



# Application for SPECIAL USE PERMIT

Department of Planning and Development Review  
Land Use Administration Division  
900 E. Broad Street, Room 511  
Richmond, Virginia 23219  
(804) 646-6304  
<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

### Project Name/Location

Project Name: \_\_\_\_\_ Date: \_\_\_\_\_

Property Address: 2411 M Street and 2416 Jefferson Avenue Tax Map #: E000-0334/001 and 003

Fee: \$2,400.00 Total area of affected site in acres: 0.357 acres  
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

### Zoning

Current Zoning: UB-PE4

Existing Use: Vacant Land/Office

Is this property subject to any previous land use cases?

- Yes No  
 If Yes,  please list the Ordinance Number:  
N/A

### Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Construction of a three-story mixed-use building, some of the features of which do not conform to the UB zoning requirements

**Applicant/Contact Person:** Mark Baker

Company: Baker Development Resources, LLC

Mailing Address: 919 East Main Street, Suite 2110

City: Richmond State: VA Zip Code: 23219-4625

Telephone: ( 804 ) 874-6275 Fax: ( )

Email: markbaker@bakerdevelopmentresources.com

**Property Owner:** 2411 M Street, LLC

If Business Entity, name and title of authorized signee: Daniil Kleyman, Managing Member

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 519 North 30th Street, #2

City: Richmond State: VA Zip Code: 23223

Telephone: ( 804 ) 991-4111 Fax: ( 866 ) 543-0735

Email: dvk5f@yahoo.com

**Property Owner Signature:** Daniil V. Kleyman

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

**NOTE:** Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

# APPLICANT'S REPORT

*July 20, 2016, Revised March 16, 2017*

*Special Use Permit*

*2411 M Street and 2416 Jefferson Avenue, Richmond, Virginia*

*Map Reference Numbers: E000-0334/001 and E000-0334/0003*

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Submitted to:	<b>City of Richmond</b> Department of Planning and Development Review Land Use Administration 900 East Broad Street, Suite 511 Richmond, Virginia 23219
Submitted by:	<b>2411 M Street, LLC</b> 519 North 30 <sup>th</sup> Street, #2 Richmond, Virginia 23223
Prepared by:	<b>Baker Development Resources</b> 919 East Main Street, Suite 2110 Richmond, Virginia 23219

## Introduction

The property owner, 2411 M Street, LLC, requests a special use permit for 2411 M Street and 2416 Jefferson Avenue, collectively "the Property". The special use permit would authorize the construction of a mixed-use building, some of the features of which do not conform to the UB zoning requirements applicable to the Property.

## Existing Conditions

### SITE DESCRIPTION AND EXISTING LAND USE

The Property occupies the majority of the triangular block bound by M Street, Jefferson Avenue and North 24<sup>th</sup> Street and includes two parcels of land; 2411 M Street and 2416 Jefferson Avenue. The two parcels are referenced by the City Assessor as two separate tax parcels (E000-0334/001 and 003) and include approximately 0.28 and 0.075 acres, respectfully for a total of 0.36 acres of land area.



2411 M Street is currently vacant land. 2416 Jefferson Avenue is improved with a small, one-story, vacant and non-historic building with surface parking which was most recently occupied as an office.

2411 M Street and 2416 Jefferson Avenue

The Property is located on one of five corners at the five point intersection of M Street, Jefferson Avenue and N 25<sup>th</sup> Street. This area is characterized by a mix of uses with a variety of commercial, institutional, and residential uses of varying intensities and scales in the immediate vicinity. The properties to the north, across M Street are occupied by a funeral home with accessory surface parking lot and single-family dwellings. To the east across 25<sup>th</sup> Street lies the City of Richmond's East District Service Center, a mixed-use building containing a restaurant, and single-family dwellings. Properties to the north are improved with a mixed-use retail and multi-family building, The City of Richmond's East District Family Resource Center, a two-family dwelling, and single-family dwellings. Properties to the west, across North 24<sup>th</sup> Street, are occupied by an office building, a two-family dwelling and single-family dwellings.



## EXISTING ZONING

The Property is zoned UB Urban Business. Per the zoning ordinance, the intent of the UB urban business district is to encourage business areas with a densely developed pedestrian-oriented urban shopping character, compatible with adjacent residential neighborhoods, and with minimal disruption from vehicle-oriented land uses and features that would detract from a safe, convenient and economically viable pedestrian environment. The Property was recently rezoned to this classification in an effort to better implement the goals identified in the Richmond Master Plan 2000-2020.

The Property is located in the PE-4 Parking Exempt District. According to the zoning ordinance, the intent of parking exempt overlay districts is to provide relief from the off-street parking requirements for certain uses so as to facilitate the development and redevelopment of

economically depressed, older, urban commercial districts characterized by a substantial number of vacant and deteriorated structures.

The Property lies within the boundaries of the Union Hill City Old and Historic District. This project has been reviewed by the Commission of Architectural Review (CAR) and a Certificate of Appropriateness was approved at the February 28<sup>th</sup>, 2017 CAR meeting.

The surrounding properties are zoned a mix of UB Urban Business, R-63 Multifamily Residential, and RO-2 Residential -Office. UB zoned properties in the vicinity, including the Property, generally form a commercial district fronting on/oriented toward Jefferson Avenue.

## **MASTER PLAN DESIGNATION**

The Master Plan was recently amended to recommend "Neighborhood Commercial" for the Property. The Master Plan indicates that within Neighborhood Commercial districts, primary uses should include office, personal service, and retail uses that are intended to provide the daily convenience shopping and service needs of adjacent neighborhood residents.

# **Proposal**

## **PURPOSE OF REQUEST**

The purpose of this request is to permit the redevelopment of the underutilized properties with a three (3) story mixed-use building with a roof-top enclosed amenity space and terraces. The project would comply with the recommendations of the Master Plan and would be consistent with the intent of the UB zoning classification. However, there are certain feature requirements which are not met by the proposal, including building height and number of off street parking spaces provided. Therefore a special use permit is required.

## **PROJECT SUMMARY**

The proposed building would include approximately 44,085 gross square feet of floor area. The programming follows typical urban models with the building's first floor, containing 13,862 gross square feet of floor area, being occupied by 9,731 square feet of principal commercial uses permitted in the UB district and with enclosed parking and service area accessed from the M Street elevation. Floors two and three would feature a maximum of 27 dwelling units surrounding a core of amenity and meeting spaces available to both residential and commercial occupants. An enclosed roof-level room and terraces are proposed as a further amenity to the development.

## **BUILDING HEIGHT**

The UB District permits a maximum height of 28' subject to zoning definition of "building height" and the exceptions contained in Article VI, division 6 of the zoning ordinance. The proposed building height is technically 51'8" based on that zoning definition. However, the building height actually varies as it is perceived visually with the majority of the building ranging from 31'6" to 41'8", including parapets. This is due to the fact that the building has been designed to minimize the impact of its height and massing.

As discussed in greater detail below, the building's elevations include 2 stories adjacent to the street on all sides except at the corner of 24th and M Streets. This allows the building to maintain compatibility with the surrounding historic context and retain a two-story feel as experienced by the pedestrian. In order to provide sensitivity to the surrounding majority two-story context, the third level is stepped back approximately five feet and the enclosed rooftop space is setback further a minimum of 15 feet. The five foot setback on the third level is forgone on the corner of 24<sup>th</sup> and M streets in order to establish additional mass at the corner. This would anchor the corner as a focal point and identify the new structure as is common with other commercial, institutional, and religious structures throughout the district. The additional height associated with enclosed rooftop space is mitigated by the substantial step back, its small size, as well as its open design.

As a practical matter, the additional height/massing was necessary in order to allow for greater utilization of the site, a more significant ground floor commercial commitment, better quality, and, ultimately, a better ability to address the desires of the Master Plan. The UB District does not require that the entire first floor is developed with commercial uses. Given that and the preference for apartments over speculative commercial space by financial institutions, a viable by-right concept would have to minimize the commercial area and maximize the number of dwelling units within the permitted UB building envelope. This would include placing some of those dwelling units on the first floor. Instead, the development proposes a significant commercial component that occupies a majority of the first floor. The additional floor and rooftop amenity space is an incentive that guarantees the first floor commercial use while ensuring feasibility and making for a better project. Without the third floor, utilization of the entire ground floor would not be financially feasible as the project would not be able to be financed. The addition of the third floor increases economies of scale and makes the pro forma less speculative, as a whole. In addition to making the project financially viable, this permits a better quality development and stronger adherence to the Master Plan through a true mixed-use development.

It is also worth noting the significant R-63 Multi Family Urban Residential zoning presence in the vicinity where height is concerned. Land located to the west across 24<sup>th</sup>, to the north across M Street and to the south and east across Jefferson Avenue is located within this zoning district. The R-63 district regulations are compatible with the proposed height, requiring a minimum of two stories in all instances and permitting three stories (42') generally and up to four stories (56') in certain scenarios, including on corner lots.

## **PARKING**

The development would include six off street parking spaces located within an enclosed garage within the building and accessed from M street. There are an additional 15 parking spaces that can be provided in portions of the right-of-way abutting the Property's frontages on N 24<sup>th</sup> Street (five spaces), Jefferson Avenue (seven spaces), and M Street (three spaces). Section 30-710.2:3(d) of the zoning ordinance would permit those spaces to be credited as though they were off street spaces located on the premises. The resulting total is 21 proposed parking spaces.

This request is speculative with regard to first floor commercial uses in that the ultimate mix that will occupy that area is unknown. Due to that fact, the actual parking requirement per the underlying zoning and the availability of shared parking is not certain. In order to allow for flexibility and facilitate the development of the commercial space it is requested that the parking

2411 M Street and 2416 Jefferson Avenue

requirement is fixed at 21 parking spaces with any resulting deficiency based on final occupancy being varied by the special use permit.

There is some precedent and recognition of the practical difficulties related to redeveloping property in an older urban commercial district with the implementation of the PE-4 Parking Exempt District. While this exemption is only applicable to existing buildings, and therefore not applicable for the proposed development, the same concern holds true. The goal of achieving a "densely developed pedestrian-oriented urban shopping character" is challenged when significant amounts of off street parking must be provided. This is even more pronounced in this instance with a property having frontage on three streets, no bisecting alleys, and no opportunity to provide parking to the rear of the commercial frontage – there is no rear door. Provision of additional onsite parking spaces, even if structured, would inhibit the ability to provide ground floor commercial uses. In turn this would prevent the desired continuity of storefront character along the street frontages that make urban commercial areas successful.

There is additional precedent in recent policy and through the implementation of R-63 zoning in the immediate vicinity. The R-63 district supports the establishment of commercial uses that serve many of the day-to-day convenience needs of neighborhood residents and the provision of opportunities for residents to live and work within the same neighborhood by permitting small scale corner commercial uses without the provision of parking. In the same way, this project is envisioned as a walking destination providing neighborhood-focused services. It is also envisioned as a "live-near-work" development with commercial tenants or employees seeking residences within the project or in nearby residential neighborhoods. In both instances, the focus is on walkability rather than the auto. A reduced parking requirement would allow the development to better address the goals of the Master Plan while remaining consistent with the intent of the UB District and compatible with nearby R-63 zoned properties. It would provide active first floor uses, a better pedestrian experience, enhanced pedestrian connections within the district and to nearby neighborhoods and fewer opportunities for conflict between vehicles and pedestrians.

## Building Design Concepts

The proposed design has been reviewed and approved by the Commission of Architectural Review (CAR). The CAR bases all its decisions generally on the Secretary of the interior's Standards for Rehabilitation and New Construction; and specifically on the Richmond Old & Historic Districts Handbook and Design Review Guidelines, adopted in 1999.

**Siting.** The proposed structure is designed to enhance the historic district by reinstating its prominent Jefferson Ave perimeter and re-establishing the 24th and M Street corner. Due to the project's surrounding urban context and the unique property configuration, the building as conceived occupies the entire site, establishing contextual street wall on each of its three major sides. Sitting at the prominent intersection of Jefferson Ave, 25th Street and M Street, the property has differing personalities and the opportunity to create a frontispiece and gateway to the historic district along Jefferson Ave as well as an intrinsic community corner at the intersection of 24th and M Streets. In response to the prominent corner at Jefferson, 25th and M St, the building is held back in order to create an open, sidewalk- level terrace with entries to the commercial retail or office spaces at this level. At the corner of 24th and M Streets, the building adjusts its



mass to accentuate and address the corner and the Union Hill community with the appropriate scale of non-residential structures that dot the historic district, creating nodes of orientation and amenity for community residents.



**Form.** The conceptual intent of the building's massing is to allow for greater utilization of the site with one additional story and an occupied roof while maintaining compatibility with the surrounding historic context. With the request for additional height, the structure's massing strategy acknowledges the surrounding predominantly 2-story context by stepping the third level in approximately 5 feet and the roof-top room a minimum of an additional 15 feet. This section informs the building on all street-fronts with the exception of the corners of 24th and M Streets and 25<sup>th</sup> and M Streets, where it is proposed to extend the street wall to the 3rd level. This additional mass at the corners, for reasons exemplified in the adjacent R-63 zoning district, is intended to anchor the corners and identify the new structure with other commercial, institutional, and religious structures throughout the district.

**Height, Width, Proportion and Massing.** As described above, the building's elevations are characterized by 2-story height walls on all sides, excepting at the corners of 24th and M Streets and 25<sup>th</sup> and M Streets. The 2-story walls are suggested to be articulated by a bay spacing of 18-24 feet represented by wide brick piers framing large openings at the 1st/sidewalk level and that continue as raised pilasters in the 2nd-story. The 2nd-story wall set between these pilasters is brick panel interrupted by both recessed open balconies and large windows which are, in turn, anchored within the panels by horizontal bands of recessed brick. Additionally, the primary bays on the longer Jefferson Ave and M St facades are separated by recessed sections that group a maximum of 3 bays. These groups further reduce the length and horizontality of the street wall while creating obvious points of entry, and interest in the street level building wall.



**Materials and Colors.** Materials and colors, working within the proportional bays and groupings described, are intended to reference the historic setting while being clearly discernable from older structures. The predominant exterior material characterizing 2-story walls is brick masonry interrupted by glass storefront and windows and panelized by metallic canopies, upper level balcony rails and miscellaneous decorative features. The recessed 3rd level wall material is conceived to be a smooth-surfaced panel with paint finish although materials at this level have not been thoroughly determined. The roof-top enclosure is conceived as a glass-walled room opening on the majority of its sides toward views in all directions. Parapets at the 3rd level are conceived to extend to a height that shields roof-top mounted equipment and the roof-top room would have corresponding solid panels at these areas of roof-top equipment. The brick field color is to be determined but is being conceptualized as a slightly gray/red tone that blends with the traditional reds found throughout the district while also distinguishing the structure as contemporary within the context. To achieve large expanses of glass, window framing is likely to be aluminum and will be selected in darker colors that complement the surrounding brick and metallic components.

**Storefront Facades.** Intrinsic to the character of the building at the 1st/sidewalk level are large expanses of storefront windows and entries. The building's programming is reinforced by this level's openness and connection to its surrounding context. As described above, expansive glass and entry openings are framed by wide brick piers and decorative lintels that are thought to be either recessed brick soldiering or exposed steel. Storefront panels that are horizontal in overall proportion are suggested to incorporate framing members that produce vertically oriented light divisions within the panels and relate to door opening widths and other features scaled to pedestrian activity on the sidewalk.

**Doors and Windows.** Doors are predominantly three types, public and tenant entry on the 1st level, balcony doors on the 2nd and recessed 3rd levels, and terrace access doors on the rooftop level. 1st level and rooftop doors are anticipated to be full-light glass and incorporated into storefront framing. Roof top level doors, along with the roof top enclosure in general, is intended to be set back and inconspicuous. Private resident balcony doors are anticipated to be full-light wood or composite doors with paint finish. Windows on upper levels, as shown in the attached views and elevations are predominantly large double-hung types set into masonry or paneled wall. In some areas, two double hung windows are proposed to be mullied together in a larger masonry opening. Where this occurs, a strong dividing vertical will be incorporated to maintain each window's vertical proportion. Balconies feature large expanses of glass recessed from the primary wall planes. It is not yet determined if these glass areas will be best created using a storefront type system or composite window assemblies. It is expected that balcony doors and windows will match in appearance and finish.

## Compatibility with UB Zoning Intent

**District Intent.** "Encourage business areas with a densely developed pedestrian-oriented urban shopping character, compatible with adjacent residential neighborhoods, and with minimal disruption from vehicle-oriented land uses and features that would detract from a safe, convenient and economically viable pedestrian environment."

*Proposal:*

- *Elimination of blighted missing tooth in the corridor.*
- *Development of a structure which allows for a "densely developed pedestrian-oriented urban...character" as identified for this area during the recent rezoning.*
- *Provision of new active commercial uses in the block through a commitment to the development of ground floor commercial uses.*
- *Elimination of a parking area and curb cut at a prominent location in the Jefferson Avenue corridor at its intersection with M Street and reinforcement of the corner with an appropriate urban form.*
- *Provision of a better pedestrian experience, greater convenience and greater economic viability.*
- *Increased walkability, appropriate scale of commercial uses, and appropriate design, scale and height of buildings ensure compatibility with surrounding uses and nearby residential neighborhoods.*

**District Intent.** "Promote continuity of storefront character along principal street frontages, with minimum interruption by driveways and vehicle traffic across public sidewalk areas."

*Proposal:*

- *Design respects and reinforces its location by replacing a vacant lot and surface parking area with a building, fronting the street with storefronts, windows, and primary entrances in a manner that is both consistent with the traditional buildings in the area and reflective of a desirable urban form.*
- *Interruption/conflict with pedestrians due to driveways limited to a single parking entrance on M street away from the primary Jefferson Avenue commercial corridor.*

**District Intent.** "Preserve the predominant scale and character of existing urban shopping areas, promote retention of existing structures and encourage that new development be compatible with such existing areas and structures."

*Proposal:*

- *The proposed buildings relates to the scale of buildings in the area, stepping back where appropriate.*
- *The design provides human-scale detailing found in traditional architecture, such as doorways, storefronts, brick piers, decorative lintels, etc.*
- *Design utilizes high quality building materials*
- *The design is compatible with the material and architectural vocabulary of nearby structures, and addresses the street with entrances and windows that are compatible with a historic streetscape.*

## Consistency with Master Plan

The proposed development offers an opportunity to realize the goals of the very recent Master Plan amendment for this area. The proposal is consistent with the specific recommendation of Neighborhood Commercial for the subject Property and addresses many other policy objectives contained in the Master Plan.

### Neighborhood Commercial.

- Primary uses include office, personal service and retail uses, intended to provide the daily convenience shopping and service needs of adjacent neighborhood residents.
- Recently designated during 2010 Master Plan Amendment Process
- Appropriate Zoning Classifications include UB and B-1.

### *Proposal:*

- *The proposed development will serve the shopping and/or service needs of residents of nearby neighborhoods and will do so with a pedestrian-oriented design typically associated with the "Neighborhood Commercial" designation.*
- *The proposal does not place an emphasis on vehicular access and orientation in favor of walkability and connectivity to other nearby commercial uses and residential areas.*
- *The proposed development would contribute to the Master Plan's vision of a neighborhood commercial district along Jefferson Avenue by replacing a missing tooth and anchoring the corridor at the intersection on M street, Jefferson Avenue, and North 25<sup>th</sup> Street.*

In 2000, The Master Plan generally recognized a deficiency in the East District's commercial service centers. It was noted that the "District's primary commercial service centers are all plagued by conditions typical of older commercial centers; they exist on restricted sites, frequently in functionally obsolete structures; they often present a negative street image..." Steps have been taken since that time, including the recent Master Plan amendment/Rezoning creating the subject commercial district and the establishment of parking exemptions in conjunction with the zoning. This project would help ensure the viability of the planned neighborhood commercial service center in the vicinity and along Jefferson Ave. The high quality new construction would attract desirable commercial end users while providing a positive street image for the community.

## Findings of Fact

The following are factors indicted in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- *Be detrimental to the safety, health, morals and general welfare of the community involved.*

The proposed special use permit will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed development would offer needed services to the community and a safe, convenient and economically viable pedestrian environment, thereby providing positive impacts in terms of safety, welfare, etc.

- ***Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.***

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The proposal is designed be consistent with the Property's master-plan recommendation for dense pedestrian-oriented development which is designed for walkability. The property is uniquely situated at a significant intersection at M Street, Jefferson Avenue and 25<sup>th</sup> Street. The existing street grid will tend to minimize any traffic impacts. Further, North 25<sup>th</sup> Street is classified as a Minor Arterial Roadway by the City's Master Plan. Jefferson Avenue is designated a Collector Street and offers direct access to North 25<sup>th</sup> Street. This means that access to the site via the intended Minor Arterial would not occur through the nearby neighborhoods.

- ***Create hazards from fire, panic or other dangers.***

The Property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- ***Tend to overcrowding of land and cause an undue concentration of population.***

The proposed special use permit will not tend to over crowd the land or create an undue concentration of land. The proposed density and urban form is appropriate to the Property's location and consistent with the recommendations of the Master Plan.

- ***Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.***

The special use permit would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development. This benefit can be attributed to the significant investment in the property, taxes related to the commercial use of the first floor and the anticipated absence of school-age children residing within the complex, who require substantial City spending in schools and playground facilities.

- ***Interfere with adequate light and air.***

The light and air available to adjacent properties will not be affected. Adjacent properties are primarily located across the right-of-ways of 24<sup>th</sup> Street, M Street, Jefferson Avenue and would be unaffected based on distance and design. The adjacent building in the same block has no windows oriented toward the development and is located on the lot line. In

2411 M Street and 2416 Jefferson Avenue

the UB commercial district setbacks are not expected or required. This typical orientation will not interfere with the provision of adequate light and air.