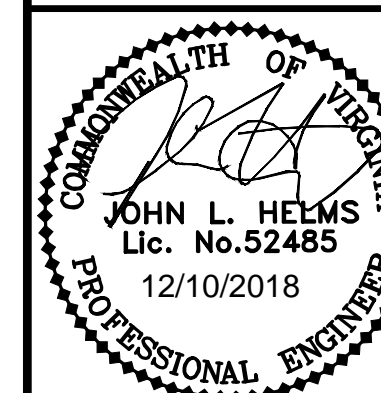
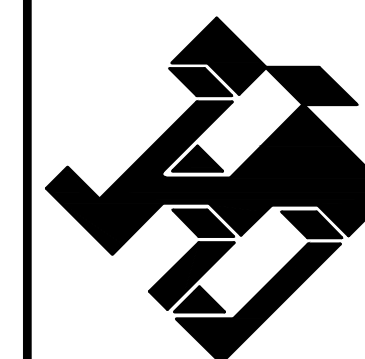
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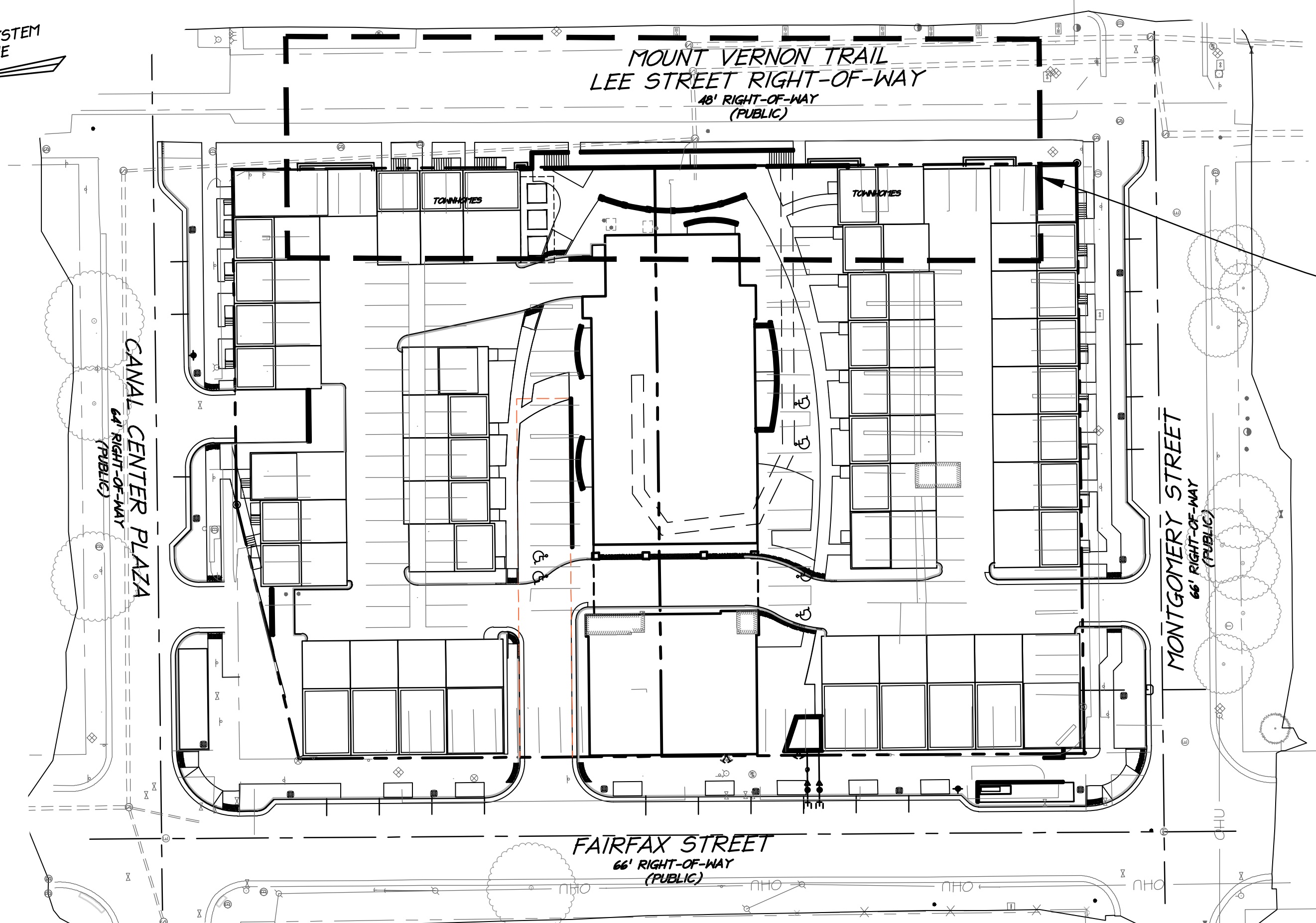
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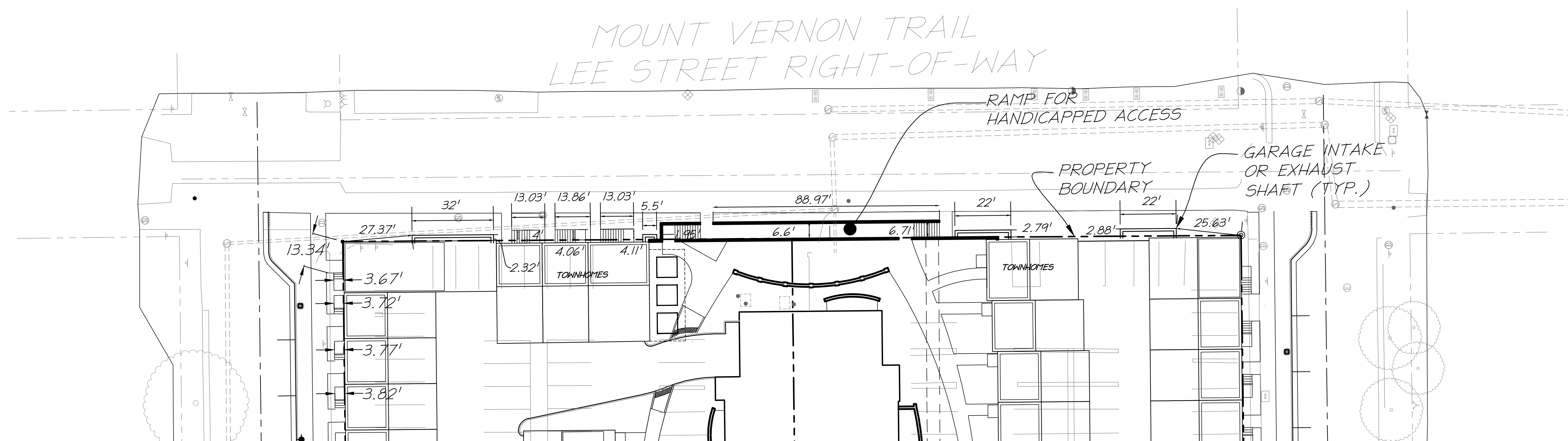


OVERALL PLAN

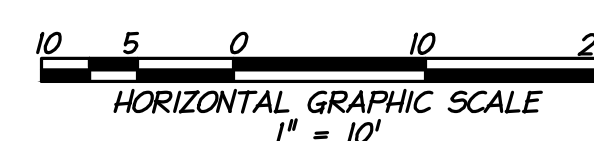
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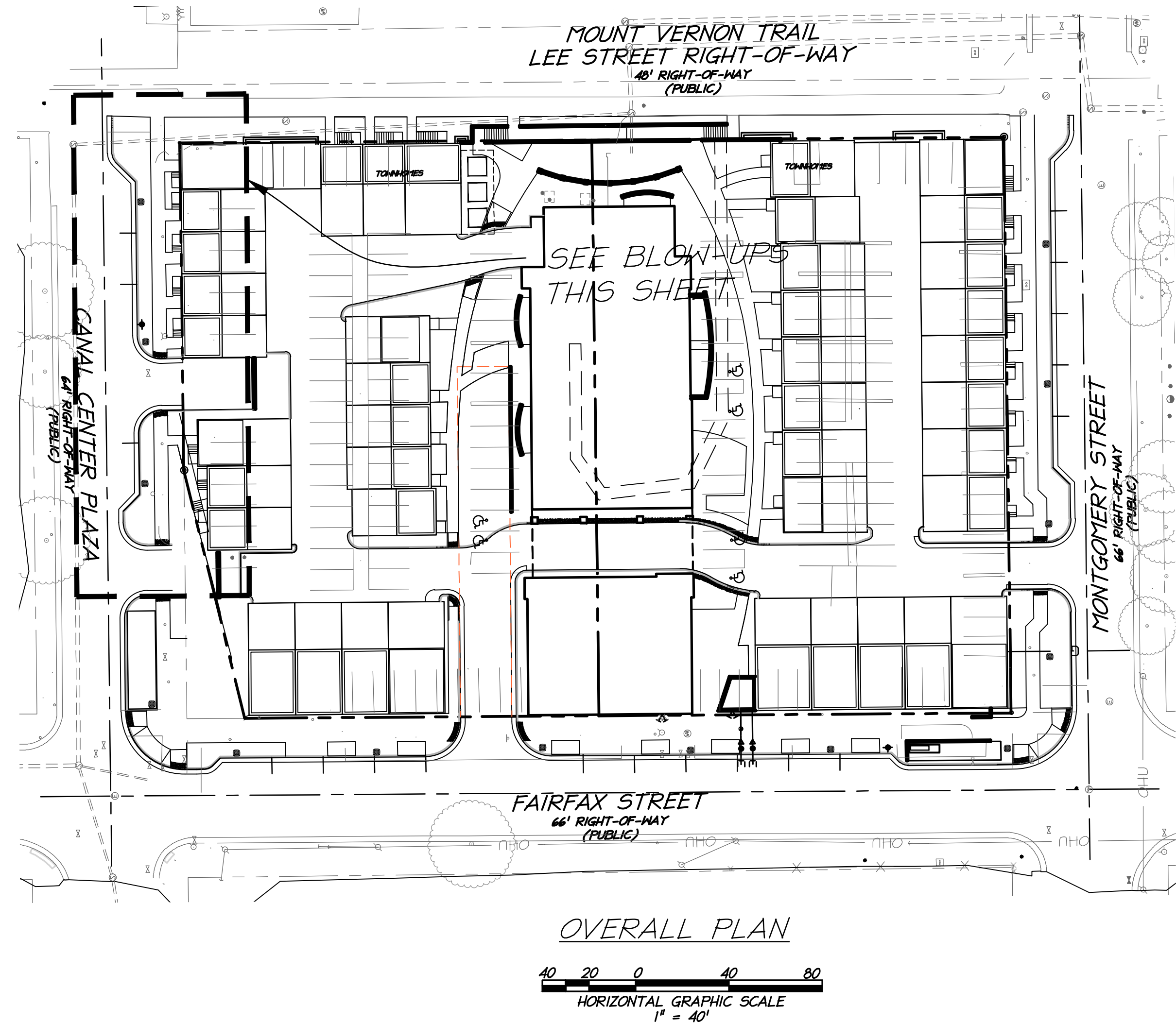
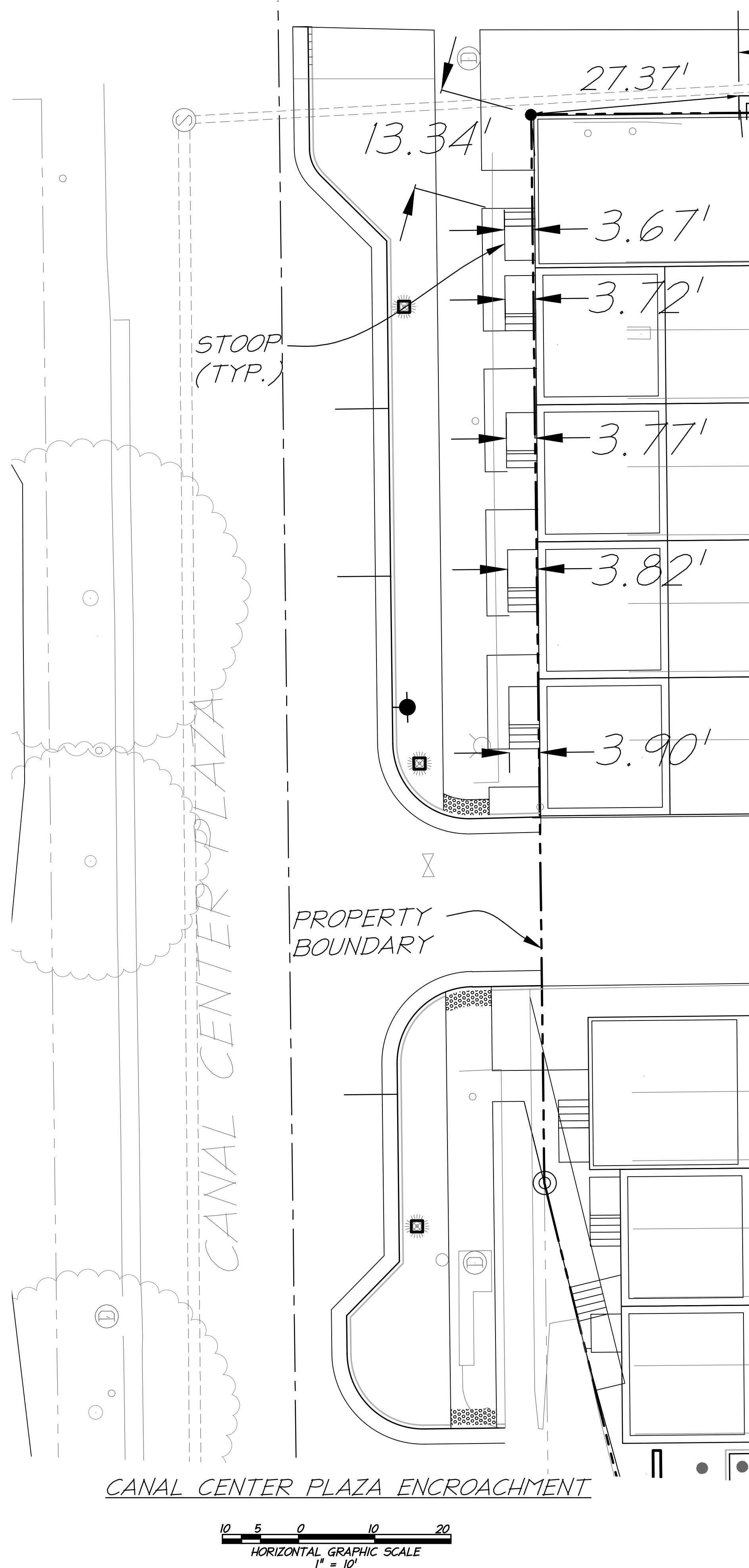
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RAMP AND STAIR, STOOP, GARAGE  
INTAKE & EXHAUST ENCROACHMENT







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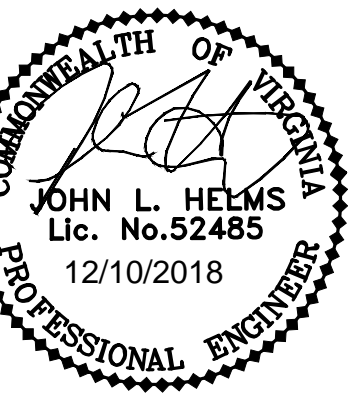
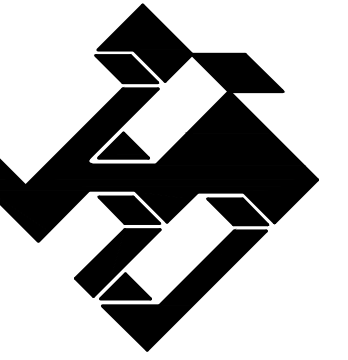
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