

INTRODUCED: January 27, 2020

AN ORDINANCE No. 2020-029

To authorize the special use of the property known as 1301 North Hamilton Street for the purpose of a retail use accessory to an existing office use, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 24 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 1301 North Hamilton Street, which is situated in a R-73 Multifamily Residential District, desires to use such property for the purpose of a retail use accessory to an existing office use, which use, among other things, is not currently allowed by section 30-420.1 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2019), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 24 2020 REJECTED: _____ STRICKEN: _____

an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 1301 North Hamilton Street and identified as Tax Parcel No. W000-1663/010B in the 2020 records of the City Assessor, being more particularly shown on a survey entitled “ALTA / NSPS Land Title Survey of 1.263 Acres of Land Known as #1301 N. Hamilton Street, Being Parcel: W000-1663/010, City of Richmond, Virginia,” prepared by Balzer & Associates, and dated September 13, 2019, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a retail use, containing up to 3,634 square feet, accessory to an existing office use, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “BSA Heart of Virginia Council, Exhibit: Hamilton Place – Floor Plans,” prepared by an unknown preparer, and dated September 23, 2019, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as retail use, containing up to 3,634 square feet, accessory to an existing office use, substantially as shown on the Plans.

(b) Signs for the Special Use shall not exceed an aggregate of ten square feet in area.

(c) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(d) The number of off-street parking spaces for the office use shall be provided on the Property in accordance with section 30-710.1(a)(23) of the Code of the City of Richmond (2015), as amended. No more than 12 of the off-street parking spaces provided on the Property for the office use may be used for the retail use.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

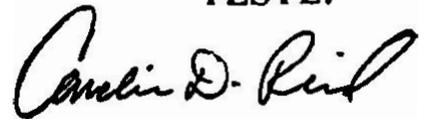
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Amelia D. Reed". The signature is written in a cursive style with a large initial 'A'.

City Clerk

City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.richmondgov.com

Item Request

File Number: PRE.2019.591

O & R REQUEST

RECEIVED

4-9550
DEC 31 2019

JAN 15 2020

Office of the
Chief Administrative Officer

OFFICE OF THE CITY ATTORNEY

O & R Request

DATE: December 20, 2019

EDITION:1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor)

80 1/14/2020

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer *lg*

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning *[Signature]*

FROM: Mark A. Olinger, Director, Department of Planning and Development Review *[Signature]*

for MAO
12/27/19

RE: To authorize the use of the property known 1301 North Hamilton Street for the purpose of permitting a retail use incidental to the primary office use on site, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the use of the property known 1301 North Hamilton Street for the purpose of permitting a retail use incidental to the primary office use on site, upon certain terms and conditions.

REASON: The subject property is located in the R-73 Multifamily Residential District. Offices are a permitted principal use in this district provided that no retailing, wholesaling or servicing of merchandise shall be permitted on the premises nor shall the storage or display of merchandise to be serviced or offered for sale elsewhere be permitted on the premises. Thus the proposed accessory retail use is not a permitted use and a special use permit is required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its February 20, 2020, meeting.

BACKGROUND: The subject property consists of 1.263 acres and is generally known as 1301 North Hamilton Street. The property is on the corner of North Hamilton and Cutshaw Avenue and abuts the I-195 corridor located to the east. Improvements on the property are a 26,448 square foot office building and a paved parking area providing 73 parking spaces.

The City of Richmond's Pulse Corridor Plan designates a future land use category for the subject property as Transitional. Specifically, the plan notes that these areas provide a gradual transition between intense commercial areas and primarily single-family residential areas. Primary uses are noted as office and multi-family residential with permitted secondary uses of retail, personal service, cultural, institutional and government uses.

The proposed retail area will be for the use of the Boy Scouts of America and utilize approximately 3,634 square feet of floor area. Any associated signage would not exceed 10 square feet. The retail area will function as an accessory use to the Boy Scouts of America office located in the same building. The property has ample parking and no offsite parking impact is anticipated by the granting of this special use permit.

Properties abutting to the north, west and south contain a mix of commercial, multi-family residential, institutional and office uses. The I-195 Downtown Expressway abuts to the east. The property abutting to the south contains a surface parking lot and is under the same ownership as the subject property.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: None

BUDGET AMENDMENT NECESSARY: None

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: January 27, 2020

CITY COUNCIL PUBLIC HEARING DATE: February 24, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
February 18, 2020

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036



SYMBOL LEGEND

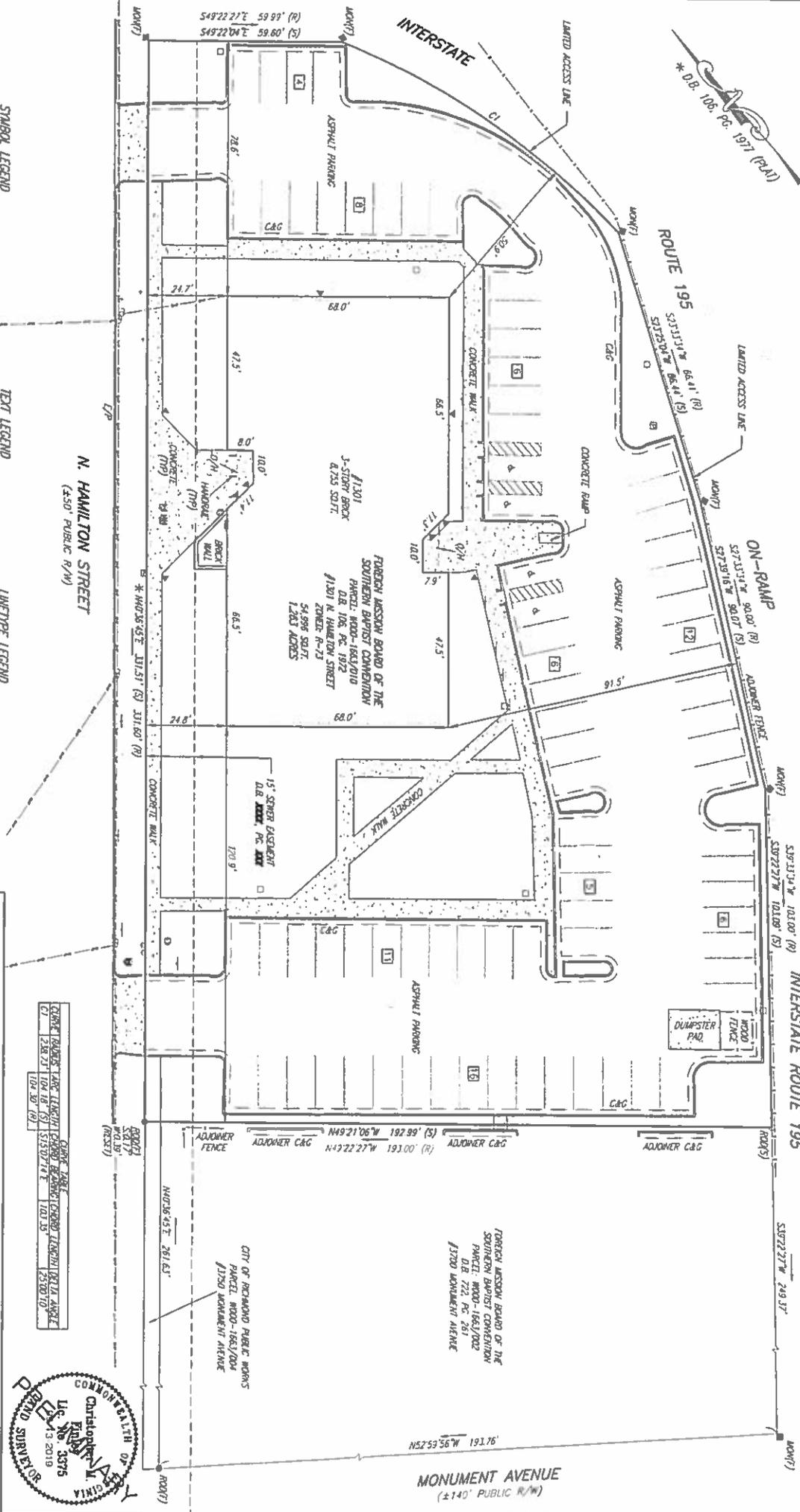
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①	COMMITMENT DESCRIPTION NO.	—	SOIL POST
←	OUT WIRE	*	SPRINKLER CONTROL ON HEAD
⊠	HANDICAP PARKING	CD	UTILITY POLE
⊡	LOAD BEAM	◀	WALL/SCREEN LIGHT
⊢	NO. OF PARKING SPACES	⊠	WATER VALVE
⊣	POWER TRANSFORMER	⊠	METER LETTER

TEXT LEGEND

(S/L)	SQUARE FEET
(C/G)	CONCRETE CURB AND GUTTER
(P/C)	POINT OF COMMENCEMENT
(P/B)	POINT OF BEGINNING
(R/W)	RIGHT OF WAY
(M/W)	MANHOLE
(P/L)	PAIL BOOK
(D/B)	DEED BOOK
(P/L)	PAGE
(O/W)	OVERLAP
(L/W)	EDGE OF PAVEMENT

LINE-TYPE LEGEND

—	OVERHEAD POWER
---	OVERHEAD TELEPHONE
- - -	FENCE

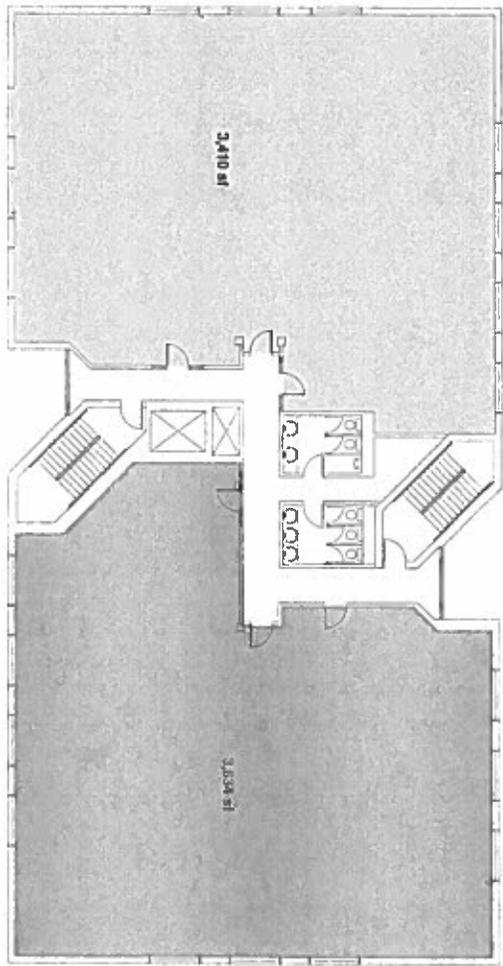


ALTA/NSPS LAND TITLE SURVEY
 OF 1.263 ACRES OF LAND
 KNOWN AS #1301 N. HAMILTON STREET
 BEING PARCEL: WOOD-1663/010
 CITY OF RICHMOND, VIRGINIA

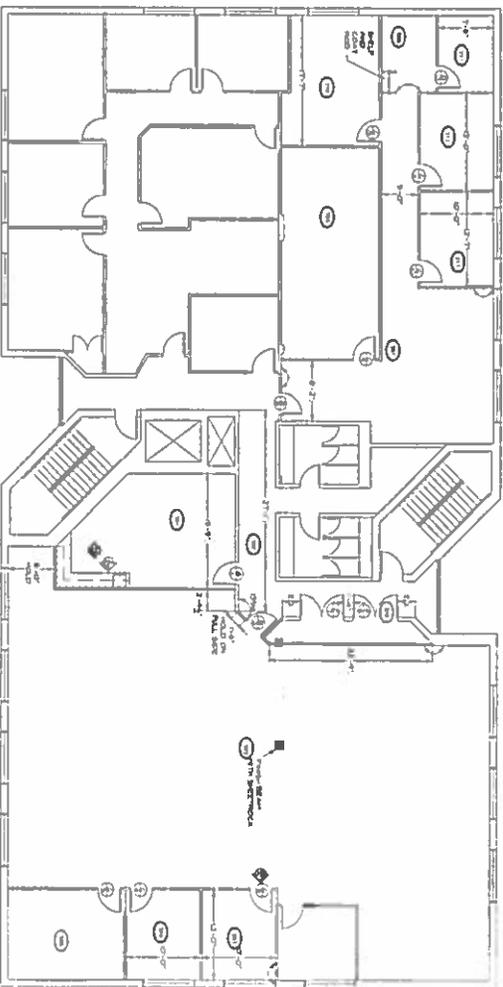
DATE: 09-13-2019
 SCALE: 1" = 20'
 JOB: 55190652.00
 DRAWN BY: WFL
 CHECKED BY: GAF
 SHEET 2 OF 2



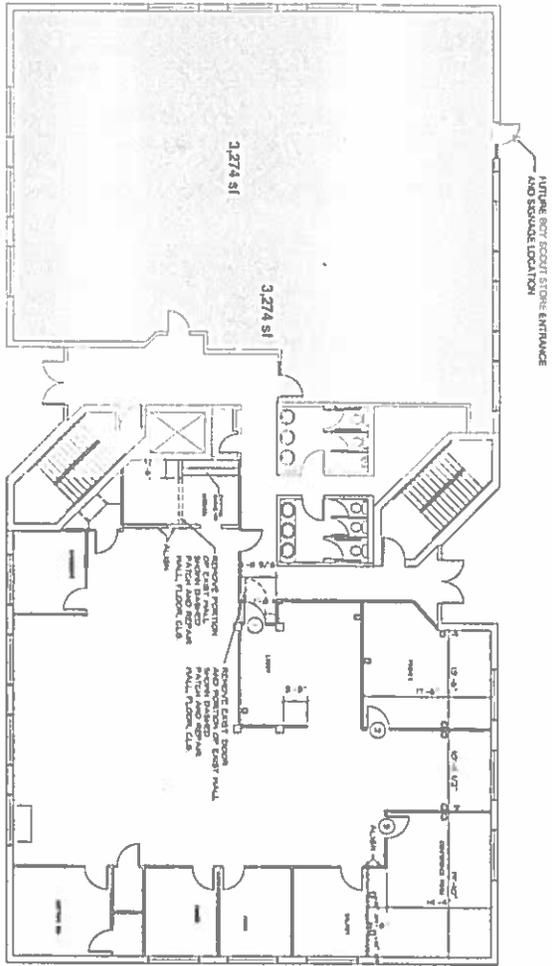
PARANER / ARCHITECTS / ENGINEERS / SURVEYORS
 1871 City View Drive, Suite 200, Richmond, Virginia 23113, Phone: (804) 781-1111, www.paraner.com



2ND FLOOR PLAN | 1/8" = 1'-0"



3RD FLOOR PLAN (NO SCOUT STORE) | 1/8" = 1'-0"



1ST FLOOR PLAN | 1/8" = 1'-0"

- LEGEND | POTENTIAL SCOUT STORE LOCATIONS**
NOTE: STORE NOT TO EXCEED 3650 SF
- OPTION 1 (1ST FLOOR) = 3274 SF AVAILABLE
 - OPTION 2 (2ND FLOOR) = 3410 SF AVAILABLE
 - OPTION 3 (2ND FLOOR) = 3634 AVAILABLE

BSA | HEART OF VIRGINIA COUNCIL
 EXHIBIT: HAMILTON PLACE -
 FLOOR PLANS

ADDRESS:
 1301 N HAMILTON ST
 RICHMOND, VA 23230

DATE:
 09/23/2019



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.richmond.gov>

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

Property Address: 1301 A North Hamilton Street, 1301 North Hamilton Street Date: 09/23/2019
 Tax Map #: W0001663010, W0001663010B Fee: \$1,800
 Total area of affected site in acres: 1.26

(See **page 6** for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-73

Existing Use: General Office

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
 Use of appx. 3,275 SF of the building for retail uses incidental to primary office use of Boy Scouts of America Org., with direct entry door and accompanying store signage
 Existing Use: General Office

Is this property subject to any previous land use cases?

- Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Andrew M. Condlin, Esquire

Company: Roth Jackson Gibbons Condlin PLC
 Mailing Address: 1519 Summit Ave, Suite 102
 City: Richmond State: VA Zip Code: 23230
 Telephone: (804) 977-3373 Fax: ()
 Email: ACondlin@rothjackson.com

Property Owner: Foreign Mission Board of the Southern Baptist Convention

If Business Entity, name and title of authorized signee: Andrew M. Condlin, by Special Limited Power of Attorney

(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: PO Box 6767
 City: Richmond State: VA Zip Code: 23230
 Telephone: () Fax: ()
 Email: ACondlin@rothjackson.com

Property Owner Signature:

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)



ROTH JACKSON

ROTH JACKSON GIBBONS CONDLIN, PLC

Andrew M. Condlin
Richmond Office
(804) 977-3374(direct)
ACondlin@rothjackson.com

September 23, 2019

VIA HAND DELIVERY

Mr. Matthew Ebinger
Planning and Development Review
900 East Broad Street, Room 511
Richmond, VA 23219

Re: Special Use Permit Request: Tax Map No's W0001663010, and W0001663010B.

Dear Mr. Ebinger:

This letter shall serve as the applicant's report accompanying the application for a Special Use Permit to authorize a portion of the existing improvements at 1301 North Hamilton Street for limited retail use ("the SUP"). The subject property consists of two (2) tax map numbers: W0001663010 and W0001663010B ("the Property"). My firm represents the contract purchaser of the Property, which is the Heart of Virginia Council of the Boy Scouts of America ("the Applicant"). The purpose of the SUP would allow for the Applicant to operate a retail store that would be open to the public and would have a direct public entrance and accompanying entrance signage. The proposed retail store would be for the sale of goods related to the Boy Scouts of America Heart of Virginia Council, who would own and occupy the building as the principal office use.

The Property

The Property consists of two (2) separate parcels. One parcel, known as 1301 A North Hamilton Street, is referred to by the City Assessor as W0001663010, while the other parcel, known as 1301 North Hamilton Street, is referred to by the City Assessor as W0001663010B and is considered a taxable leasehold portion of the former parcel. The Property is approximately 1.26 acres in size according to assessment records, and lies directly adjacent to the Downtown Expressway/I-195 along North Hamilton Street between its intersections with Monument Avenue and Cutshaw

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RICHMOND

1519 Summit Avenue, Suite 102, Richmond, VA 23230
P: 804-441-8440 F: 804-441-8438

TYSONS CORNER

8200 Greensboro Drive, Suite 820, McLean, VA 22102
P: 703-485-3535 F: 703-485-3525

Avenue. The Property is owned by the Foreign Mission Board of the Southern Baptist Convention, and is currently improved by a 26,448 square-foot building for general office use. For a more detailed description of the Property, please refer to the survey titled "ALTA/NSPS Land Title Survey of 1.263 Acres of Land Known as #1301 N. Hamilton Street Being Parcel: W000-1663-010 City of Richmond, Virginia," completed by Balzer & Associates on September 13, 2019 ("Exhibit A").



Figure 1

Land Use Context

The adjacent properties to the North, West, and South include a mix of commercial, multi-family residential, office, public open space, and institutional uses, with the exception of two small undevelopable vacant parcels. Across the Downtown Expressway lies the northwestern portion of the Museum District neighborhood, which features an array of uses and densities, including single-family, two-family, and multi-family uses as well as institutional, office, and commercial uses. The Property itself lies within the Jefferson Terrace Civic Association boundaries. This neighborhood, (00934646v1)



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which continues to the West of the Property, is both residential and commercial in nature, including a number of office and commercial uses immediately surrounding the Property and along the Downtown Expressway and West Broad Street as well as an established residential neighborhoods of single-family, two-family, and multi-family dwellings.

Zoning Context

The Property lies within the R-73 Multifamily Residential zoning district (Figure 1, above). This district principally permits a variety of residential uses and densities, nursing homes, day nurseries, tourist homes, parking areas, parking decks, offices, hospitals, and adult day care facilities. It also permits a number of uses that are incidental accessory uses to some of the above principle uses, including "shops for the sale of convenience goods." The nearby and adjacent zoning districts all generally permit more intense land uses, most notably TOD-1 to the East of the Property across the Downtown Expressway.

Pulse Corridor Plan Designation

The Pulse Corridor Plan recommends "Transitional" future land uses for the Property. This land use category is described in the Pulse Corridor Plan as follows: "Transitional areas provide a gradual transition between intense commercial areas and primarily single-family residential areas... Regardless of use, buildings should have street-oriented facades with windows and door openings along street frontages," (*Pulse Corridor Plan, p. XII*). The Plan goes on to describe the desired future primary land uses as being office and multi-family residential, and the desired future secondary uses as being retail, personal service, cultural, institutional and governmental uses, to name a few.

Purpose of Request

The proposed use of the Property as offices and an accessory store is consistent with the Pulse Corridor Plan and the future goals of the Boy Scouts of America Heart of Virginia Council organization. It is also generally consistent with the intent of the R-73 zoning district which permits offices and retail stores incidental thereto. However, the R-73 District restricts floor area of incidental uses, signage, and prohibits direct public access for incidental retail stores. Therefore, the SUP is necessary to authorize the use as proposed.

The Applicant believes that direct public access and signage augment the customer experience. Per their 2017 Annual Report, the Heart of Virginia Council currently consists of 12,140 youths, 373 troops/crews/posts, and 3,848 adult volunteers. With membership spanning from the North Carolina border to the Northern Neck, visitors often travel up to two hours to visit either the Council office headquarters or the retail store. Many of these visitors are not familiar with Richmond, and would benefit from a storefront that is modest, but still easily recognizable and well-delineated with limited store signage.

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P: 703-485-3535 F: 703-485-3525

As proposed, the retail store would be between 3,274 square feet and 3,634 square feet in floor area and would be situated within the existing building on the ground or second floor. A new entry door would be added on the ground floor that would directly service the store if it is located on the ground floor, as indicated by "Option 1" in the proposed plans. The total signage would be specifically for the store and its operating hours, and would not exceed 10 square feet. Within the store, customers would be able to purchase uniforms, clothing, badges, literature, workbooks, gear, and other miscellaneous equipment and materials; a photographic appendix is herein attached to demonstrate the nature of a Scout Store's retail operations. The office headquarters for the Applicant would be located within this same building on either the ground or second floor. This use is permitted by right, but we are requesting the Special Use Permit (SUP) to allow a slightly larger size (3,274-3,634 sf versus 1,322 sf by right) together with the 10 sf in exterior signage and an optional direct entry door for the store.

Findings of Fact

The following are factors included 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 SUP will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed use is compatible with existing development in the vicinity and consistent with the intent of R-73. The request would simply permit the signage and entry door for a use that would otherwise be permitted by-right.

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

The proposed SUP will not result in significant traffic impacts to nearby residential neighborhoods. There is ample off-street parking available on the Property, as well as on-street parking available on nearby streets. As such, the SUP will not create congestion on streets, roads, alleys or any other public right of way.

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

This request does not require the need for any further development of the Property to accommodate this use, as it will utilize the existing building for its purposes. The Property will be occupied 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 the Property are designed to eliminate such hazards. Therefore, this request will not create hazards from fire, panic, or other dangers.

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

(00934646.v1)



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TYSONS CORNER

3200 Greenbush Drive, Suite 820, McLean, VA 22102
P: 703-485-2555 F: 703-485-3525

The proposed SUP will not tend to over crowd the land or create an undue concentration of population. The request is to utilize an already existing structure in a manner already consistent with the nature of the R-73 zoning district and the Pulse Corridor 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 SUP would not adversely affect the above referenced City services.

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

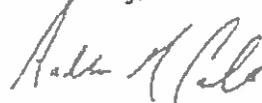
The light and air available to the subject and adjacent properties will not be affected. The request does not include the expansion of the existing structure.

Summary

The request is consistent with the Pulse Corridor Plan and is a minimal departure from what would otherwise be permitted by-right. The SUP represents an ideal use of the Property that is not inconsistent with the surrounding uses nor potential future uses as designated by the Pulse Corridor Plan. The retail store would remain as being an incidental use to the principal office use of the building as proposed, and is thus consistent with the intent of the R-73 district. This use is permitted by-right but we are requesting the SUP simply for a slightly larger size retail space than would otherwise be permitted, exterior store-oriented signage (10 sf), and an optional exterior door. In exchange for the special approval, the quality assurances conditioned through the special use permit process would guarantee use of the Property be of a higher quality than what might otherwise occur by-right.

If you have any further questions about this request, please do not hesitate to contact me.

Sincerely,



Andrew M. Condlin

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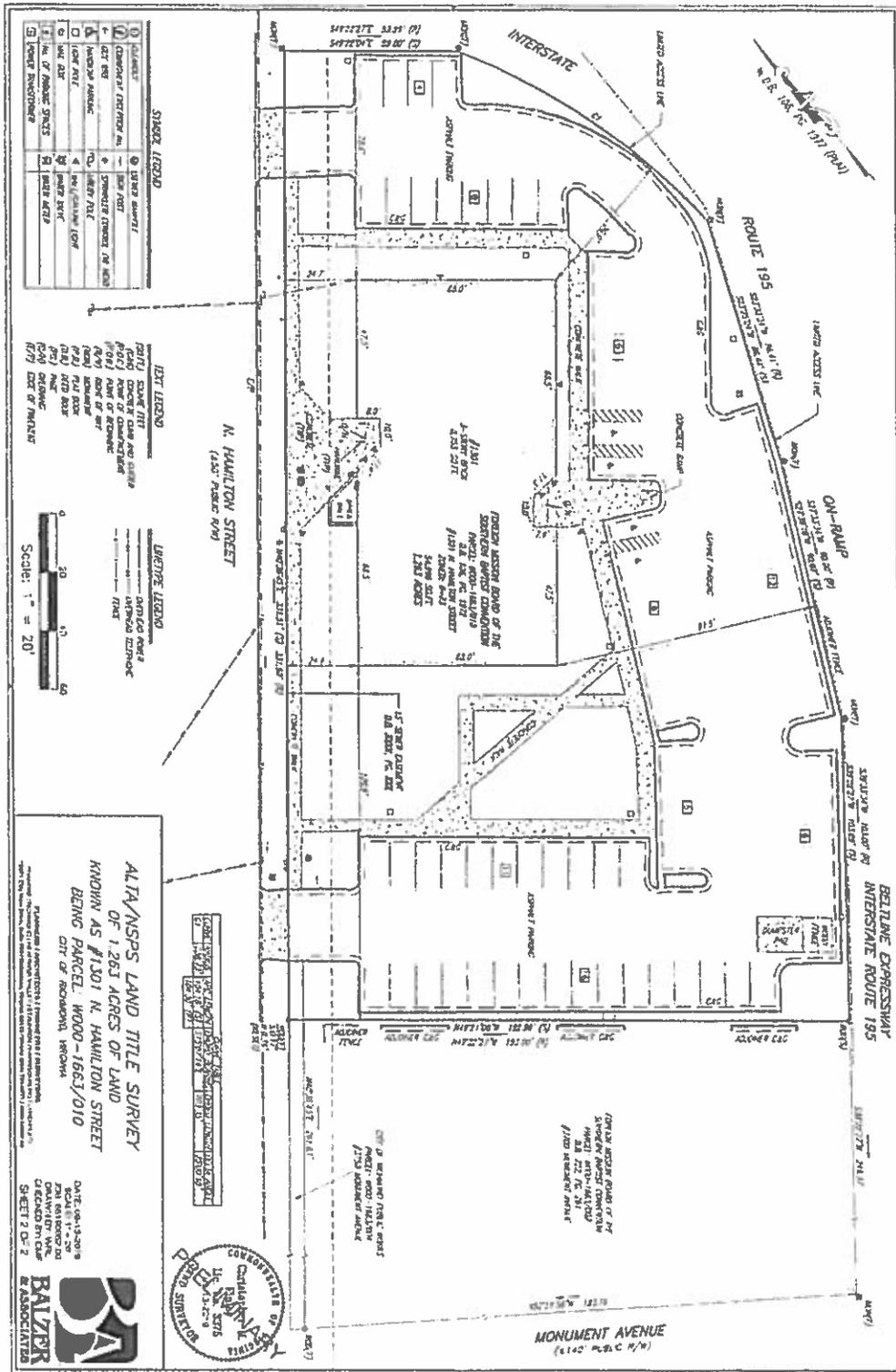
RICHMOND

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P. 804-441-8440 F. 804-441-8438

TYSONS CORNER

8200 Greensboro Drive, Suite 220, McLean, VA 22102
P. 703-485-3535 F. 703-485-3525

Exhibit A:



{00934646.v1}



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 P: 804-441-8440 F: 804-441-8438

TYSONS CORNER

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Photographical Appendix:



{00934646.v1}



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{00934646,v1}



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