

ORDINANCE NO. _____

AN ORDINANCE authorizing the owners of the property located at 2424 Mill Road to construct and maintain an encroachment for two projecting signs that extend vertically more than 4-feet over Stovall Street, at that location.

WHEREAS, HTC 4/5 Project Owner LLC is the Owner (“Owner”) of the property located at 2424 Mill Road, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain two projecting signs that extend vertically more than 4-feet over Stovall Street, which will encroach into the public sidewalk right-of-way at that location; and

WHEREAS, the public sidewalk right-of-way at that location will not be significantly impaired by this encroachment; and

WHEREAS, in Encroachment No. 2019-00003 the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on April 8, 2021, which recommendation was approved by the City Council at its public hearing on April 17, 2021 and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 2424 Mill Road as shown in the attached Encroachment Plat, in the City of Alexandria, said encroachment consisting of two projecting signs that extend vertically more than 4-feet over Stovall Street, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on its part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at its own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

| | |
|------------------|--|
| Bodily Injury: | \$1,000,000 each occurrence \$1,000,000 aggregate |
| Property Damage: | \$1,000,000 each occurrence \$1,000,000 aggregate |

1
2 This liability insurance policy shall identify the City of Alexandria and Owner as named insureds
3 and shall provide for the indemnification of the City of Alexandria and Owner against any and
4 all loss occasioned by the establishment, construction, placement, existence, use or maintenance
5 of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city
6 attorney's office. Any other provision herein to the contrary notwithstanding, in the event this
7 policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and
8 effect, the authorization herein granted to establish and maintain the encroachment shall, at the
9 option of the city, forthwith and without notice or demand by the city, terminate. In that event,
10 Owner shall, upon notice from the city, remove the encroachment from the public right-of-way,
11 or the city, at its option, may remove the encroachment at the expense and risk of Owner.
12 Nothing in this section shall relieve Owner of its obligations and undertakings required under
13 this ordinance.
14

15 Section 3. That the authorization hereby granted to establish and maintain said
16 encroachment shall in addition be subject to and conditioned upon the following terms:
17

- 18 (a) Neither the City of Alexandria nor any public or private utility company shall be
19 responsible for damage to Owner's property encroaching into the public right-of-way
20 during repair, maintenance or replacement of the public right-of-way or any public
21 facilities or utilities in the area of encroachment.
22
- 23 (b) The Owner shall be responsible for replacement and repairs to the adjacent City
24 right-of-way, including any areas damaged during construction activity.
25
- 26 (c) In the event the City shall, in the future, have need for the area of the proposed
27 encroachment, the Owner shall remove any structure that encroached into the public
28 right-of-way, within 60 days, upon notification by the City.
29

30 Section 4. That by accepting the authorization hereby granted to establish and
31 maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner
32 shall be deemed to have promised and agreed to save harmless the City of Alexandria from any
33 and all liability (including attorneys' fees and litigation expenses) arising by reason of the
34 establishment, construction, placement, existence, use or maintenance of the encroachment.
35

36 Section 5. That the authorization herein granted to establish and maintain the
37 encroachment shall be subject to Owner maintaining the area of the encroachment at all times
38 unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous
39 matter.
40

41 Section 6. That nothing in this ordinance is intended to constitute, or shall be
42 deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any
43 of its officers or employees.
44

45 Section 7. That the authorization herein granted to establish and maintain the
46 encroachment shall be terminated whenever the City of Alexandria desires to use the affected

1 public right-of-way for any purpose whatsoever and, by written notification, demands from
2 Owner the removal of the encroachment. Said removal shall be completed by the date specified
3 in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be
4 found, or shall fail or neglect to remove the encroachment within the time specified, the city shall
5 have the right to remove the encroachment, at the expense of Owner, and shall not be liable to
6 Owner for any loss or damage to the structure of the encroachment or personal property within
7 the encroachment area, caused by the removal.
8

9 Section 8. The terms "Owner" and shall be deemed to include HTC 4/5 Project
10 Owner LLC and its respective successors in interest.
11

12 Section 9. That this ordinance shall be effective upon the date and at the time of its
13 final passage.
14

15 JUSTIN WILSON
16 Mayor
17

18 Attachment: Encroachment plat
19

20 Introduction: 06/22/21

21 First Reading: 06/22/21

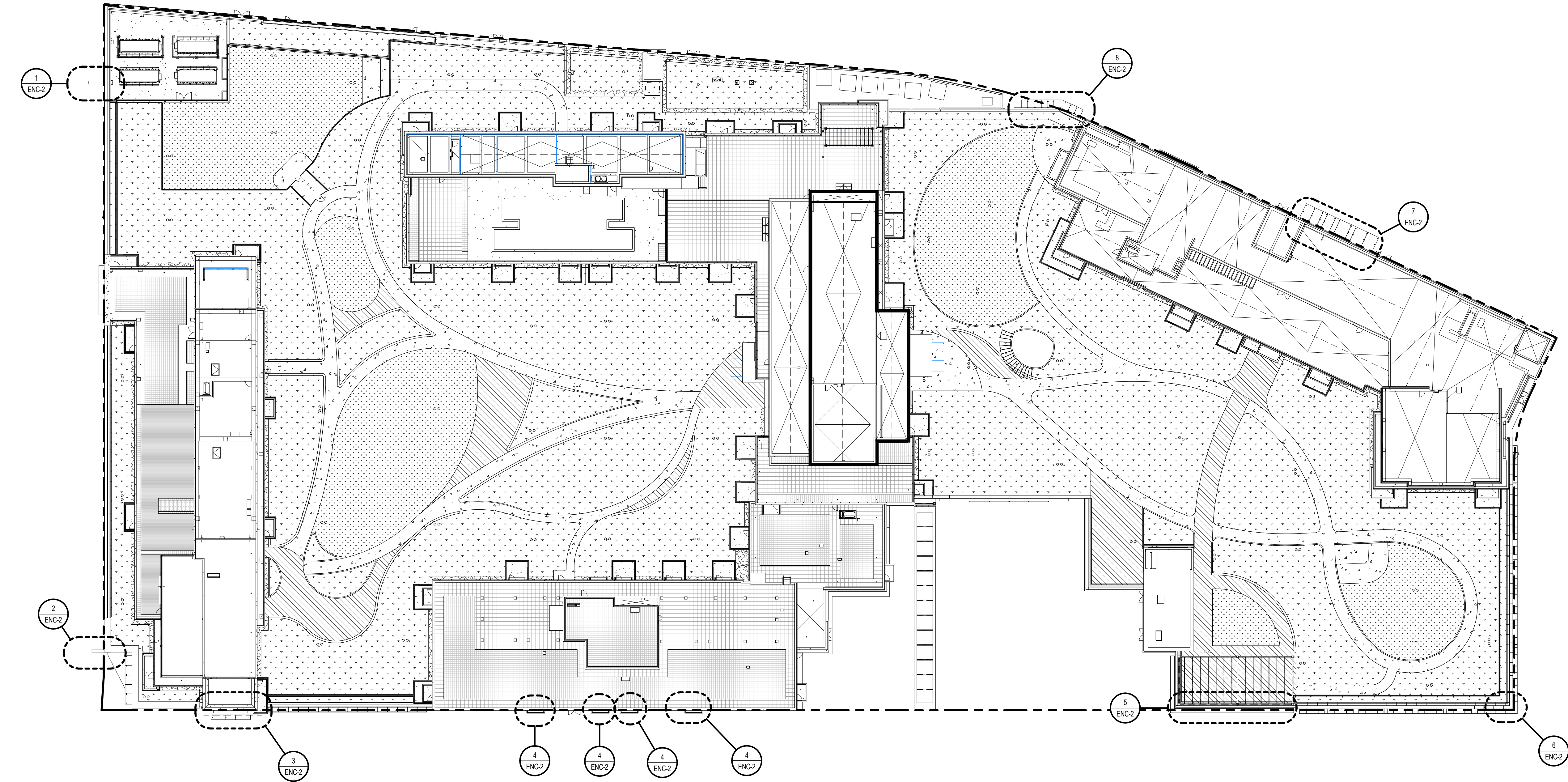
22 Publication:

23 Public Hearing: 07/06/21

24 Second Reading: 07/06/21

25 Final Passage: 07/06/21
26
27

PROJECT NUMBER: 20160037 PROJECT NAME: HOFFMAN TOWN CENTER 2460 MILL ROAD
SHEET NUMBER: ENC-1 - ENCROACHMENTS EXHIBIT - OVERALL PLAN (1 OF 2)
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1 ENC-1 ENCROACHMENTS DIAGRAM - OVERALL PLAN
SCALE: 1" = 30'-0"



COOPER CARRY
THE CENTER FOR CONNECTIVE ARCHITECTURE

625 North Washington Street
Suite 200
Alexandria, VA 22314
(703) 519-6152
coopercarry.com

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SCOPE DOCUMENTS

The Contract Documents Issued for Permit are intended to be at that level of development and as such, may be neither complete nor coordinated. The Contractor and Design/Builder are responsible for complete and coordinated pricing and execution of the Work, and shall include items necessary for the proper execution and completion of the Work, as shown, specified, reasonably inferred or required for a complete Project. For Work of delegated designs; systems, assemblies, components and materials shall comply with national, state and local code requirements. The Contractor and Design/Builder shall inform the Owner and Architect, in timely fashion, of any discovered omissions, inconsistencies or errors in the Contract Documents.

ISSUANCES

| No. | Drawing Issue Description | Date |
|-----|---------------------------|------|
|-----|---------------------------|------|

RETAIL BASE

HOFFMAN TOWN CENTER
2460 MILL ROAD

STONEBRIDGE

ENCROACHMENTS EXHIBIT -
OVERALL PLAN (1 OF 2)

| | |
|---------------------|-------------|
| DK | 20160037 |
| Principal-in-Charge | Project No. |
| JG | 01/22/20 |
| Project Manager | Date |
| SJ | |
| Project Architect | |
| FR | |
| Staff Architect | |

ENC-1

Drawing No.



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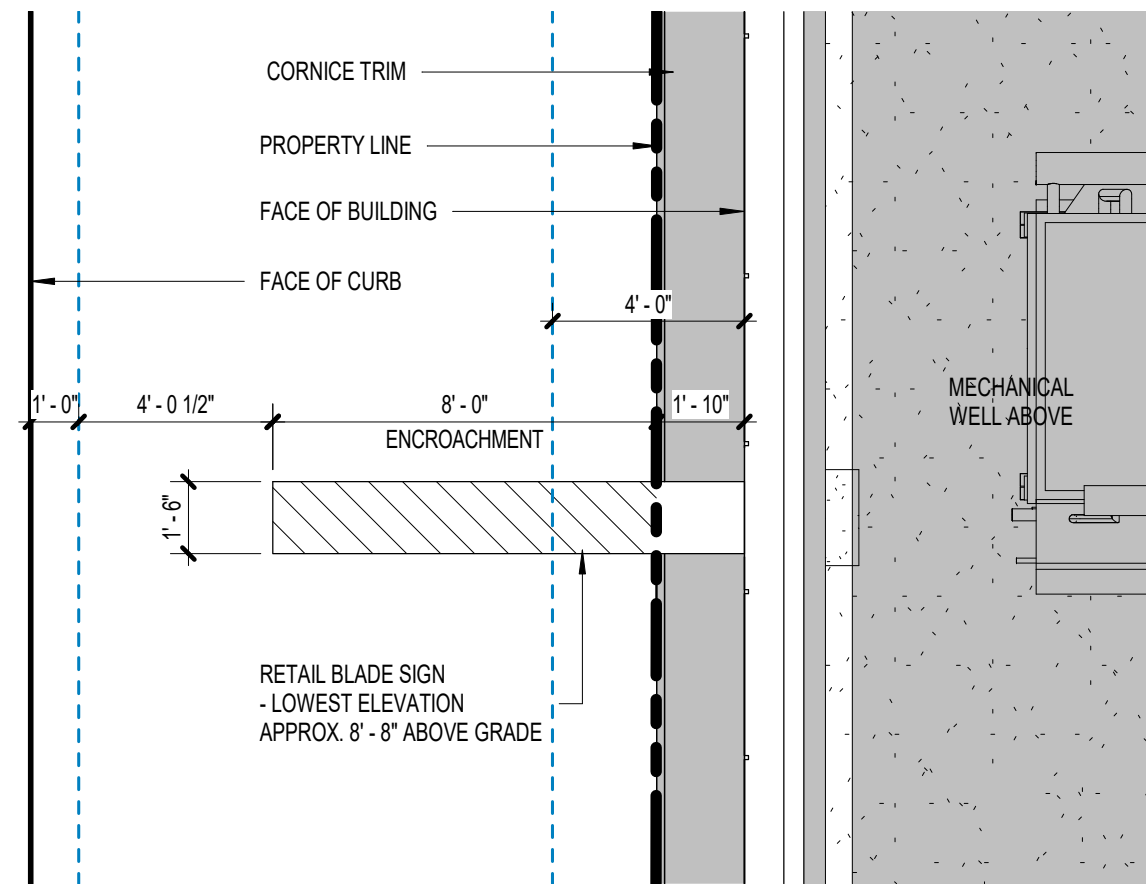
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SCOPE DOCUMENTS

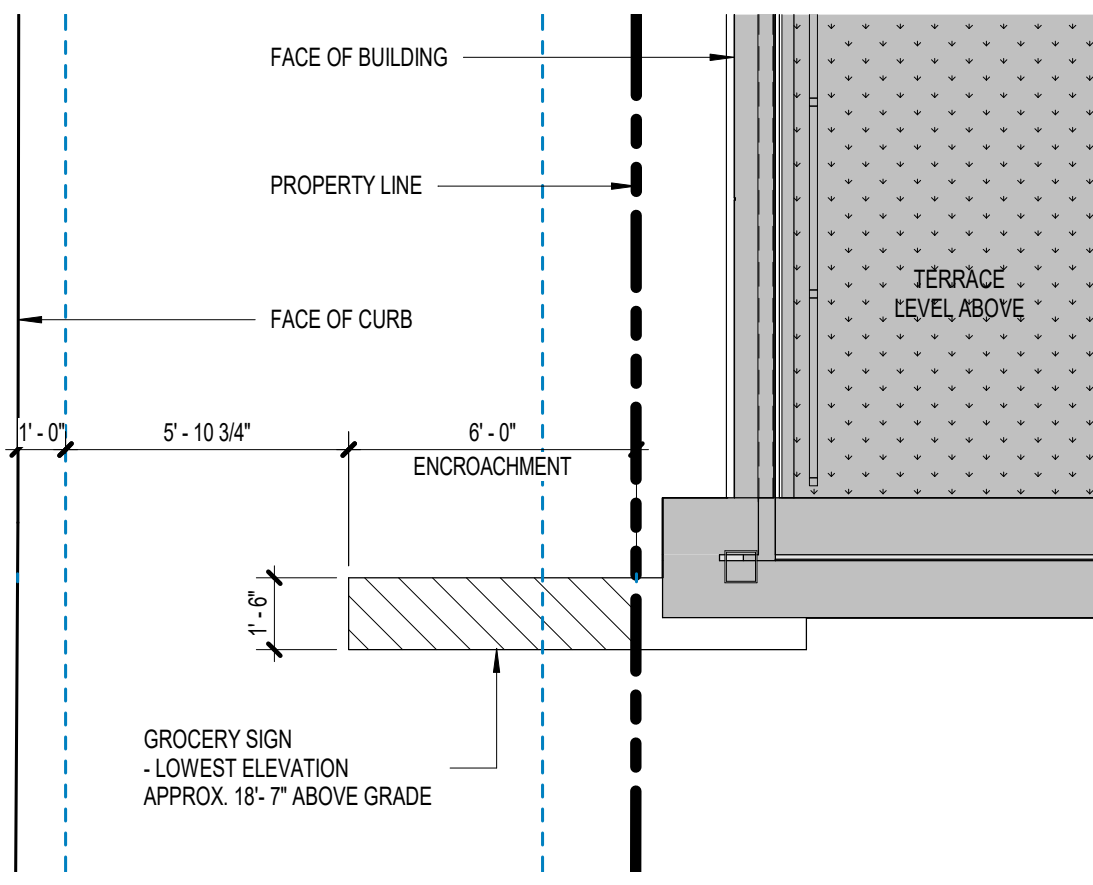
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ISSUANCES

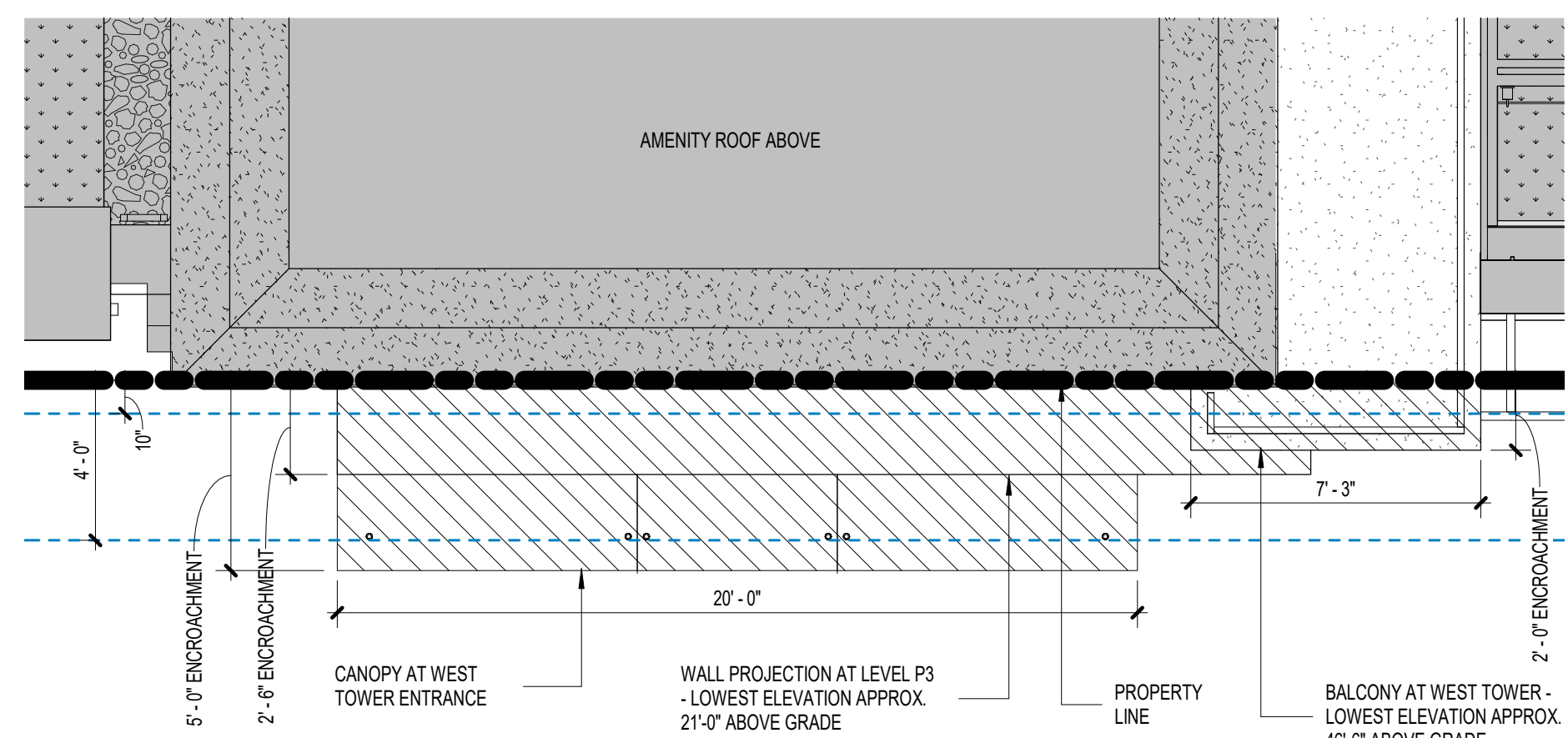
| No. | Drawing Issue Description | Date |
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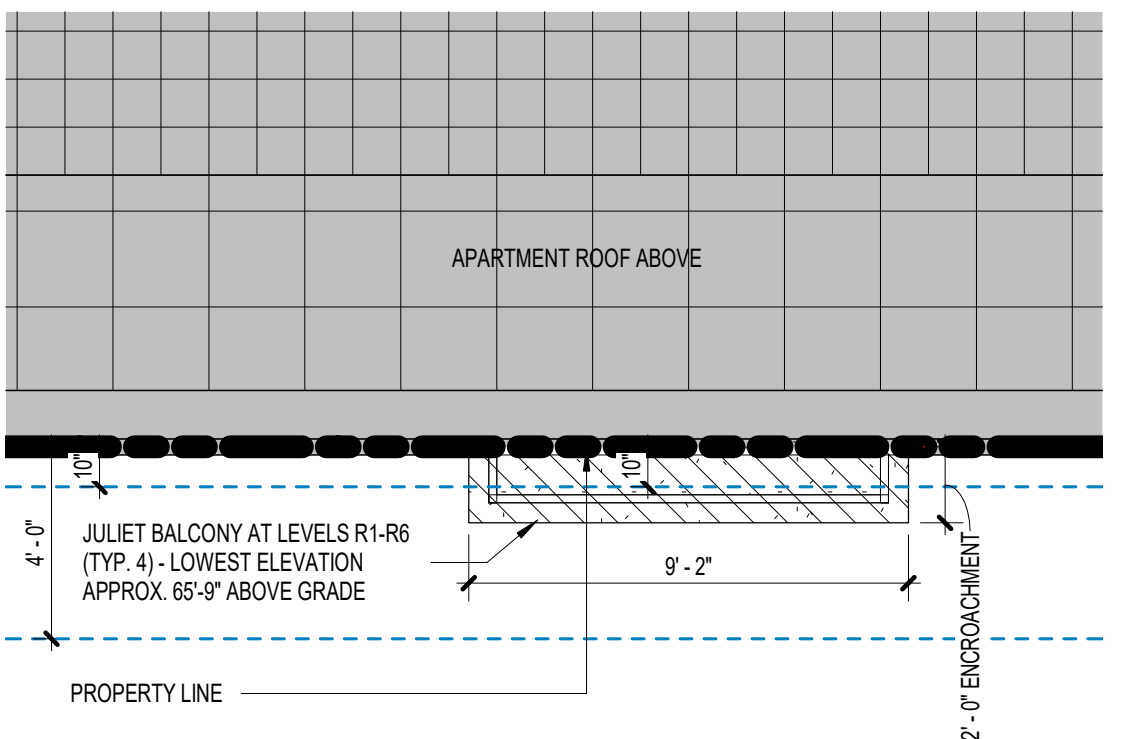
1 ENCROACHMENT DETAIL - RETAIL SIGN
ENC-2 SCALE: 1/4" = 1'-0"



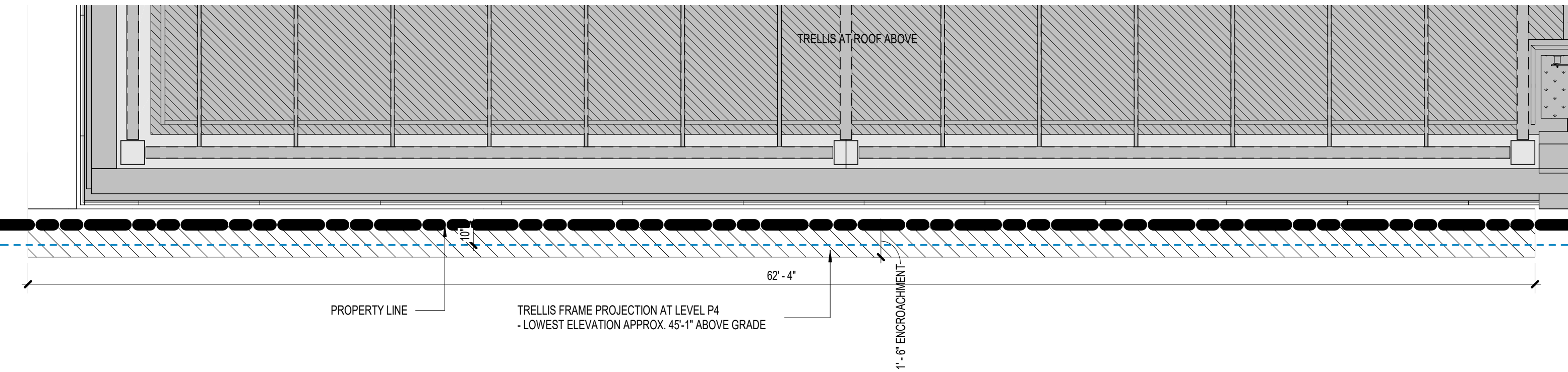
2 ENCROACHMENT DETAIL - GROCERY SIGN
ENC-2 SCALE: 1/4" = 1'-0"



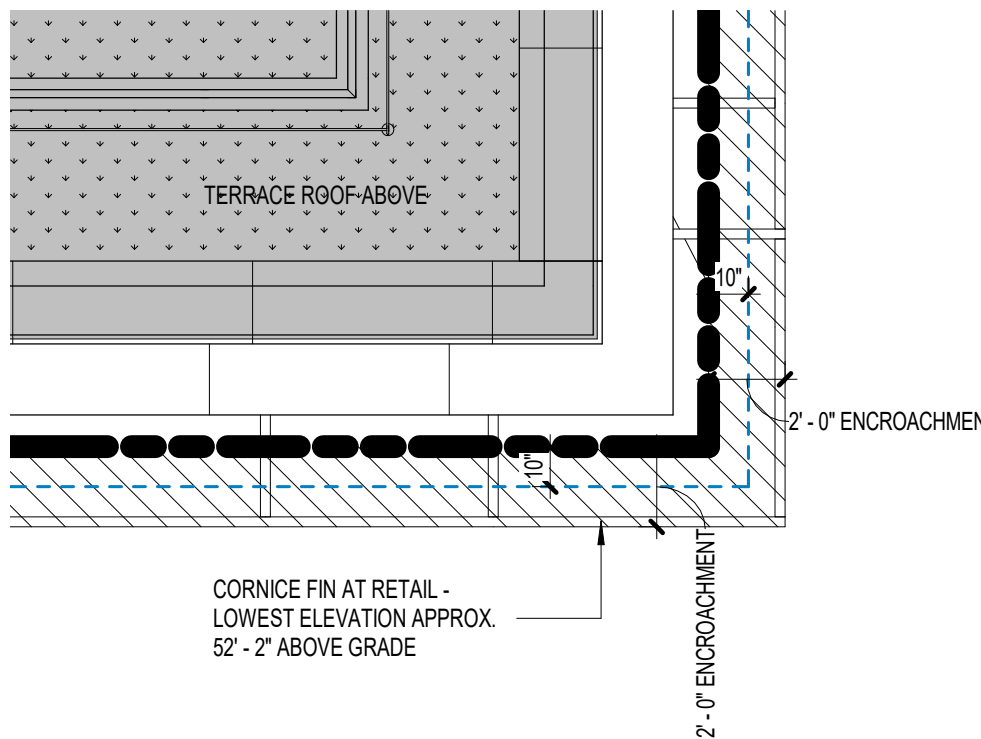
3 ENCROACHMENT DETAIL - WEST TOWER ENTRANCE
ENC-2 SCALE: 1/4" = 1'-0"



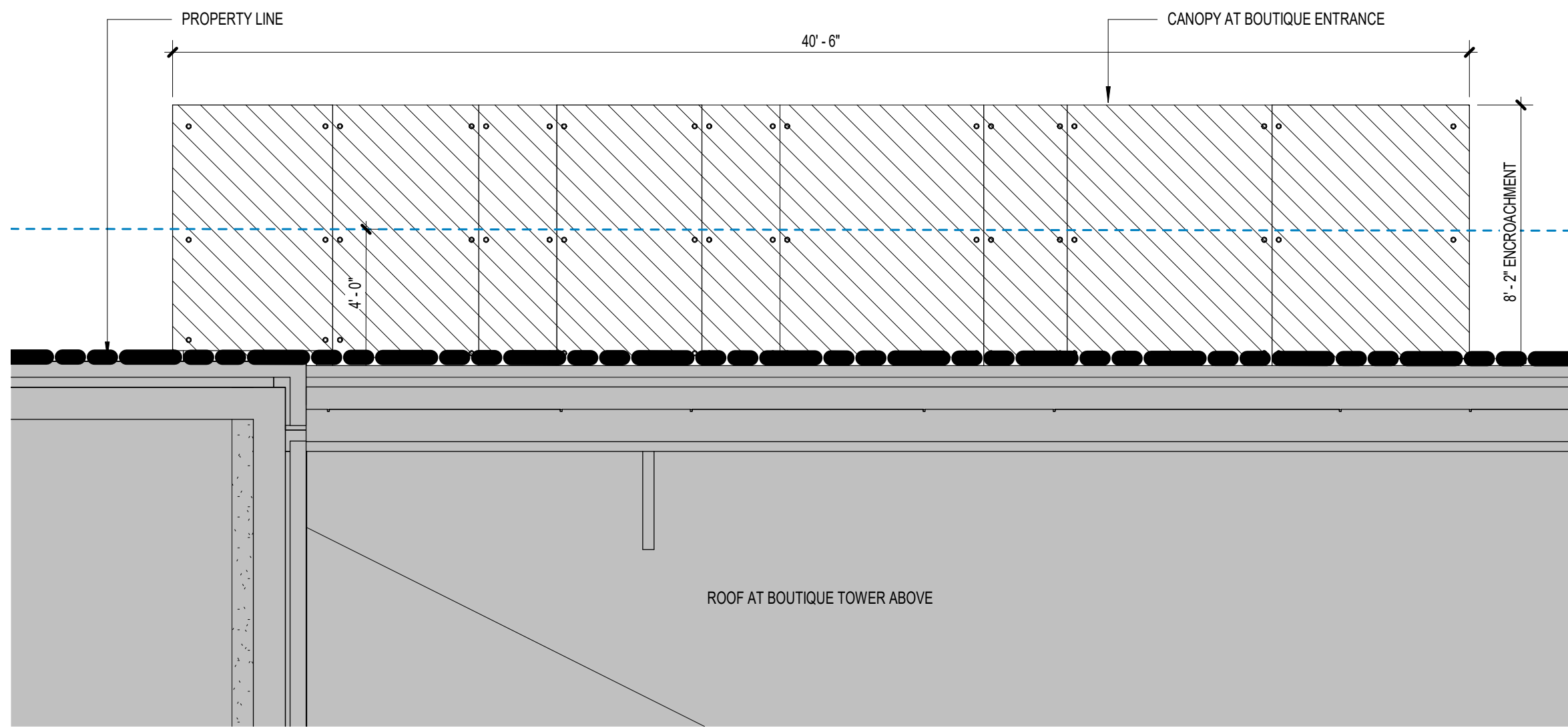
4 ENCROACHMENT DETAIL - JULIET BALCONY
ENC-2 SCALE: 1/4" = 1'-0"



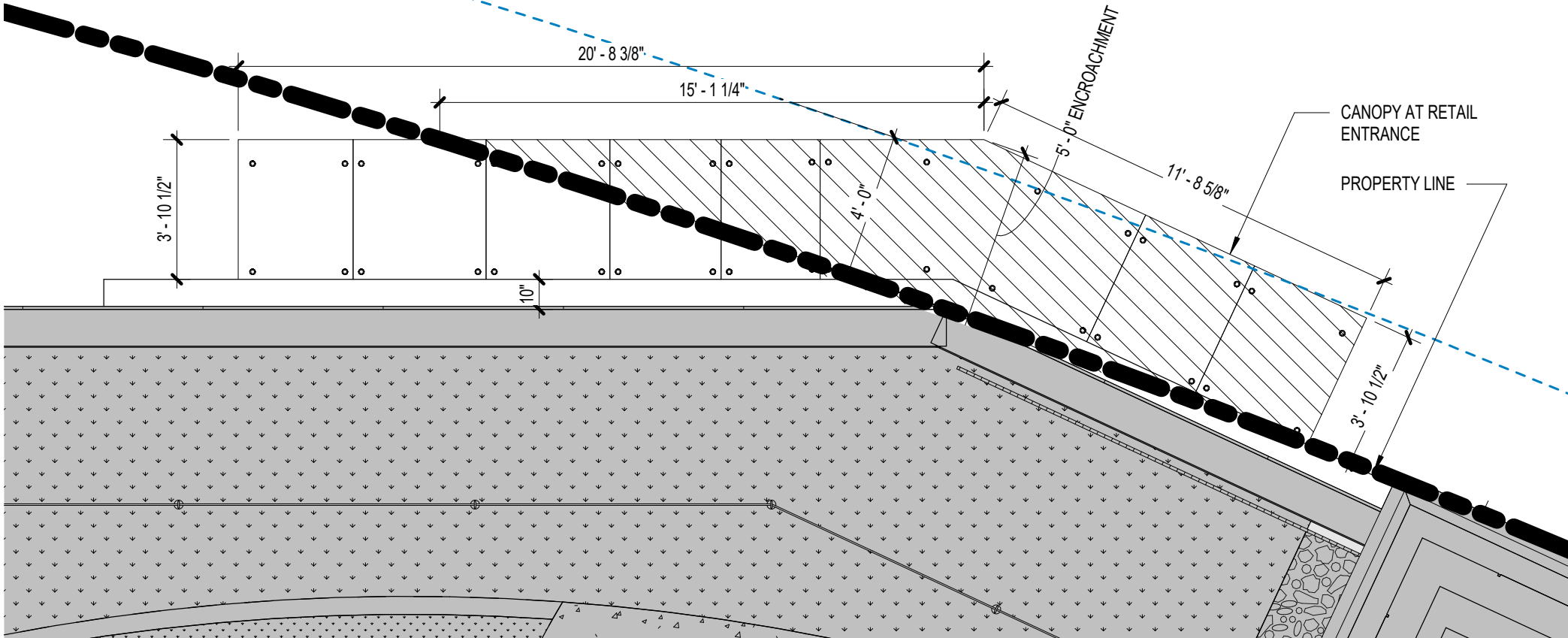
5 ENCROACHMENT DETAIL - PAVILION TRELLIS
ENC-2 SCALE: 1/4" = 1'-0"



6 ENCROACHMENT DETAIL - SOUTHEAST CORNICE FIN
ENC-2 SCALE: 1/4" = 1'-0"



7 ENCROACHMENT DETAIL - BOUTIQUE CANOPY
ENC-2 SCALE: 1/4" = 1'-0"



8 ENCROACHMENT DETAIL - MILL ROAD RETAIL CANOPY
ENC-2 SCALE: 1/4" = 1'-0"

| LOCATION | ENCROACHING AREA |
|---|------------------|
| ENCROACHMENT DETAIL - RETAIL SIGN | 13 SF |
| ENCROACHMENT DETAIL - GROCERY SIGN | 10 SF |
| ENCROACHMENT DETAIL - WEST TOWER ENTRANCE | 115 SF |
| ENCROACHMENT DETAIL - JULIET BALCONY | 18 SF |
| ENCROACHMENT DETAIL - PAVILION TRELLIS | 94 SF |
| ENCROACHMENT DETAIL - SOUTHEAST CORNICE FIN | 490 SF |
| ENCROACHMENT DETAIL - BOUTIQUE CANOPY | 330 SF |
| ENCROACHMENT DETAIL - MILL ROAD RETAIL CANOPY | 92 SF |

ALEXANDRIA CITY ORDINANCE TITLE 5, CHAPTER 2, ARTICLE A, SEC. 5.2.29 - STREET ENCROACHMENTS

(B) ARCHITECTURAL DECORATIONS: BELT COURSES, LINTELS, SILLS, ARCHITRAVES, PEDIMENTS AND SIMILAR ARCHITECTURAL DECORATIONS MAY PROJECT UP TO FOUR INCHES BEYOND THE STREET LOT LINE WHEN LESS THAN 10 FEET ABOVE THE CURB LEVEL, AND UP TO 10 INCHES BEYOND THE STREET LOT LINE WHEN 19 FEET OR MORE ABOVE THE CURB LEVEL.

(C) SIGNS: A SIGN MAY BE ERRECTED OR DISPLAYED FLAT AGAINST A BUILDING WALL OR AT AN ANGLE THERETO, SO LONG AS THE SIGN DOES NOT PROJECT MORE THAN FOUR FEET FROM THE BUILDING WALL OR WITHIN ONE FOOT OF AN ESTABLISHED CURB LINE AND THE BOTTOM OF THE SIGN IS AT LEAST EIGHT FEET ABOVE A SIDEWALK OR PARKING AREA AND AT LEAST 14.5 FEET ABOVE AN ALLEY.

(D) CANOPIES, AWNINGS AND MARQUEES: CANOPIES, AWNINGS AND MARQUEES SUSPENDED FROM A BUILDING OR STRUCTURE WITH NO GROUND SUPPORTS, HAVING A CLEARANCE OF AT LEAST EIGHT FEET ABOVE A SIDEWALK, EXTENDING NO MORE THAN FOUR FEET BEYOND THE FRONT PROPERTY LINE, AND EXTENDING TO NO MORE THAN ONE FOOT FROM THE ESTABLISHED CURB LINE, MAY BE ERRECTED.

RETAIL BASE

HOFFMAN TOWN CENTER
2460 MILL ROAD

STONEBRIDGE

ENCROACHMENTS EXHIBIT -
ENLARGED DETAILS (2 OF 2)

| | |
|---------------------|-------------|
| Designer | 20160037 |
| Principal-in-Charge | Project No. |
| Approver | 01/22/20 |
| Project Manager | Date |
| Checker | |
| Project Architect | |
| Author | |
| Staff Architect | |
| | ENC-2 |
| | Drawing No. |

PROJECT NUMBER: 20160037 PROJECT NAME: HOFFMAN TOWN CENTER 2460 MILL ROAD
SHEET NUMBER: ENC-2 - ENCROACHMENTS EXHIBIT - ENLARGED DETAILS (2 OF 2)
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