

June 14, 2016

Dear Members of the Richmond Planning Commission and Richmond City Council,

I urge the Planning Commission and Richmond City Council to not approve the amended SUP application for 1650 Overbrook Road (**Ordinance 2016-171**) for the following four reasons:

- 1). The woefully deficient amended SUP application is **INCOMPLETE**: while the original SUP (Ordinance 2014-121-201) included detailed plans for dwelling units in the large 2-story addition, **the amended SUP (Ordinance 2016-171) has excluded all plans for the interior and excluded plans for the front exterior elevation of the huge 44,512 sq. ft. 2-story addition ("Section B"), which comprises 40% of the 110,851 square foot building.** The lack of plans for 40% of the building is in violation of the Planning Department's "Special Use Permit Procedures Manual."
- 2). **The amended SUP application is inconsistent with the owner's application for state and federal historic tax credits. The owner's tax credit application promises to leave the southern elevation intact with no windows, but the amended SUP commits to adding windows on a minimum of 30% of the southern facade after five years.**
- 3). **The amended SUP application does not meet the requirements of the Planning Commission's Windowless Dwelling Unit Resolution. The amended SUP proposes adding windows after five years. There is nothing in the Windowless Dwelling Unit Resolution that allows for a five year delay in adding windows.**
- 4). **The applicant can no longer claim that the building is unsuitable for the commercial use permitted for this site under the existing M-1 zoning and the city's master plan.** The owner's amended SUP application dated 3/31/15 states that the "Proposed Use" of the property will be: "Revision of apartment design to facilitate possible DHR approval and **to omit apartments in west wing of building for commercial use.**" The west wing of the building has essentially the same design and lay-out as the rest of the building; if the west wing is suitable for commercial use then commercial use is feasible for the rest of the building.

---

**1). The Planning Department's "Special Use Permit Procedures Manual" indicates that complete plans are required to process a SUP, yet the applicant for Ordinance 2016-171 has submitted no plans for the 44,512 sq. ft. two-story addition at 1650 Overbrook Road. The applicant has not even revealed if there will be residential use of the huge two-story addition, and if so, how many units? How would light and air be supplied in the largely windowless addition? What square footage would be devoted for commercial use? The applicant has an active building permit for retail use of a portion of the property, but this use is not indicated on the amended SUP application.**

**Section 30-1050.2 of the city zoning code authorizes the Director of the Planning Department to require adequate plans and other data.**

**Pertinent quotes from the Planning Department's "Special Use Permit Procedures Manual" support the need for complete data, plans and elevations:**

P. 2) -- The information required to be provided in the application documents is intended to provide a thorough review of the proposal, ensuring that, if adopted by City Council, the SUP ordinance will have no negative impacts on the surrounding properties.

**P. 4) -- Depending on the completeness of the application materials, the staff planner can reject the application and require that all materials be provided before the application can be accepted for review**

**P. 5 -- [copies] of site plans, floor plans, and elevation drawings (if applicable) should be submitted in sufficient detail to permit the staff to make a determination of the compatibility of the proposed project with the surrounding development.**

**P. 6) -- Generally the plans should provide the following information: ... 2) The location and use of all existing buildings on the site ...**

P. 6) -- For non-residential development, the description should include the anticipated number of employees, hours of operation, and an estimate of the amount of vehicular traffic that will be generated by the use.

**P. 15) -- The plans should show, if relevant to the request, the specific locations of: 1) existing and/or proposed buildings and uses**

**P. 17) -- Relying on sound planning practices, past policy and lessons learned, the planner must distill, from the application materials and a review of the site specifics, the critical issues associated with the proposed development of the site. These issues may include: 1) The proposed project's relationship to the Master Plan; 2) Adequacy of submitted materials; 3) Appropriateness of the proposed use(s) in the context of the surrounding development; 4) Appropriateness of the proposed use(s) as they relate internally; 5) Appropriateness of the proposed density; (etc.)**

P. 22) – If the plans are not complete, the staff planner will mail or e-mail the applicant another comment letter identifying the deficiencies.

The city must be consistent in administering and processing Special Use Permits according to the Special Use Permit Procedures Manual. It is inconsistent to process Louis Salomonsky's SUP application when he has only provided plans for 60% of the building.

**The huge 44,512 sq. foot two-story addition, comprising 40% of the square footage of the building at 1650 Overbrook Road is shown in these mid-20<sup>th</sup> century photographs. The amended SUP includes no interior plans and no front elevation of the most visible section of the building facing Hermitage Road for this huge two-story addition. (Source: Va. Dept. of Historic Resources)**

NPS Form 10-900-a (Rev. 8/2002)

OMB No. 1024-0018

**United States Department of the Interior**  
National Park Service

**National Register of Historic Places**  
**Continuation Sheet**

..... Name of Property
..... County and State
..... Name of multiple listing (if applicable)

Section number   8   Page     1    



Figure 3. W. Harry Bagby, Export Tobacco Company, Mid-20th Century, photographic print, Collection of the Virginia Historical Society.

This image shows the south elevation of the addition added to the west end of the original Export Leaf Tobacco Company Warehouses at 1650 Overbrook, constructed ca. 1960.

**How can the critical issues associated with the development of the site prudently be assessed if the plans have not been provided for 40% of the building square footage?** Detailed plans were submitted for the two-story addition in the original SUP (Ordinance 2014-121-201). Is the applicant now reluctant to submit plans for the two-story addition because his plans are not consistent with his application for state and federal historic tax credits?

There is an **active building permit, B15111809**, that was issued in December 9, 2015 [after the owner submitted the application for an amended SUP]. **The building permit notes, "HEAVY REMODELING RETAIL STORE."** The area currently being used as retail is the furniture store in the two-story addition. But where are the plans that show this remodeling of the retail space on the amended SUP (Ordinance 2016-171)? This building permit number is cited on the owner's application for city Application for Partial Tax Exemption #2016-0172.

The Richmond City Council is authorized by Section 30-1050.1 of the city's zoning code to approve a SUP whenever the Council determines that a SUP will not, among other conditions, interfere with adequate light and air or cause excessive crowding. How can the Planning Commission or City Council possibly make such a determination when the SUP lacks plans for 40% of the 110,851 square foot building?

Although the building is within the city's **M-1 (Commercial)** zoning, where dwelling units are not a permitted use, Section (i) of the amended SUP specifically states that the permitted uses under the **B-6** zoning regulations will apply for the 2-story addition "Section B":

**"i) Principal uses permitted in the B-6 Mixed-Use Business District shall be permitted in the "Section B" building."** [Why is B-6 zoning cited in the SUP when the building is in the M-1 zoning?]

Section 30-444.2(7) of the city zoning code authorizes dwelling units as a principal permitted use under the B-6 zoning. Without submitted plans, we do not know how many dwelling units the owner plans for the huge 2-story addition "Section B". The ordinance would give the owner carte blanche use of the huge 44,512 sq. ft. two-story "Section B" building so long as it complies with the B-6 zoning.

The Planning Commission and City Council cannot exercise due diligence in answering these questions without interior and exterior plans for the huge 44,512 sq. ft. 2-story addition "Section B":

- How many dwelling units and commercial units does the developer plan for the 2-story addition?
- How will any dwelling units accommodate the Richmond City Planning Commission's Windowless Dwelling Unit Resolution?
- How will light and air be provided for any dwelling units in the 2-story addition, which has few windows?
- Does the developer plan to create many new windows apertures in the historically significant 2-story addition in five years after he has reaped the historic tax credits for building "Section A"?
- **Are the plans for the 2-story addition omitted because they would be inconsistent with the owners concurrent application for state and federal historic tax credits?**

A site plan should contain all complete information about the parcel. Conditions and activities on one part of the parcel may have an impact on other parts of the parcel.


Will the development of the huge 2-story addition result in traffic and parking problems or result in overcrowding? Will it be detrimental to the general welfare of the community if the applicant creates hundreds of new window openings on the historically significant 2-story addition after receiving millions of dollars in public tax credit subsidy for an historic rehabilitation?

---

**2). Furthermore, there are significant conflicts regarding Mr. Salomonsky's application for historic tax credits, his application for an amended Special Use Permit, and the Planning Commission's Windowless Dwelling Unit Resolution: In the historic tax credit application for 1650 Overbrook Road, Mr. Salomonsky states that he will "preserve intact" the south elevation of the building, in order to receive the historic tax credits. But in the application for an amended Special Use Permit, the applicant commits, after five years, to installing windows covering not less than 30% of the south facade of the building. It is not the intention of the Planning Commission's Windowless Dwelling Unit Resolution that applicants are relieved of the obligation to comply with the Resolution for five years to enable the applicant to reap historic tax credits before adding windows to the outside.**

- In an application dated 4-3-2015, Louis Salomonsky submitted to the Va. Department of Historic Resources (DHR) an amended application for historic tax credits for 1650 Overbrook Road. The applicant states on page 2 of the amended application, "**As proposed in the Part 2 application, the south elevation will be preserved intact ...**"
- In a response to the amended application, DHR staff on May 5, 2015 wrote, "**We were happy to see that the southern elevation will be retained in its historic configuration. As was discussed, this is one of the primary elevations and was of particular significance as it is readily visible.**"
- On March 31, 2015, Louis Salomonsky submitted to the City of Richmond an application for an amended Special Use Permit for 1650 Overbrook Road. The applicant states under Proposed Use, "**Revision of apartment design to facilitate possible DHR approval and to omit apartments in west wing of building for commercial use.**"
- On May 11, 2015, the owner submitted a city rehabilitation tax credit application for 1650 Overbrook Road. The application acknowledges that the property is in a Registered Historic District.
- On May 23, 2016, Ordinance 2016-171 was introduced to amend the Special Use Permit for 1650 Overbrook Road. According to Section (p) of this ordinance: "**Between five and six years after issuance of the final certificates of occupancy for "Section A" and "Section B" and upon request of the Director of Planning and Development Review, the property owner shall install windows on the south elevation of "Section A" that allow views into and out of occupied building space and shall comprise a minimum of 30 percent of the building façade between two and eight feet in height or as otherwise approved by the Director.**"

Louis Salomonsky submitted an application for historic tax credits for 1650 Overbrook Road to the Va. Dept. of Historic Resources on April 3, 2015. (Source: Va. Dept. of Resources)

 UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

**HISTORIC PRESERVATION CERTIFICATION APPLICATION  
AMENDMENT / ADVISORY DETERMINATION**

**RECEIVED**  
OMB Approved  
No. 1024-0009  
APR 08 2015  
Form 10-168  
Rev. 2014  
DEPARTMENT OF  
HISTORIC RESOURCES

NPS Project Number  
29816, DHR #2013-2371

**Instructions:** This page must bear the applicant's original signature and must be dated.

1. Property name 1650 Overbrook Road  
Property address 1650 Overbrook Road, Richmond, VA

2. This form  includes additional information requested by NPS for an application currently on hold.  
 updates applicant or contact information.  
 amends a previously submitted  Part 1  Part 2  Part 3 application.  
 requests an advisory determination that phase \_\_\_\_\_ of \_\_\_\_\_ phases of this rehabilitation project meets the Secretary of the Interior's Standards for Rehabilitation. Phase completion date \_\_\_\_\_  
Estimated rehabilitation costs of phase (QRE) \_\_\_\_\_

Summarize information here; continue on following page if necessary.  
This is Amendment 1 to the Part 2 application that was submitted to DHR on 5/30/14. Amendment 1 also includes a formal request that DHR and NPS reopen the project whose file was closed at the owner's request on 9/22/14. Amendment 1 encloses drawings that illustrate a revised concept that responds to conditions for approval outlined in DHR's 6/27/2014 letter. The plans have been revised based on recommendations conveyed in meetings with DHR and NPS. We request your concurrence with our finding that the project as revised meets the Secretary's Standards for Rehabilitation.

3. Project Contact (if different from applicant)  
Name Mary Harding Sadler Company Sadler & Whitehead Architects, PLC  
Street 726 W 33rd Street City Richmond State VA  
Zip 23225-3531 Telephone (804) 231-5299 Email Address sadler@sadlerandwhitehead.com

4. Applicant  
I hereby attest that the information I have provided is, to the best of my knowledge, correct. I further attest that [check one or both boxes, as applicable] (1)  I am the owner of the above-described property within the meaning of "owner" set forth in 36 CFR § 67.2 (2011), and/or (2)  if I am not the fee simple owner of the above-described property, the fee simple owner is aware of the action I am taking relative to this application and has no objection, as noted in a written statement from the owner, a copy of which (i) either is attached to this application form and incorporated herein, or has been previously submitted, and (ii) meets the requirements of 36 CFR § 67.3(a)(1) (2011). For purposes of this attestation, the singular shall include the plural wherever appropriate. I understand that knowing and willful falsification of factual representations in this application may subject me to fines and imprisonment under 18 U.S.C. § 1001, which, under certain circumstances, provides for imprisonment of up to 8 years.

Name H. Louis Salomonsky Signature [Signature] Date 4.3.15  
Applicant Entity Overbrook LP SSN \_\_\_\_\_ or TIN \_\_\_\_\_  
Street 1553 E Main Street City Richmond State VA  
Zip 23219-3633 Telephone (804) 237-8247 Email Address hlsalomonsky@swa-co.com  
 Applicant, SSN, or TIN has changed since previously submitted application.

**NPS Official Use Only**  
The National Park Service has reviewed this amendment to the Historic Preservation Certification Application and has determined that the amendment:  
 meets the Secretary of the Interior's Standards for Rehabilitation.  
 will meet the Secretary of the Interior's Standard for Rehabilitation if the attached conditions are met.  
 does not meet the Secretary of the Interior's Standards for Rehabilitation.  
 updates the information on file and does not affect the certification.

Advisory Determinations:  
 The National Park Service has determined that the work completed in this phase is consistent with the Secretary of the Interior's Standards for Rehabilitation. This determination is advisory only. A formal certification of rehabilitation can be issued only after all rehabilitation work and any associated site work or new construction have been completed. This approval could be superseded if it is found that the overall rehabilitation does not meet the Secretary's Standards. A copy of this form will be provided to the Internal Revenue Service.

Date \_\_\_\_\_ National Park Service Authorized Signature \_\_\_\_\_  
 NPS conditions or comments attached

In Louis Salomonsky's 4-3-15 application for historic tax credits, he stated that, "the south elevation will be preserved intact." (Source: Va. Dept. of Historic Resources)

HISTORIC PRESERVATION CERTIFICATION APPLICATION  
AMENDMENT / ADVISORY DETERMINATION

Property name 1650 Overbrook Road NPS Project Number 29816, DHR #2013-2331

Property address 1650 Overbrook Road, Richmond, VA

- ✓ 1. Request to reopen project file: In September 2014, the owner requested that DHR and NPS close the project file. The owner now requests that the state and federal tax credit application files be reopened.
- ✓ 2. Rooftop Mechanical Equipment: The owner agrees to construct accurately scaled mock-ups of all new additions to the roof. The proposed new additions are HVAC units and skylights. Photos of the mock-ups taken from a variety of vantage points will be submitted to DHR for review and comment.
- 3. Removal of the roof: The historic roof form (the non-historic membrane roofing will be replaced) will be preserved except at proposed atria, which have been reconfigured in consultation with DHR and NPS. The revised proposal meets DHR's recommendation to "Center the area of removal within the bays and propose continuous skylights." DHR has reviewed and informally approved the proposed concept, which is illustrated in the proposed site plan (A100) and perspective sketches (A300-A303). Instead of continuous linear atria with no roof, the owner proposes 7 new atriums. Six of the atriums are 31 feet wide by 45 feet deep. The atrium closest to the center of the building is 31 feet wide by 66 feet long. Each atrium will have a glass roof with the edge of the glass expending beyond the roof opening (see A300). The glass roof will be raised above the existing roof plane (A303) but will be lower than the existing brick parapet wall. The historic wood columns and beams will be preserved throughout the building, including within the new atria (sheets A301-A303).  
① Check w/ Suzanne RE - open sides
- ✓ 4. Balconies: Balconies have been removed from the scope of work.
- ✓ 5. Drawings: The design has been revised to eliminate fences or walls that would define private spaces in the courtyards.
- ✓ 6. Density: DHR expressed concern that very little of the open warehouse bays will be retained. The plan has been revised to have large atria in which the open warehouse bays will be retained with exposed structure. Further, a large common area in the middle of the building's north side will also preserve the experience of an open warehouse space (A100).
- 7. Elevations: The revised elevations are on sheets A200 and A201. As proposed in the Part 2 application, the south elevation will be preserved intact, with the non-historic loading bay enclosures removed. ~~The minor proposed changes to the south elevation include stairs leading to each of the existing door openings, and a ramp and simple canopy at the center opening.~~ The north (rear) elevation will be revised. The historic openings, doors and rails will be preserved and supplemented with new openings most of which will be the size and scale of loading door openings, as shown on A201. The large center bay of the north elevation will be preserved intact. There will be two new egress doors at each end of the center bay. These doors are required for egress from the proposed interior common space. The east elevation will have 5 small new windows. The exterior walls and historic window and door openings of the west addition will be preserved (see no. 8 below). ① Check w/ TT RE: North elevation - are new openings too big? They dwarf original openings
- ✓ 8. West addition: The scope of the project has been revised to delay Phase 2 until a viable tenancy is identified. Phase 2 is the rehabilitation of the two-story west addition to the warehouse. When the Phase 2 plans are developed they will be submitted in an amendment for review.

In response to Louis Salomonsky's application for historic tax credits, VHDR responds on 5-5-15, "We are happy to see that the southern elevation will be retained in its historic configuration." (Source: Va. Dept. of Historic Resources)



## COMMONWEALTH of VIRGINIA

### Department of Historic Resources

Molly Joseph Ward  
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan  
Director

Tel: (804) 367-2323  
Fax: (804) 367-2391  
www.dhr.virginia.gov

May 5<sup>th</sup>, 2015

H. Louis Salomonsky  
Overbrook LP  
1553 E. Main Street  
Richmond, VA - 23219

Re: 1650 Overbrook Road - Richmond  
Amendment #1 Response  
DHR # 2013-231

Mr. Salomonsky -

Thank you for submitting the Continuation/Amendment sheet addressing the additional information requested for the proposed work at 1650 Overbrook Road in Richmond. Based on the materials submitted and the revisions noted on the Amendment, much of the proposed work is consistent with the Secretary of the Interior's *Standards for Rehabilitation*. However, there is one aspect of the proposed work that requires revision in order for it to meet the *Standards*. Please see below for more information on this item.

#### REQUIRES REVISION

**New Openings on the North Façade** - We were happy to see that the southern elevation will be retained in its historic configuration. As was discussed, this is one of the primary elevations and was of particular significance as it is readily visible. The northern elevation is not easily seen from public rights of way, and so is less prominent than either the southern or western elevations. Because of this, in our previous conversations we indicated that some substantial modifications could potentially be approved on the north wall. That said, the new openings proposed for this elevation must still be compatible with the overall character of the building, as is required by *Standard #2*:

*#2: The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

The currently proposed work to the northern elevation was reviewed by the full staff of the Department of Historic Resources Tax Team, and the following recommendations came from this discussion. As proposed in sheet #A201, the new openings are roughly three times the size of the historic openings, dwarfing these original, character-defining features. While the large number of these openings could potentially be approvable for this particular project on this elevation, they will need to be reduced in size so as to be more

Administrative Services  
10 Courthouse Ave.  
Petersburg, VA 23803  
Tel: (804) 862-6408  
Fax: (804) 862-6196

Eastern Region Office  
2801 Kensington Avenue  
Richmond, VA 23221  
Tel: (804) 367-2323  
Fax: (804) 367-2391

Western Region Office  
962 Kime Lane  
Salem, VA 24153  
Tel: (540) 387-5443  
Fax: (540) 387-5446

Northern Region Office  
5357 Main Street  
PO Box 519  
Stephens City, VA 22655  
Tel: (540) 868-7029  
Fax: (540) 868-7033



It would be unprecedented for the Planning Commission and City Council to support a SUP that commits the owner to damaging the integrity of an historic building in five years after the applicant has reaped approximately \$4 million in state and federal historic tax credits. Obviously, the owner's plans for historic tax credits conflict with the Planning Commission's Windowless Dwelling Unit Resolution, if the owner plans to add windows in five years to a facade in which he has promised to preserve intact. The city Planning Commission and the Richmond City Council should not endorse such duplicity, which threatens the integrity of our important historic tax credits.

Like the state and federal tax credits, the city's rehabilitation tax credit is also contingent upon the owner following the Secretary of Interior Standards of Rehabilitation for properties, such as 1650 Overbrook Road, that are listed on the State and National Register of Historic Places. The city rehab tax credit would exempt the applicant from approximately \$100,000 in city real estate taxes per year for the projected \$9 million rehab – if historic standards are followed. It is not the intent of the city's tax abatement program to provide public subsidy for a project where the owner intends to destroy the integrity of the historically listed property after five years.

---

**3). The amended SUP application does not meet the requirements of the Planning Commission's Windowless Dwelling Unit Resolution. The SUP proposes adding windows after five years. There is no wording in the Windowless Dwelling Unit Resolution that allows for a five year delay in adding windows.**

**To quote from the Planning Commission's Windowless Dwelling Unit Resolution --  
NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION: that to provide for adequate light and air consistent with provision of the Code of Virginia, the City of Richmond Zoning Ordinance and the standards for the granting of a special use permit that windowless dwelling units should be avoided as a general premise**

Many of the proposed units at 1650 Overbrook would not have an exterior wall. The proposed windows onto the proposed interior courtyard are minimal and do not meet the city's definition of “operable” windows for air and light. While additional skylights are added to the warehouse, an additional “loft” level is proposed so that the skylights may not have an impact upon the ground floor.

As previously stated, no plans have been presented for the 44,512 sq. ft. two-story addition, so it is unknown how many windowless dwelling units are proposed for the addition. The most striking feature of the two-story addition is that there are no windows. We are literally and figuratively left “in the dark” as to how the owner plans to accommodate the Planning Commission's Windowless Dwelling Unit Resolution for the two-story addition. If the Planning Commission approves the amended SUP as written, the owner will have carte blanche to do anything within the two-story addition that would be permitted under the city's B-6 zoning regulations. As mentioned previously, dwelling units are a permitted use under the B-6 zoning regulations.

---

**4). The applicant can no longer claim that the building is unsuitable for the commercial use permitted for this site under the existing M-1 zoning and the city's master plan. The owner's amended SUP application dated 3/31/15 states under the "Proposed Use" of the property: "Revision of apartment design to facilitate possible DHR approval and to omit apartments in west wing of building for commercial use." The west wing of the building has essentially the same design layout as the rest of the building; if the west wing is suitable for commercial use then the rest of the building is also.**

- This is of particular importance now that the city has placed such an emphasis on the commercial use of the nearby city-owned Boulevard property.
- The city's master plan and M-1 zoning mandates commercial use of this site, which would not require the introduction of any new windows in the historic building.
- The Secretary of Interior Standards for Rehabilitation strongly encourages a use of the property in keeping with its original function.
- The three other nearly identical Overleaf Tobacco warehouses are currently in commercial use, including the home of the Central Va. Foodbank.

**In summary, please do not approve the proposed amended SUP (Ordinance 2016-171) for 1650 Overbrook Road: The amended SUP application is INCOMPLETE and is missing the required plans and data for the huge 44,512 sq. ft. two-story addition that comprises 40% of the building. The amended SUP is incompatible with the Planning Commission's Windowless Dwelling Unit Resolution because windows are proposed to be added after five years. The amended SUP conflicts with the owner's application historic tax credit application in which the owner has committed to preserving intact the south elevation of the building. Commercial use of the building is prudent and feasible, and this would be supportive of the city Master Plan and the existing M-1 zoning, and preserve the unusual features of the windowless warehouses.**

Thank you for your consideration of this request.

Sincerely,

Charles Pool  
421-1/2 S. Laurel Street  
Richmond, VA 23220  
(804) 788-0359