



**APPLICATION  
FOR RELIEF FROM REQUIREMENTS OF THE  
CHESPEAKE BAY PRESERVATION PROGRAM  
EXCEPTIONS, WAIVERS, EXEMPTIONS AND  
BUFFER ENCROACHMENTS**

To: The Bureau of Permits and Inspections  
Department of Community Development  
900 E. Broad Street, Room 110  
Richmond, Virginia 23219  
Phone (804) 646-6440 Fax (804) 646-6948

Date: 12/12/17

Type of Relief Requested (check one)

Exception       Waiver       Encroachment       Exemption

Please attach required documents.  
Requests for exceptions also require an application fee payable to "City of Richmond".

Property Address(es): 1300 E. BYRD ST., RICHMOND, VA

Tax Parcel No(s): E0000052020

Brief Description of Exception: REDEVELOPMENT WITHIN IDA PORTIONS OF THE  
RPA ASSOCIATED WITH THE KANAWHA CANAL

**Applicant/Contact Person:** Lory Markham, Markham Planning

**Mailing Address:** 2314 West Main Street; Richmond VA 23220

**Telephone:** ( 804 ) 248-2561 **Fax:** (        )

**Email address:** lory@markhamplanning.com

**Property Owner:** North Falls Acquisition

**Mailing Address:** 301 south 11th street, Unit 2000, Richmond  
VA 23219

**Telephone:** ( 703 ) 965-7381 **Fax:** (        )

**Property Owner's Signature:** [Signature]

The signatures of all owners of the property are required. Please attach additional sheets as required. If a legal representative signs for a property owner, please attach an executed power of attorney.

**Project Information** (check appropriate boxes)

**Current Use of Property** (check one)–

- |  |  |
|--|--|
| <input type="checkbox"/> Vacant Land to be developed | <input checked="" type="checkbox"/> Commercial/Office/Industrial |
| <input type="checkbox"/> Single Family Residential   | <input type="checkbox"/> Parking or other paved surface          |
| <input type="checkbox"/> Other: _____                | <input type="checkbox"/> Multi-family residential                |

**Subdivision Name, Lot and Section Number:** N/A

**Lot was last recorded:**

- Prior to October 1989
- Between October 1989 and February 2002
- After February 2002

**Area of Property (square footage)**

Within RPA: 13,168      Outside RPA: 28,649      Total: 41,817

**Activity requiring relief is located in** (check all that apply)

- Resource Protection Area Buffer land ward 50 feet
- Resource Protection Area Buffer seaward 50 feet
- Slopes greater than \_\_\_ percent
- Wetlands
- Resource Management Area

**Activity requiring relief involves** (check all that apply)

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Construction of New principal structure | <input checked="" type="checkbox"/> Paved pathways |
| <input type="checkbox"/> Accessory (detached) structure                     | <input type="checkbox"/> Tree/vegetation removal   |
| <input type="checkbox"/> Addition to principal structure                    | <input type="checkbox"/> Utilities                 |
| <input type="checkbox"/> Parking area, or driveway, or roadway              | <input type="checkbox"/> Other: _____              |

**Total square footage of RPA impacted:** 13,168

Are there any additional approvals or permits from local, state, or federal agencies required for any portion of this project (zoning variances, wetland permits, etc)?

- No
- Yes, Please describe: \_\_\_\_\_

**Description of the Activity and reason for the request:**

RPA DISTURBANCE IS FOR THE CONSTRUCTION OF A NEW HOTEL AND  
REMOVAL OF THE EXISTING BUILDING. CONSTRUCTION WILL CONNECT TO THE  
KANAWHA CANAL WALK. SEE ATTACHED FOR MORE DETAIL

For **Exceptions**, Please complete the following

**APPLICANT'S JUSTIFICATION FOR THE REQUESTED EXCEPTION**

In accordance with Section 50-340(c) (1) of the Richmond City code, An exception cannot be granted unless specific findings are made. Please describe how the particular CBPA exception request would meet these six findings:

1. The requested exception to the criteria is the minimum necessary to afford relief;
2. Granting the exception will not confer upon the applicant any special privileges that are denied by the ordinance to other property owners who are subject to its provisions and who are similarly situated;
3. The exception request is in harmony with the purpose and intent of the Ordinance and is not of substantial detriment to water quality;
4. The exception request is not based upon conditions or circumstances that are self-created or self-imposed;
5. Reasonable and appropriate conditions are imposed, as warranted, to prevent the proposed activity from causing degradation of water quality;
6. Other findings and conditions, required by the City have been met.

SEE ATTACHED.

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For **EXCEPTIONS** and **ENROACHMENTS**, please complete the following.

Describe all mitigation measures, including BMPs and vegetation enhancement\*,

SEE ATTACHED REPORT

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- Note: all vegetation enhancement should be in accordance with the Riparian Buffers Modification and Mitigation Manual available at [www.dcr.virginia.gov/chesapeake\\_bay\\_local\\_assistance/publica.shtml#Anchor-18776](http://www.dcr.virginia.gov/chesapeake_bay_local_assistance/publica.shtml#Anchor-18776)

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Do not mark below this line

Fee Required \$ \_\_\_\_\_

Approvals

Program Administrator \_\_\_\_\_ Date \_\_\_\_\_

City Planning Commission \_\_\_\_\_ Date \_\_\_\_\_

Comments: \_\_\_\_\_

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December 18, 2017

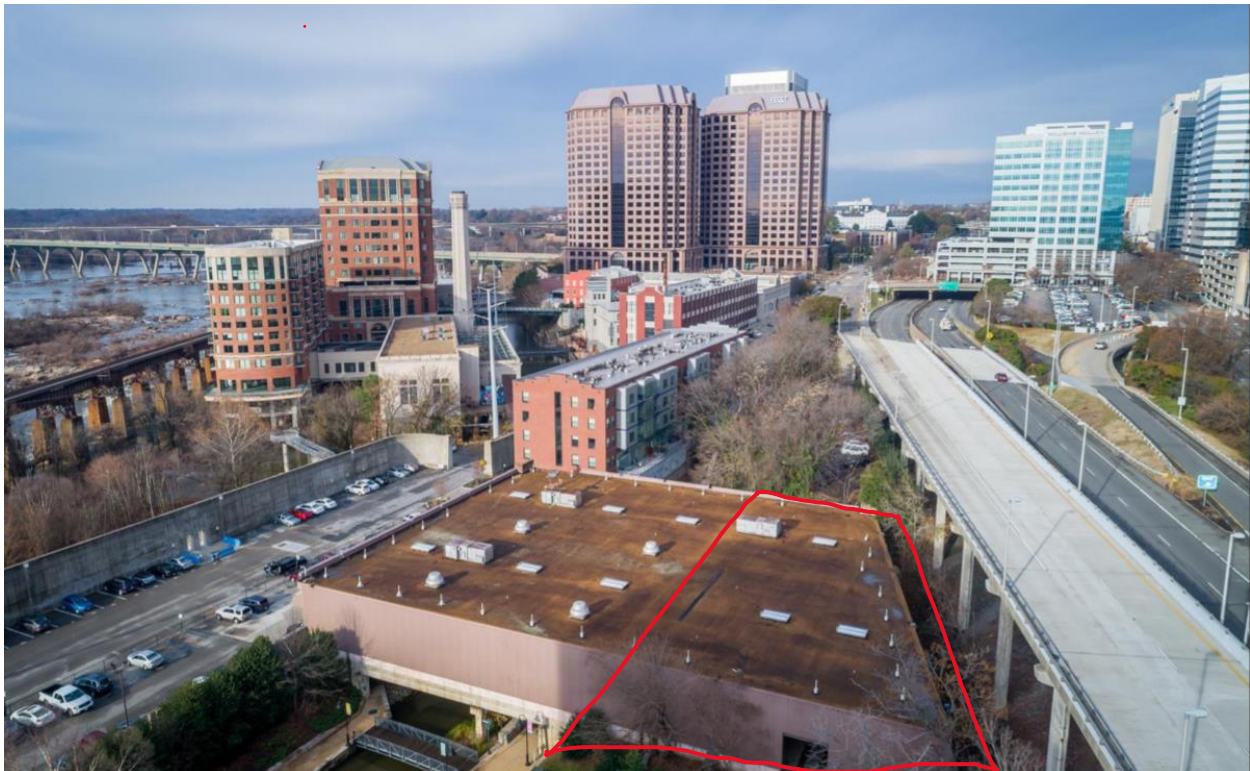
Ms. Jonet Prevost-White  
Department of Public Utilities, Water Resources  
730 East Broad Street  
Richmond, VA 23219  
[Jonet.Prevost-White@richmondgov.com](mailto:Jonet.Prevost-White@richmondgov.com)

RE: Applicant's Report for WQIA of 1300 East Byrd Street Development

Dear Ms. Prevost-White,

Please find enclosed a Water Quality Impact Assessment (WQIA) and an application for an exception for relief from the requirements of the Chesapeake Bay Preservation Program on a commercial property at 1300 East Byrd Street in the City of Richmond, Virginia.

*Site*



The subject property is located along the City's Canal Walk and adjacent to the elevated Downtown Expressway. There are two properties included in the site; one development parcel current

occupied by a vacant warehouse building that spans the canal and one parcel that is owned by the RMTA and will provide access to the proposed hotel development from 12<sup>th</sup> Street to the west. The site is constrained on all sides by the existing infrastructure surrounding the property.

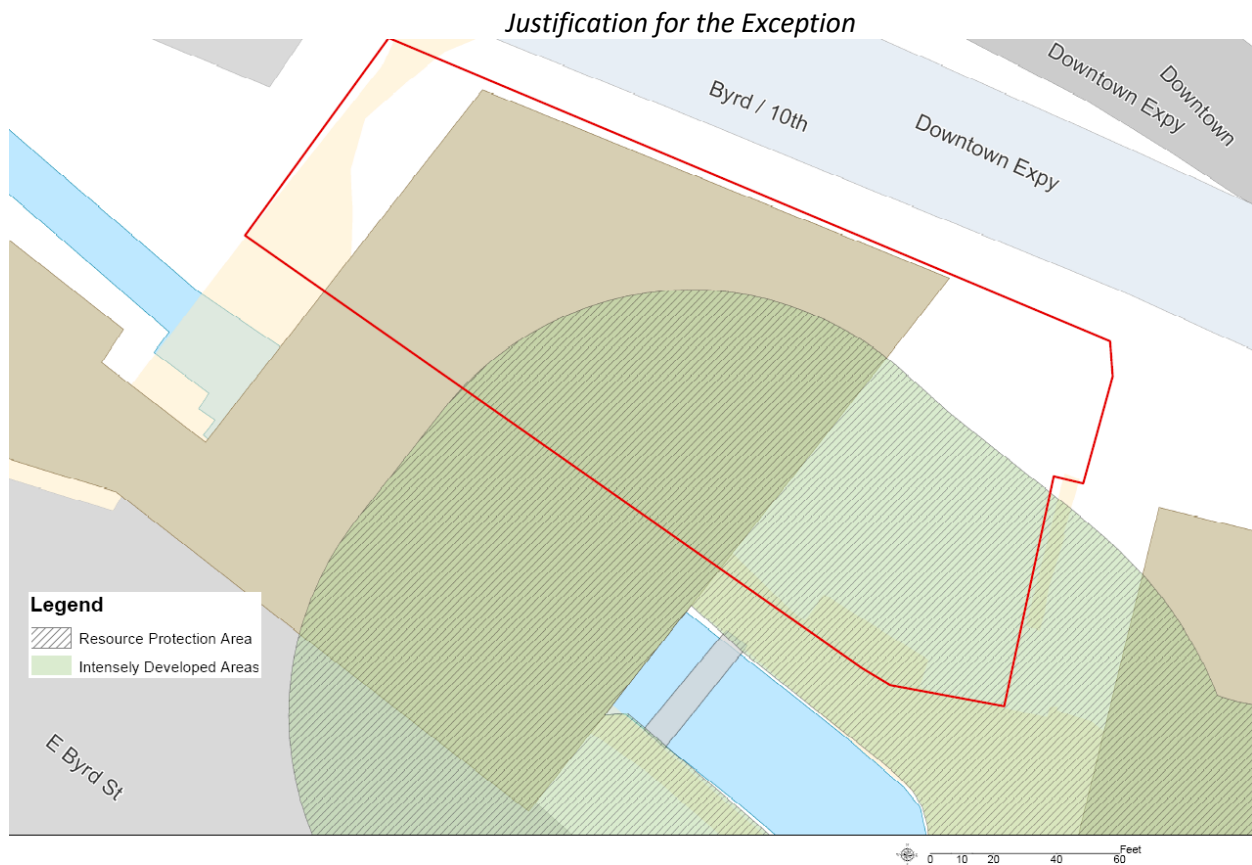
Together the properties total 0.96 acres, with 0.30 acres of the site located within the Intensely Developed Area of the Resource Protection Area (IDA/RPA) designation. Currently, only 0.12 acres of the site is pervious and located within the IDA/RPA. The remainder of the site it is impervious and is covered with the existing warehouse building, hardscape and drive aisles. The site is also located in the City's B-4 Central Business Zoning District and is subject to a special use permit that requires a minimum amount of commercial space be provided for any development that occurs on the site.

### *Project Description*



The proposed development of the site consists of an eleven-story, 132-room hotel with meeting rooms and retail uses on the ground floor fronting the Canal Walk and three levels of structured parking accessed through the RMTA lot to the west and a private alley to the east. Included in the development plans is the removal of the existing warehouse building from overtop of the canal. This will expose the historic 13<sup>th</sup> Street bridge and daylight approximately 16,000 square feet of the canal and the Canal Walk.

The three parking levels are proposed within the tight confines of the site and the minimum dimensions required for this structure have dictated the proposed footprint of the hotel building. A terrace for the hotel guests will be provided on top of the parking structure with the footprint of the hotel portion of the building occupying less area than the parking structure below.



A portion of the site adjacent to the canal has been determined to be within the Intensely Developed Area of the Resource Protection Area. This designation is established along only a portion of the canal and ends half way through the site. The canal is a manmade channel with its flow controlled by weirs that can be opened and closed by the City of Richmond based on the water elevation of the James River.

This WQIA and application is for an exception from the Chesapeake Bay Preservation Program requirements to request permission to encroach within the landward and seaward portions of the RPA to construct the proposed hotel. The lot was recorded and developed prior to the implementation of the Chesapeake Bay Preservation Act (CBPA) and has been developed since the creation of the canal. There are currently 0.12 acres of pervious area within the RPA/IDA on the site. The proposed development will decrease the amount of pervious area within the RPA/IDA on the site to 0.03 acres. However, the project will remove 0.37 acres of building footprint from the site, which is currently covering the Canal Walk and the canal itself. Unfortunately, the canal itself is considered impervious and this off set is not recognized by the existing regulations. Additionally, the proposed project will include planting areas along the canal, multiple substantial planters on the terrace level of the hotel and additional landscaping outside of the RPA/IDA along the canal and on the parcel to the west.

The small area that will become impervious with the new development is shown in the diagram on page 5. According to City Code 14-292(C)(1) the following six findings are presented to meet the requirements for the CBPA exception request:

1. **The requested exception to the criteria is the minimum necessary to afford relief.** The encroachment into the RPA/IDA an additional 0.09 acres of impervious area over what currently exists on the site. This encroachment is the smallest possible footprint that can be accomplished given the constraints surrounding the property and the required dimensions of the parking structure. The parking structure cannot be reduced any further without substantial loss of parking spaces and functionality of the ramped parking structure. Granting the requested exception is the minimum necessary to afford relief and still have a sustainable development. Additionally, Venture Richmond and the City's zoning approval on the site require a certain level of commercial activity along the Canal Walk that has impacted the footprint of the proposed building.

2. **Granting the exception will not confer upon the applicant any special privileges that are denied by the ordinance to other property owners who are subject to its provisions and who are similarly situated.** This lot was recorded as a buildable lot prior to the implementation of the Chesapeake Bay Preservation Act. The canal itself was constructed to serve the commercial and industrial uses that have been developed along its banks since its inception. Additionally, it has long been the City and property owners' desire to develop the Canal Walk with a mix of uses and buildings that support activity along the canal and passive recreation and enjoyment of the water. This is evidenced in the City's Downtown and Riverfront Plans as well as the 1994 Riverfront Development Agreement that lays out the development parameters along the Canal Walk. Due to the size and shape of the lot, the history of the area, the Master Plan recommendations for development along the Canal Walk and the limited building area of the site, there are no special privileges afforded to this property.

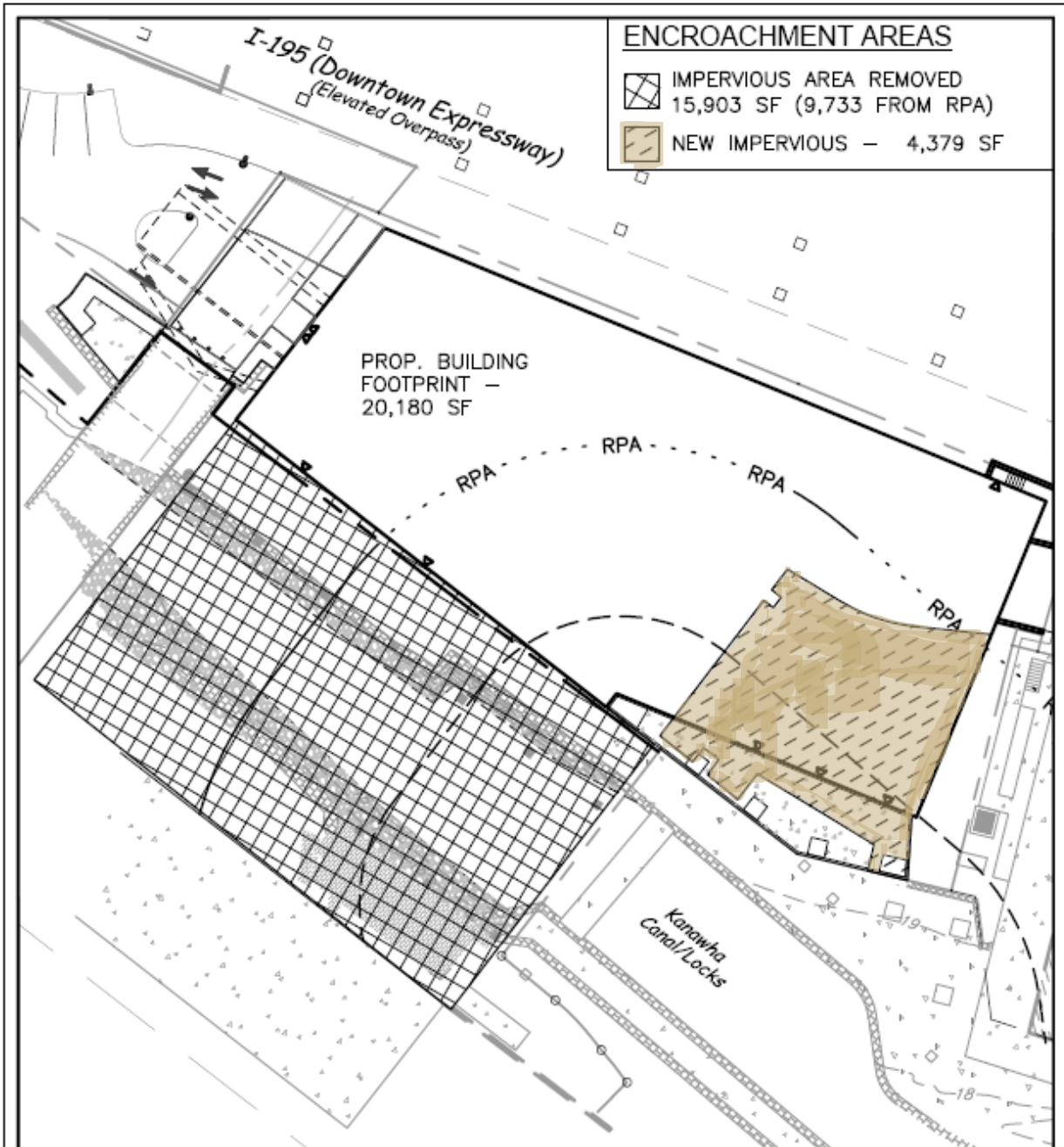
3. **The exception request is in harmony with the purpose and intent of the Ordinance and is not of substantial detriment to water quality.** The purpose and intent of the Ordinance is to protect water quality and protect the right of property owners. Since this lot was recorded prior to the CBPA, the Ordinance allows for the property owner to construct within a reasonable building area. The encroachment is of reasonable size and location to achieve a building area that will accommodate the proposed development and parking structure. The removal of the existing building from the covering the canal will help to improve water quality, as the existing building was constructed well before the CBPA.

4. **The exception request is not based upon conditions or circumstances that are self-created or self-imposed.** The exception request is based on the existing conditions of the lot and minimum dimensions required for a parking structure, there are no conditions to which the owners contributed or created. The designation of the RPA/IDA along this man-made channel in the heart of downtown has created the circumstance for which relief is required. The zoning approvals and requirements from Venture Richmond have also been imposed on the property owner forcing the proposed footprint to encroach into the RPA/IDA. These requirements were in no way self-created.

5. **Reasonable and appropriate conditions are imposed, as warranted, to prevent the proposed activity from causing degradation of water quality.** Erosion and sediment control measures will be utilized to prevent erosion during construction. Additional landscaping will be provided in disturbed areas and on the terrace level in order to create a more effective filter from runoff of this property.

6. **Other findings and conditions, required by the City have been met.** There are conditions related to the development of this site imposed by the City's Zoning Ordinance and the Riverfront Development Agreement between the City, Venture Richmond and the property owners. These conditions require a certain level of commercial activity and for the property owner to dedicated land for the Canal Walk. The proposal will meet all of these requirements and will remove the building covering the canal that has been an eyesore and a detriment to the Canal Walk since its construction.





DATE: 12/14/17  
 SCALE: 1"=40'  
 JOB NO: 56160071.00  
 SOURCE: SURVEY

HYATT PLACE  
 AT THE LOCKS  
 WQIA - RPA ENCROACHMENT  
 CITY OF RICHMOND, VA



• PLANNERS • ARCHITECTS • ENGINEERS • SURVEYORS •

15871 City View Drive • Suite 200 • Midlothian, Virginia 23113 • Phone (804) 794-0571 • Fax (804) 794-2635

*Mitigation Measures*

The encroachment into the RPA includes a total of approximately .09 acres of new impervious area. The encroachment is shown on the included Plan. This encroachment is the minimum necessary to construct the proposed hotel and parking structure. There is no additional area within the lot to offset the impact to the RPA with additional area. Landscaping will be provided in disturbed areas within the RPA as it is feasible to provide additional vegetation on the lot. The landscaped tree wells and a planted area to the east of the hotel are proposed to help filter runoff and will also protect the property against erosion. The existing vegetation on site is a steep slope that is only planted in grass. The steepness of the slope does not allow much water to permeate this vegetated area and the proposed building will provide better stabilization and prevent erosion of this steep slope.

As the canal is a man-made channel and is not in its natural state and proper erosion and sediment control measures will be utilized for the proposed project, no significant detriment to water quality is anticipated.

*Master Plan / Downtown Plan*

These properties were included in the 2009 Downtown Plan, which recommends that they be developed consistent with the Urban Center Character Area. The Urban Center Character Area calls for higher density, mixed-use development, typically arranged on a fine-grained street network, with wide sidewalks, regular tree planting, and minimal setbacks.

Specifically addressing the subject properties, the Plan states, "The Canal Walk should continue to be developed and maintained at its current high level of care. Adaptive reuse or unobtrusive infill development should be arranged to provide frontage on the canal without blocking existing views to the James River. One opportunity for this type of development is found between South 12<sup>th</sup> Street and Virginia Street. Existing buildings which cover the canal should, in the long term, be demolished and the canal should be reopened in order to create a continuous path through Downtown.

*Neighborhood Input*

The proposed development has been presented to and approved by the Venture Richmond Architectural Review Committee. The Shockoe Partnership, Inc. Board also reviewed the project following a formal presentation at their May 2017 meeting and offered the attached letter of support.

Thank you for your consideration of this application. I hope that you will agree that this small exception to encroach into the RPA/IDA meets the criteria for such exception to be granted by the City Planning Commission. Please feel free to contact me at [lorymarkham@markhamplanning.com](mailto:lorymarkham@markhamplanning.com) or (804) 248-2561 if you have any questions or require additional materials to process the application.

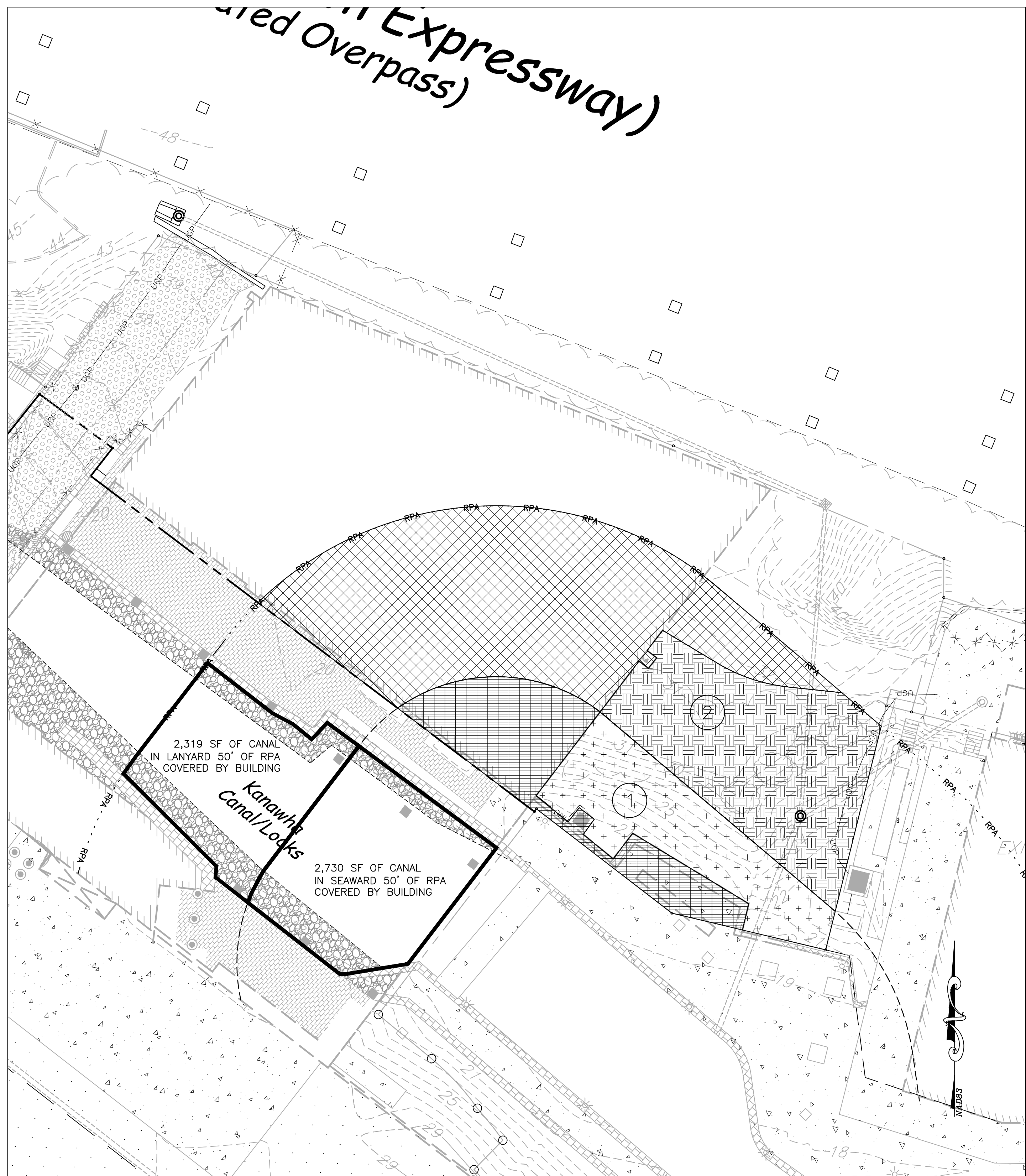
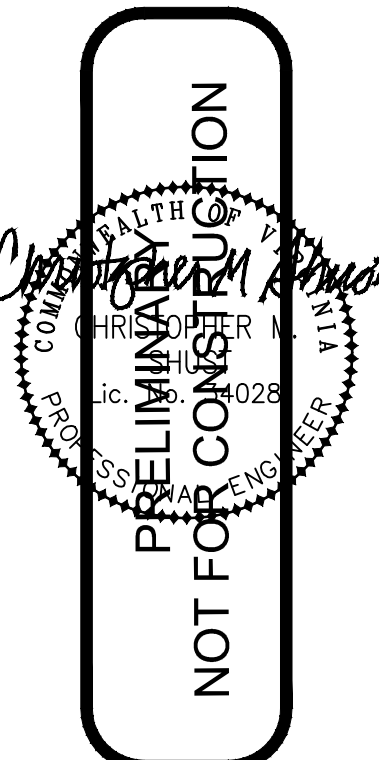
Very Truly Yours,



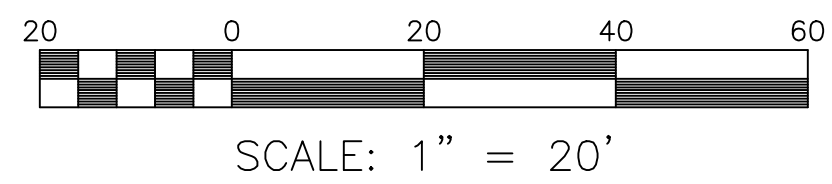
Lory Markham

Enclosures

cc: Matthew Ebinger, Secretary to the City Planning Commission

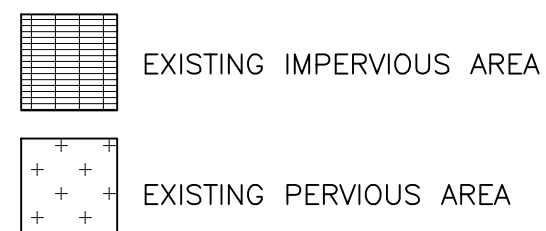


PRE-DEVELOPMENT RPA LAND COVER  
1"=20'



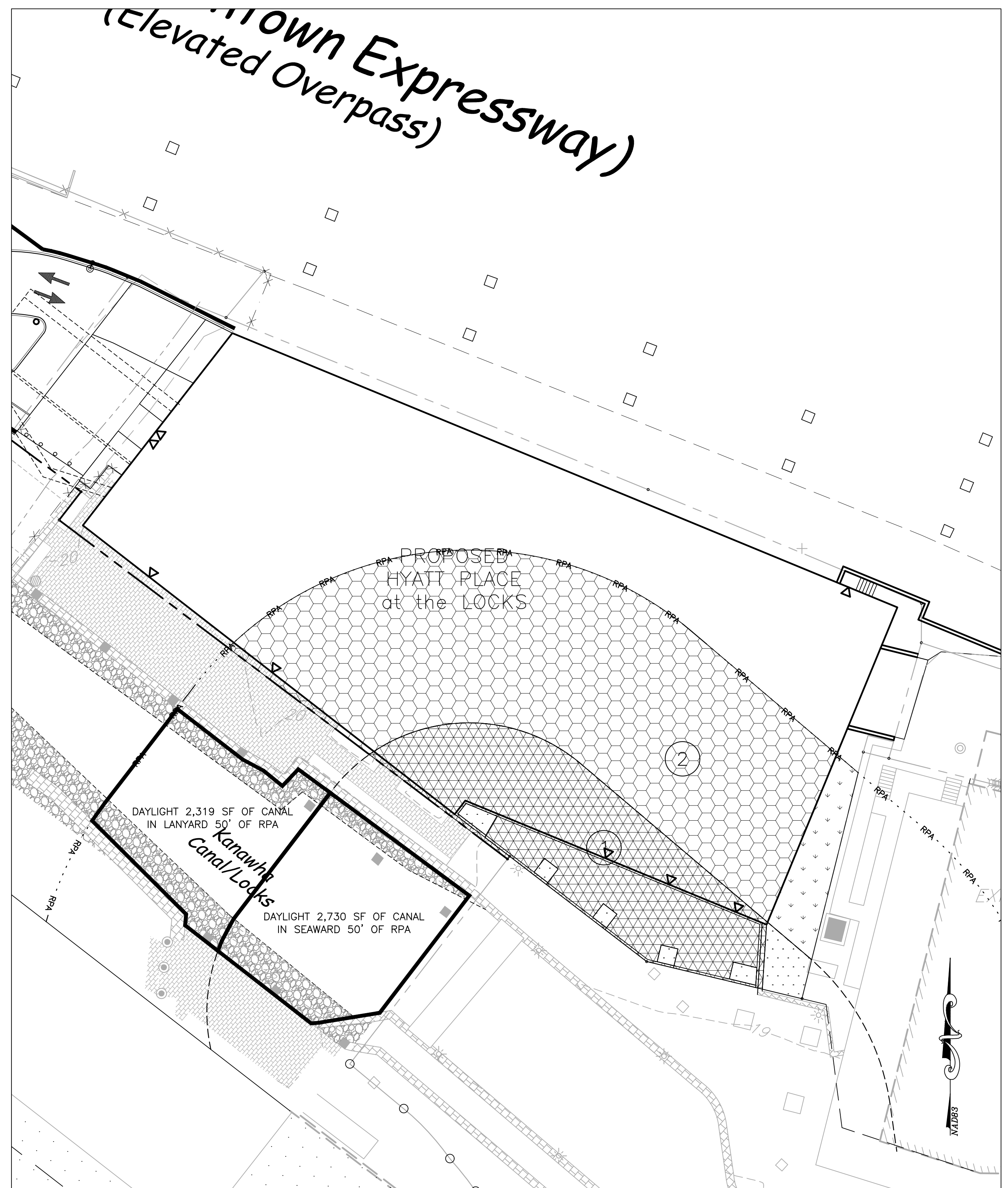
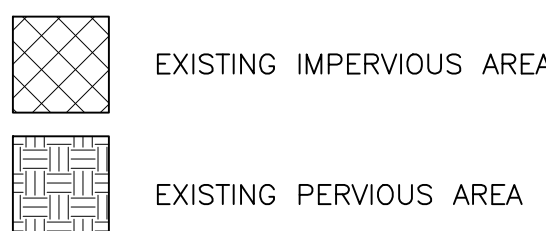
1 SEAWARD 50' OF RPA

TOTAL AREA=3,792 SF 0.09 AC  
IMPERVIOUS AREA=1,828 SF 0.04 AC  
PERVIOUS AREA=1,964 SF 0.05 AC

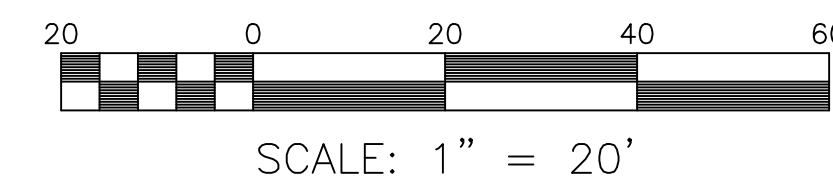


2 LANDYARD 50' OF RPA

TOTAL AREA=9,376 SF 0.20 AC  
IMPERVIOUS AREA=5,851 SF 0.13 AC  
PERVIOUS AREA=3,252 SF 0.07 AC

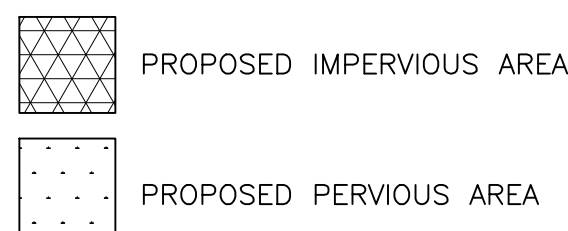


POST-DEVELOPMENT RPA LAND COVER  
1"=20'



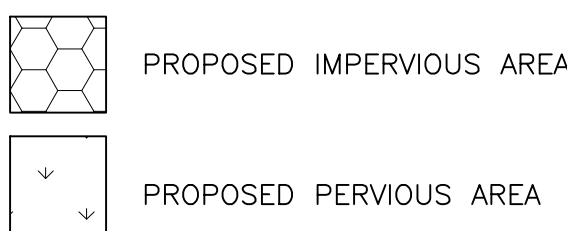
1 SEAWARD 50' OF RPA

TOTAL AREA=3,792 SF 0.09 AC  
IMPERVIOUS AREA=3,428 SF 0.082 AC  
PERVIOUS AREA=364 SF 0.008 AC



2 LANDYARD 50' OF RPA

TOTAL AREA=9,376 SF 0.20 AC  
IMPERVIOUS AREA=8,477 SF 0.18 AC  
PERVIOUS AREA=899 SF 0.02 AC



HYATT PLACE  
AT THE LOCKS



WQIA EXHIBIT

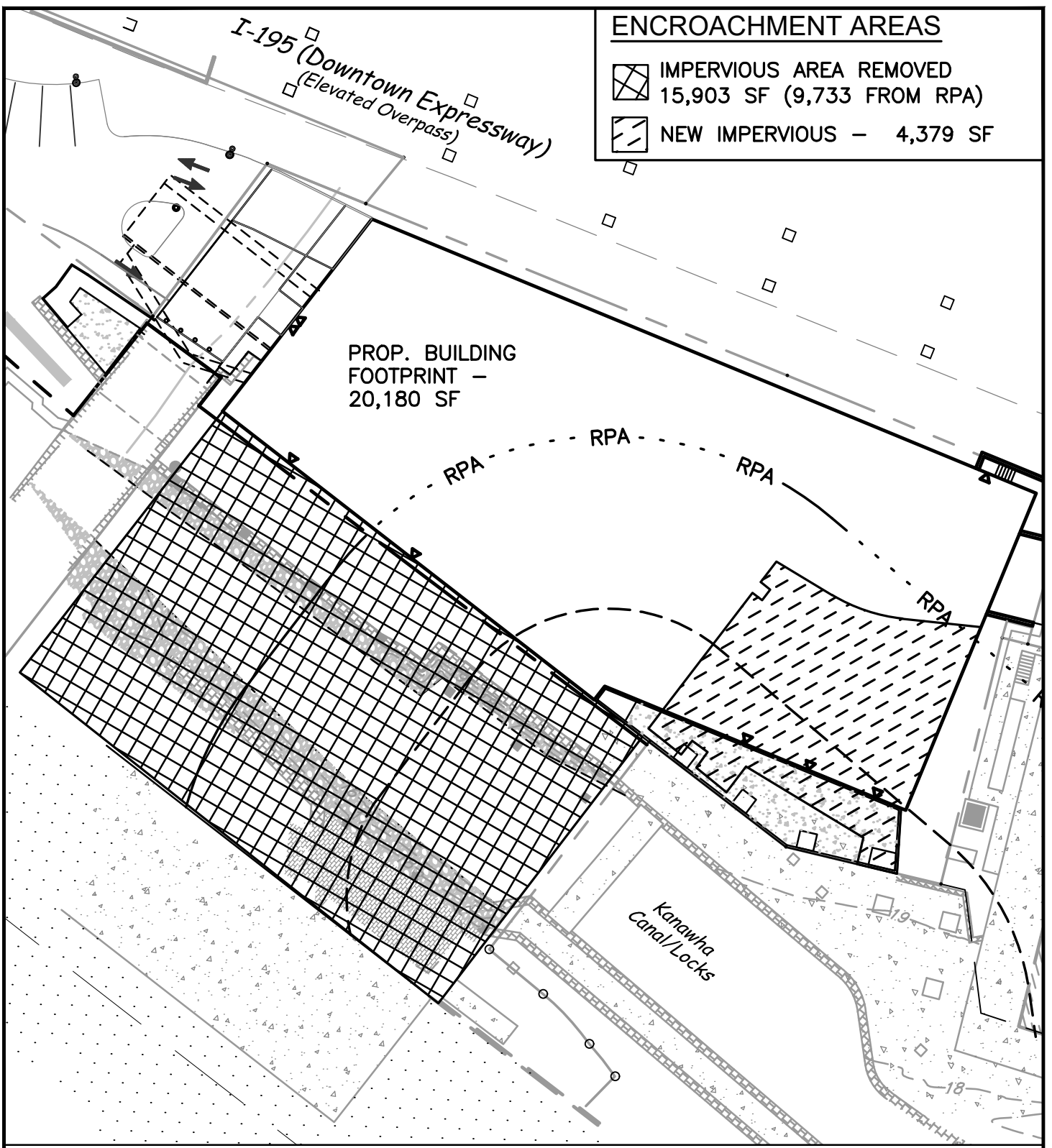
CITY OF RICHMOND, VIRGINIA

DRAWN BY JSF  
DESIGNED BY JSF  
CHECKED BY CMS  
DATE 6.23.2017  
SCALE 1"=20'

REVISIONS:

**ENCROACHMENT AREAS**

-  IMPERVIOUS AREA REMOVED  
15,903 SF (9,733 FROM RPA)
-  NEW IMPERVIOUS - 4,379 SF



**HYATT PLACE**

AT THE LOCKS

WQIA - RPA ENCROACHMENT

CITY OF RICHMOND, VA

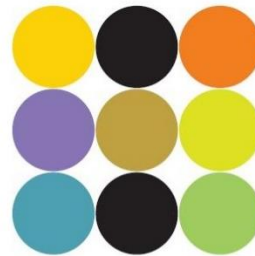
DATE: 12/14/17  
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• PLANNERS • ARCHITECTS • ENGINEERS • SURVEYORS •

15871 City View Drive • Suite 200 • Midlothian, Virginia 23113 • Phone (804) 794-0571 • Fax (804) 794-2635

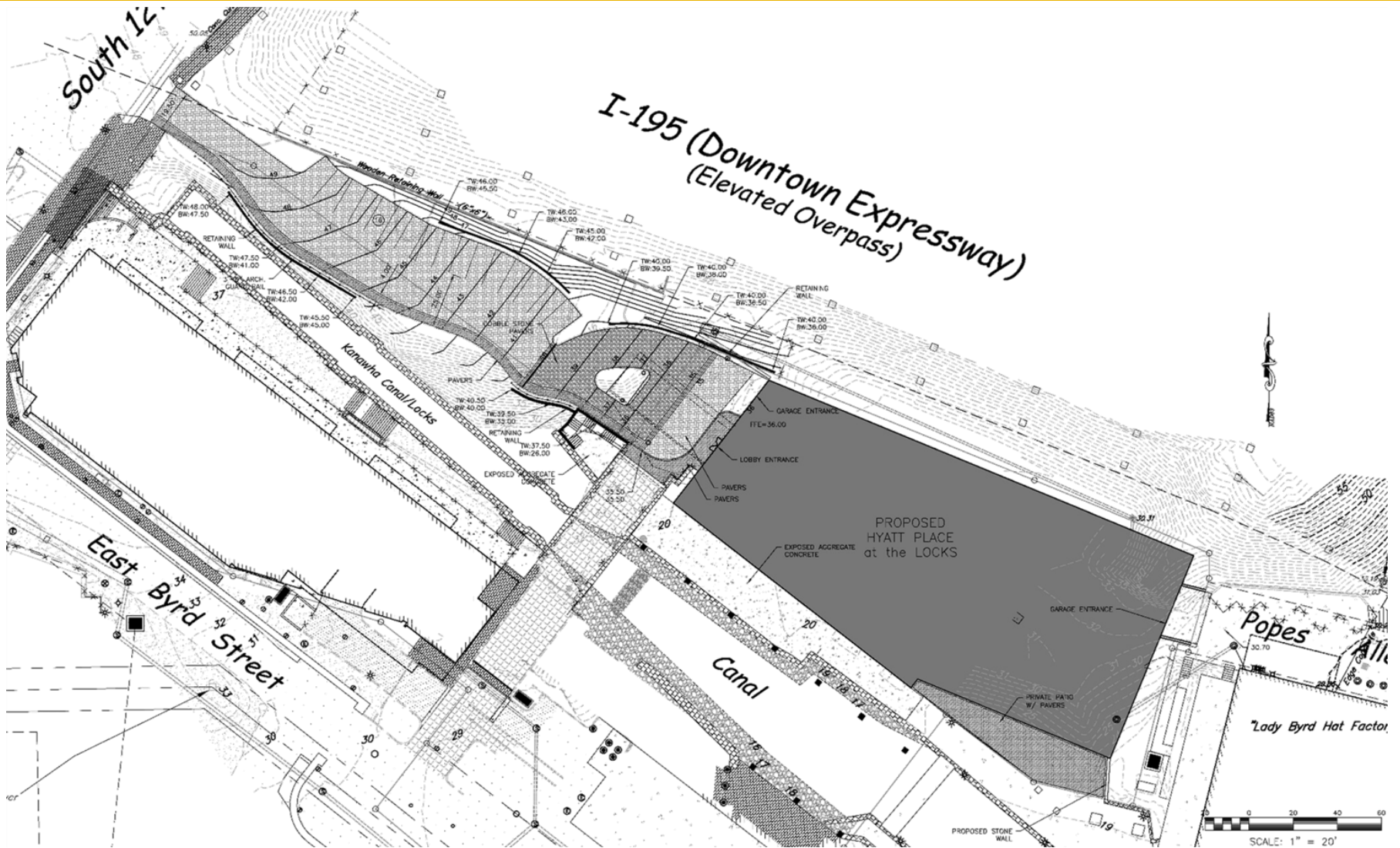


REFLECTING TOMORROW  
[www.balzer.cc](http://www.balzer.cc)

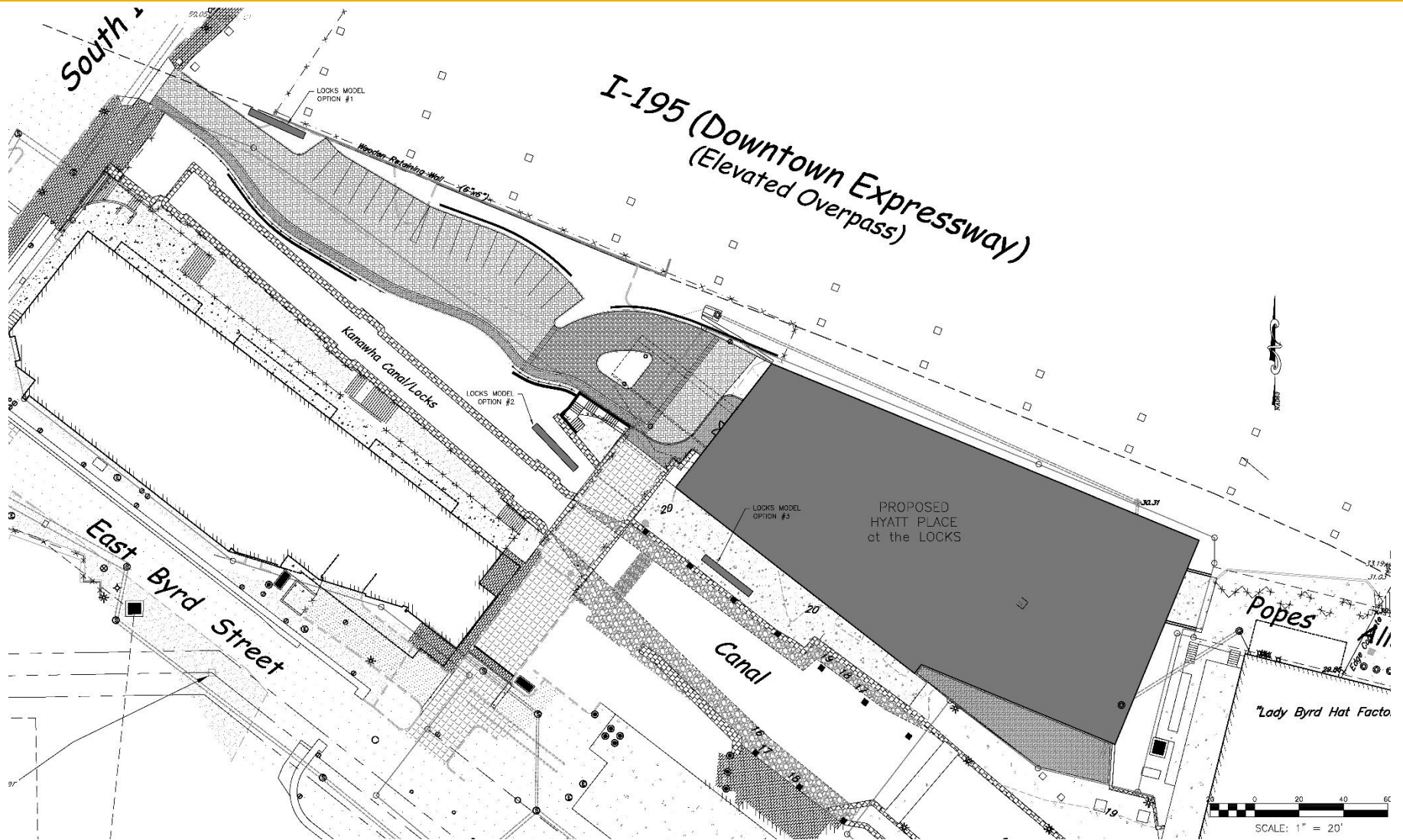


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at the LOCKS



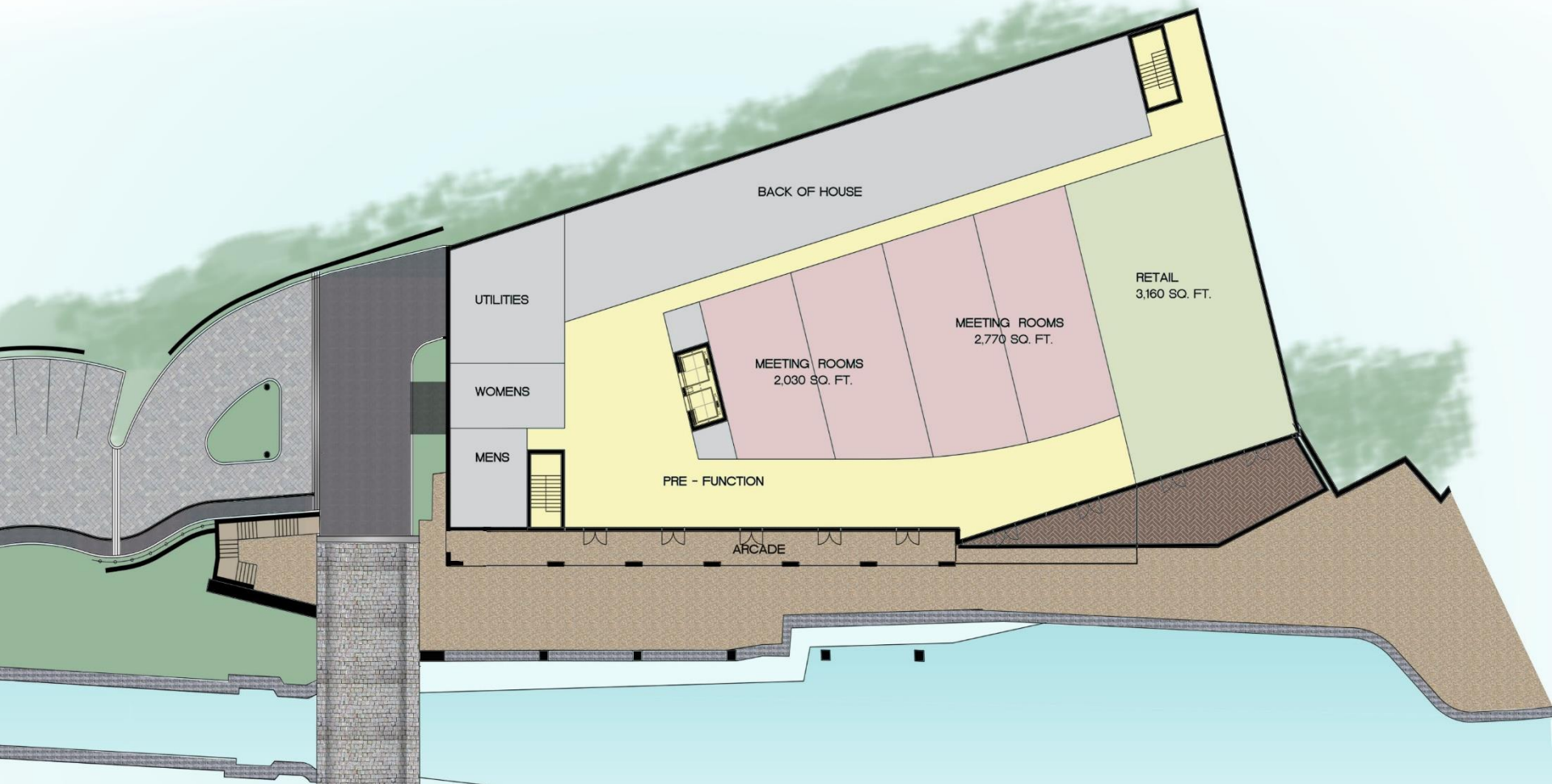


SITE PLAN



## Locks Model Relocation Options





CANAL WALK LEVEL - ASSEMBLY/ RETAIL SPACE





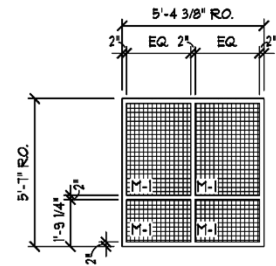
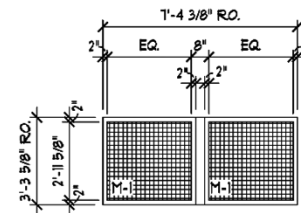
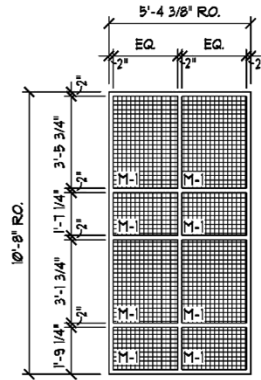


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*nby* ARCHITECTURE







# PARKING GARAGE SCREENING



ENTRANCE CANOPY

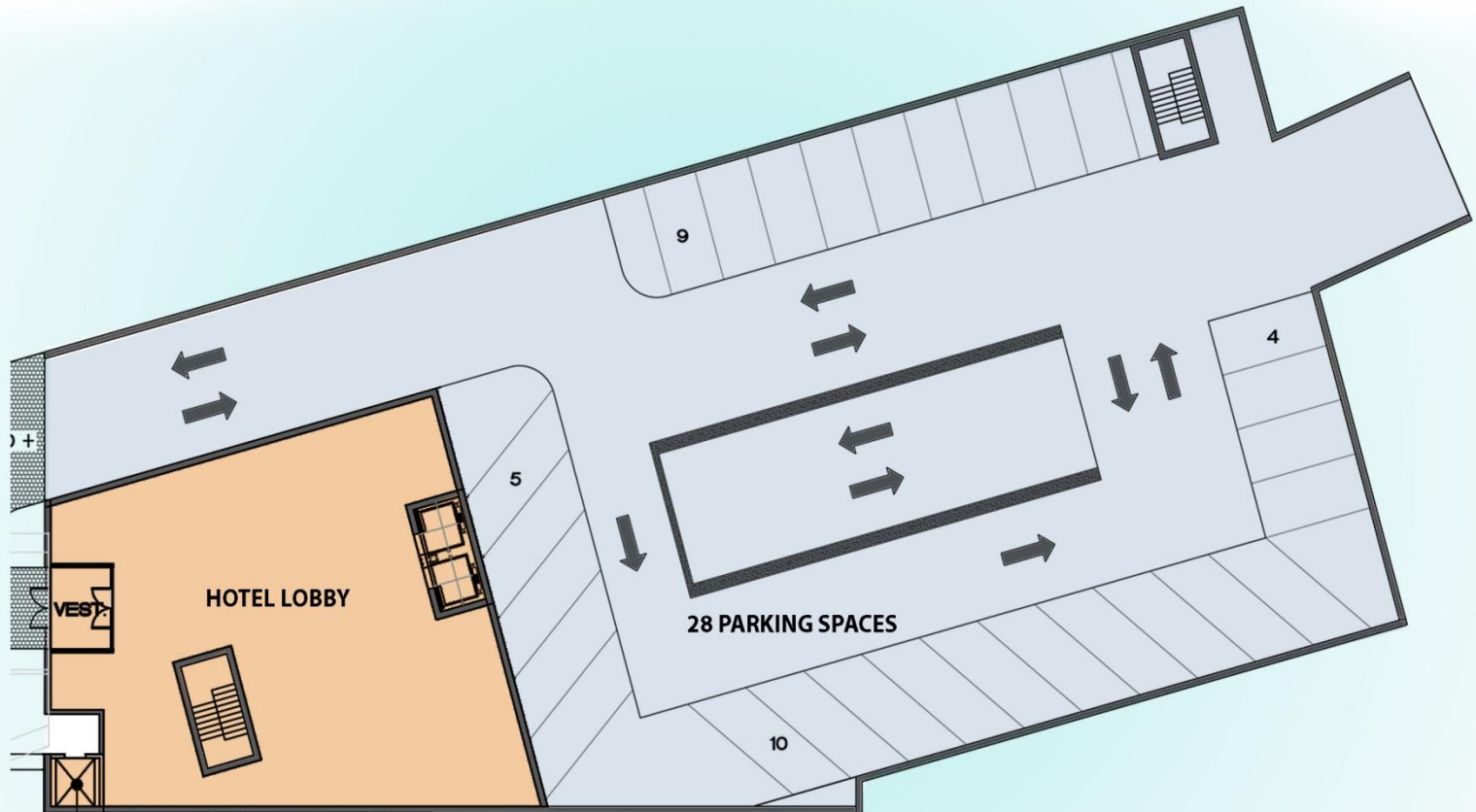


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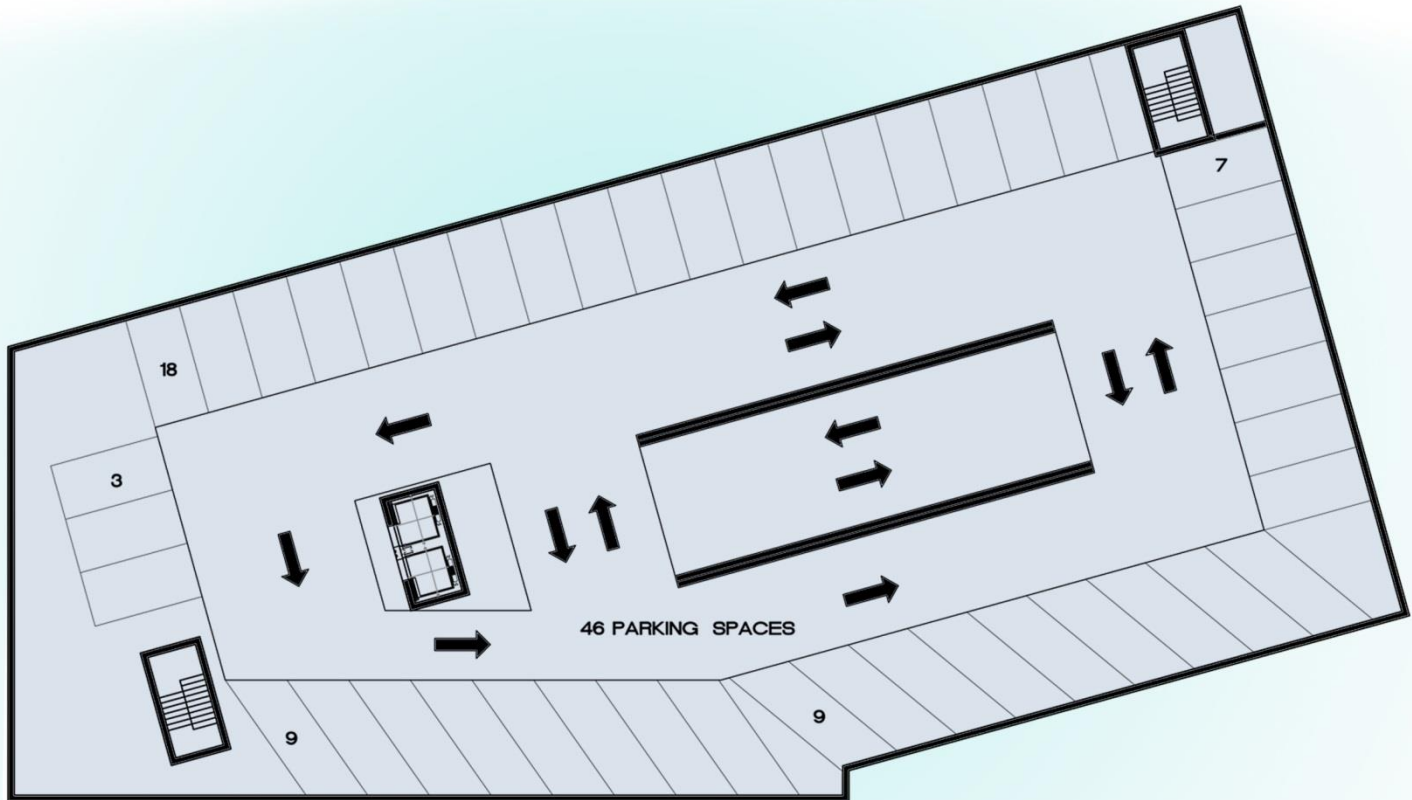
*n bj* ARCHITECTURE



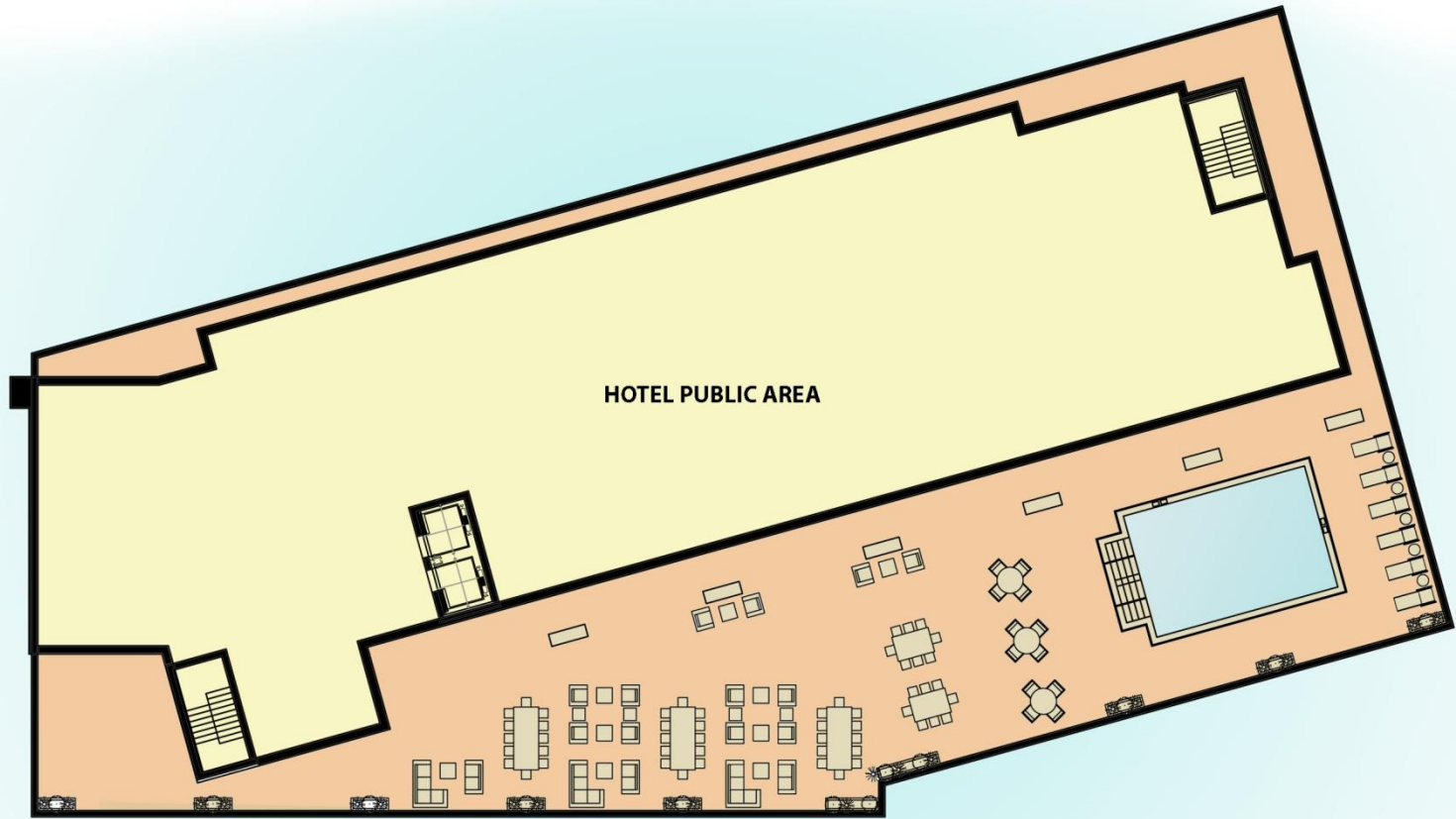




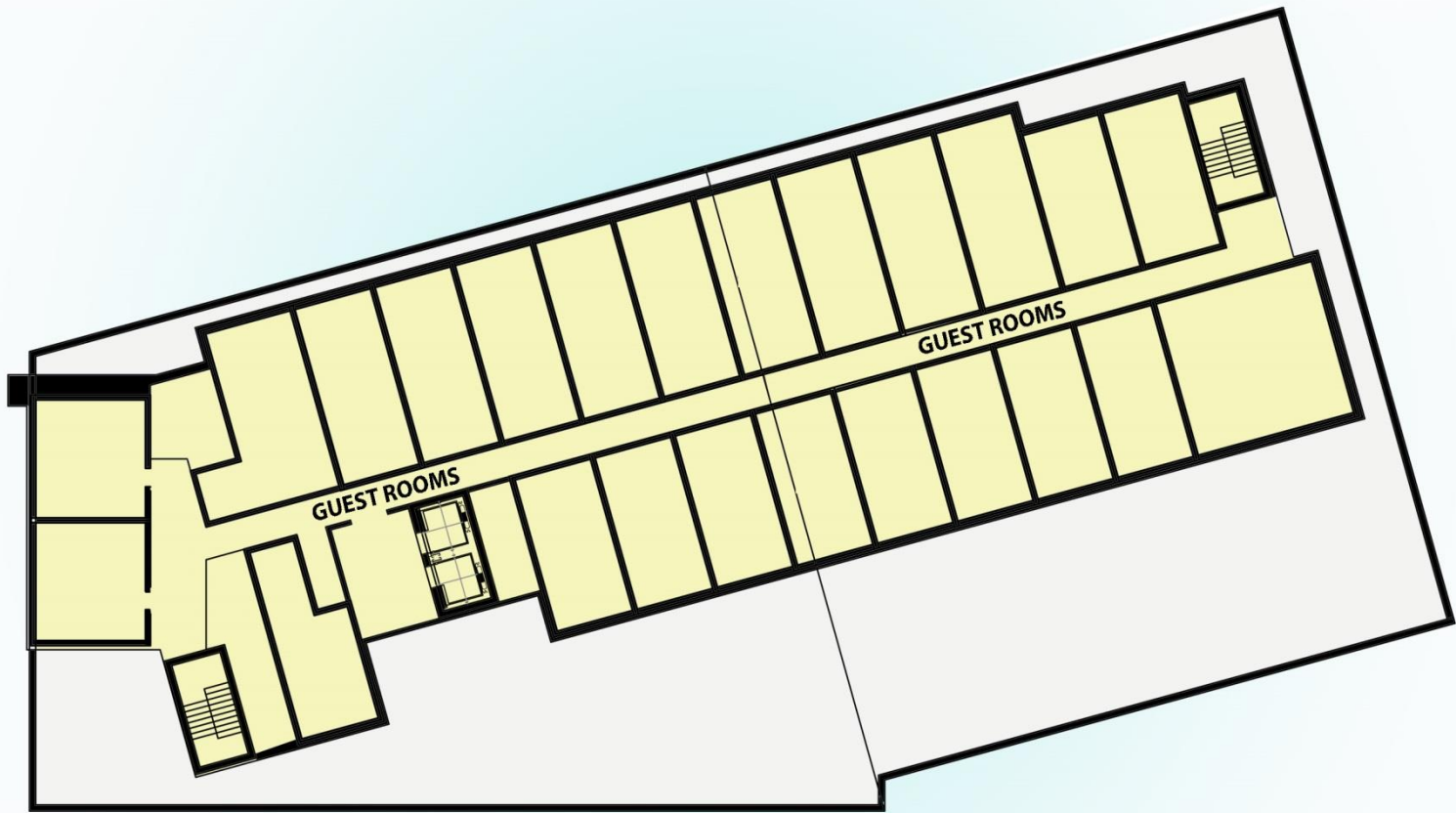
LEVEL 1 – LOBBY/ P1 PARKING



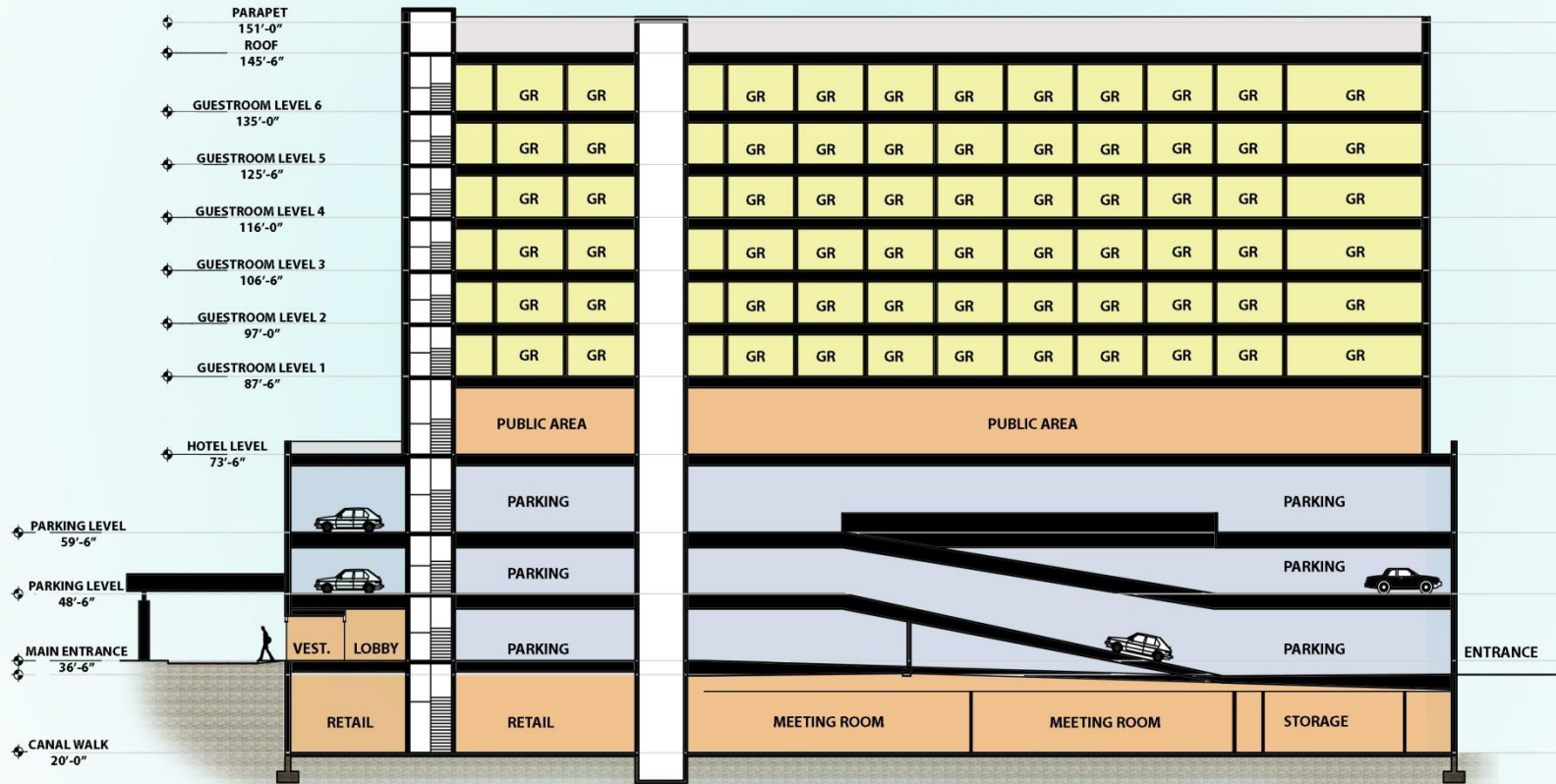
LEVEL 2 & 3— P2 & P3 PARKING



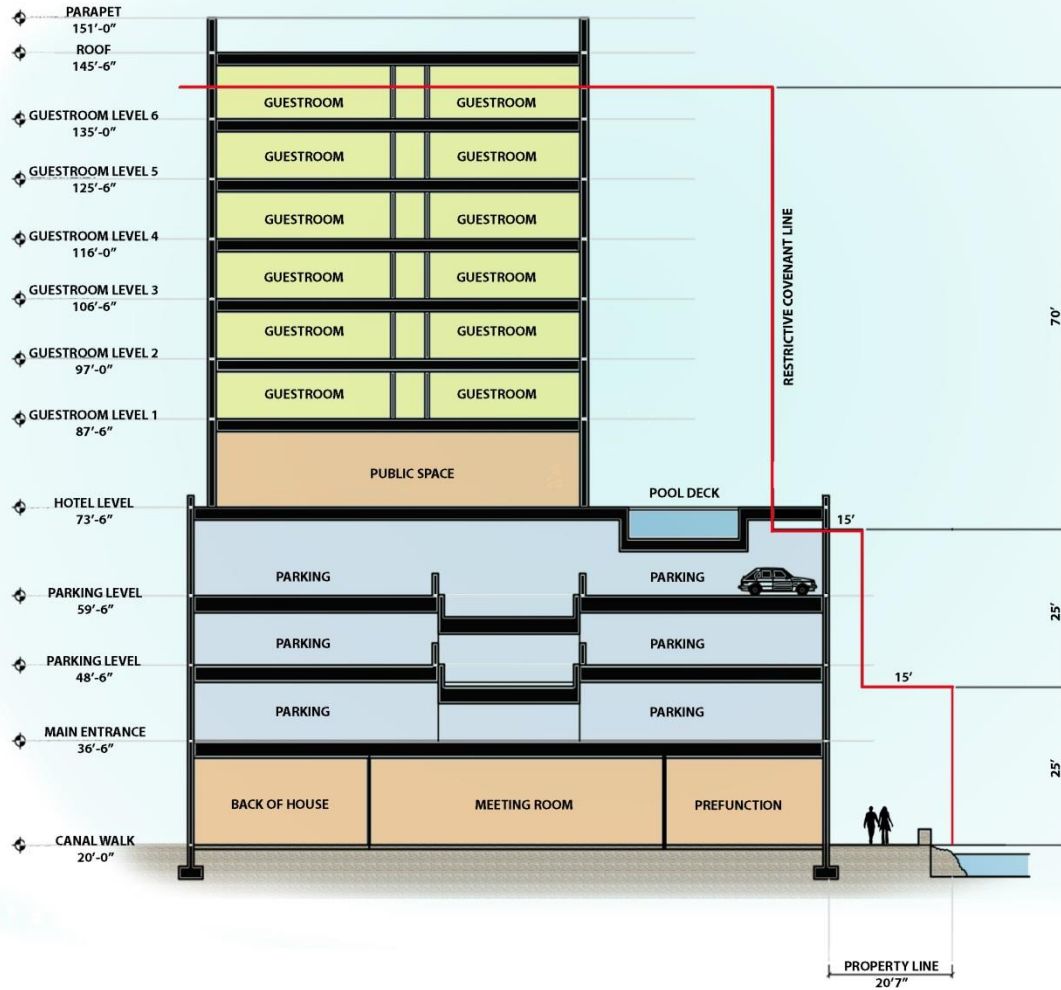
LEVEL 4 – PUBLIC AREA



LEVEL 5-10 – GUEST ROOMS



SECTION 1



SECTION 2









The Shockoe Partnership, Inc.  
1553 East Main Street  
Richmond, Virginia 23219

July 6th, 2017

Mark Olinger  
Director – Planning and Development Review, City of Richmond  
900 E. Broad Street, Room 511  
Richmond, VA 23219

Dear Mark,

I am writing to express The Shockoe Partnership's support for the exciting hotel project (Hyatt's Place at the Locks) at 225 South 12th Street in Shockoe. The Sponsor met with our Board and described the project in detail. We understand that the project is not seeking a SUP or Rezoning, but we wanted to express our support for the project and POD process nonetheless.

We support this project for many reasons, several of which are listed below:

- It removes the large metal warehouse sitting on the canal and will open up and activate the canal
- The retail/commercial space for a restaurant and conference meeting space will bring pedestrian traffic to the canal. Many of these people will be visiting Richmond, perhaps for the first time
- The development helps connect 12<sup>th</sup> and 13<sup>th</sup> Street pedestrian traffic to the canal walk level. It will also provide a safe transition between the Byrd Street level and the canal walk level
- As the first hotel to be developed south of the downtown expressway, we hope it will spur further economic development along the canal and surrounding riverfront

Please let me know if you have any questions.

Sincerely,



Chris Johnson

President – The Shockoe Partnership

CC:

Ellen Robertson, 6<sup>th</sup> District Council Member