

INTRODUCED: December 11, 2017

AN ORDINANCE No. 2017-252

To authorize 2035 Broad, LLC, to encroach upon the public right-of-way with a proposed outdoor dining area encroachment on the south line of West Broad Street between Allison Street and North Meadow Street in front of 2035 West Broad Street, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 22 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That 2035 Broad, LLC, referred to as “Licensee”, is hereby authorized to encroach upon the public right-of-way with a proposed outdoor dining area on the sidewalk in front of a restaurant enclosed by fencing, extending eight and a half feet into the public right-of-way, as shown on a plan prepared by the Department of Public Works, dated October 13, 2017, entitled “Proposed Outdoor Dining Encroachment Located on the South Line of W. Broad St. between Allison St. and N. Meadow St. (2035 W. Broad St.),” and designated as DPW Drawing No. N-28802, a copy of which is attached to this ordinance and incorporated herein.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JAN 22 2018 REJECTED: _____ STRICKEN: _____

§ 2. That the grant of authorization for the above-described encroachment shall be subject to the applicable general provisions set forth in sections 24-59 through 24-65 of the Code of the City of Richmond (2015), as amended.

§ 3. That the grant of authorization for the above-described encroachment shall also be subject to the following specific conditions:

(a) The Licensee shall bear all costs incident to the encroachment, including, without limitation, realignment or replacement of street and sidewalk infrastructure, utilities, signs, right-of-way “monumentation,” and maintenance of the encroachment, as directed by City agencies.

(b) Subject to the general requirements of section 24-62(a)(5), the Licensee shall furnish the City evidence of an insurance contract providing either commercial general liability insurance coverage in an amount not less than \$1,000,000 combined single limit or equivalent homeowner’s or renter’s insurance in an amount not less than \$300,000 combined single limit, naming the City as an additional insured, which shall be maintained for the life of the encroachment.

(c) Subject to the general requirements of section 24-62(a)(7), the Licensee shall furnish the City a removal bond with corporate surety, an irrevocable letter of credit or other type of financial guarantee, payable to the City and approved by the City Attorney, in the amount of \$5,000.

(d) The outdoor dining encroachment area shall conform to the requirements of sections 24-248 through 24-250 of the Code of the City of Richmond (2015), as amended, concerning sidewalk cafés, except (i) that subsection (b) of section 24-250 of the Code of the City of Richmond (2015), as amended, shall not apply to the outdoor dining encroachment area, (ii) that, notwithstanding subsection (c) of section 24-250 of the Code of the City of Richmond (2015), as amended, barriers need not be removed from the outdoor dining encroachment area in case of a severe storm warning if such barriers are bolted or otherwise securely attached to the

sidewalk, and (iii) as otherwise provided by this ordinance. The Director of Public Works may approve changes to the appearance of the enclosure in accordance with the applicable policies and procedures of the Department of Public Works regarding encroachments.

(e) The Licensee shall be subject to an annual Assessor area tax for the encroachment area.

(f) The Licensee, or any successor or assignee thereof, shall bear all costs for repair, relocation or replacement of the encroachment in the event of damage or movement due to, but not limited to, vehicular travel; alterations “in” or “to” or failure of City utilities; or the City’s and the public’s use of the right-of-way.

(g) The Licensee shall secure all proper permits, and the work shall be performed in a manner satisfactory to the Director of Public Works and the Director of Planning and Development Review.

(h) The Licensee shall provide written notification to the City Assessor, the Director of Finance and the Director of Public Works of the new owner’s name and mailing address immediately upon transferring any ownership or encroachment rights to another party.

§ 4. This ordinance shall be in force upon adoption and shall become effective only when, within 12 months of the date of adoption, the Licensee furnishes the required insurance and bond forms and files a written statement in a form satisfactory to the City Attorney to the effect that the Licensee agrees to be bound by and to comply with the terms and conditions upon which the encroachment authorization is granted. The Licensee shall be responsible for providing the Division of Permits and Inspections of the Department of Planning and Development Review, the Division of Right of Way Management of the Department of Public Works, and the Office of the

City Clerk with written evidence that all conditions of the ordinance have been satisfied within the time period established by this ordinance.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST
4-7237
NOV 14 2017
Office of the Chief Administrative Officer

O&R REQUEST

DATE: November 13, 2017 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (By Request)

Handwritten initials and date: JS 12/6/17

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

Handwritten initials: SC

THROUGH: Robert Steidel Deputy Chief Administrative Officer - Operations

Handwritten note: 14 Nov 17

THROUGH: Bobby Vincent, Director Department of Public Works

Handwritten signature

THROUGH: M.S. Khara, P.E., City Engineer Department of Public Works

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THROUGH: Brian Copple, Right of Way Manager Department of Public Works

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FROM: James Ellis P.E., Development Review Engineer. Department of Public Works

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RE: PROPOSED ENCROACHMENT ONTO A CITY SIDEWALK WITHIN THE PUBLIC RIGHT OF WAY OF AN OUTDOOR DINING AREA AT 2035 WEST BROAD ST

RECEIVED
DEC 07 2017
OFFICE OF CITY ATTORNEY

ORD. OR RES No. _____

PURPOSE: To allow encroachments into the public right of way of an outdoor dining area and its amenities which will occupy an area of 227 square feet of public right of way in front of 2035 West Broad St and further detailed on a plan prepared by the Department of Public Works and designated as DPW Drawing. No. N-28802 dated 10/13/2017 and entitled "PROPOSED OUTDOOR DINING ENCROACHMENT LOCATED ON THE SOUTH LINE OF W. BROAD ST. BETWEEN ALLISON ST. AND N MEADOW ST."

REASON: A request/application for encroachment was received from Johnathan Martin with Omni Associates-Architects, Inc. on behalf of Pies and Pints Richmond and the property owner, 2035 Broad, LLC. The owner in interest, 2035 Broad, LLC, seeks approval of an outdoor dining space located adjacent to the existing improvements at 2035 W. Broad S. The outdoor dining space will be used by future Pies and Pints restaurant located at the property.

RECOMMENDATIONS: The Department of Public Works offers no objections to the proposed encroachments, and requests that any approvals be subject to, and including without limitation, the following terms and conditions:

1. All costs incident to the encroachment are the responsibility of the property owner, including without limitation, realignment or replacement of street and sidewalk infrastructure, utilities, signs, right-of-way monumentation, maintenance of the encroachment, etc., as directed by City agencies.
2. The property owner(s)/successor(s) shall provide liability insurance as required or established by the City, and shall maintain the liability insurance in effect for the life of the encroachment.
3. The property owner(s)/successor(s) shall provide a \$5000.00 removal bond as required or established by the City.
4. The outdoor Dining Encroachment is subject to the certain Sidewalk Cafe requirements found or referenced in City Code Sections 24-248 thru 24-250, excluding 24-250(b) in its entirety and excluding reference to barriers in 24-250(c), if they are securely attached to sidewalk.
5. An annual Assessor area tax shall be assessed to the owner(s)/successor(s) for the encroachment area.
6. The property owner(s)/successor(s) is responsible for all costs for repair, relocation, or replacement of the encroachments in the event of damage or movement due to, but not limited to, vehicular travel, alterations or failure of City utilities, or due to the public's use of the right-of-way.
7. The applicant(s)/owner(s)/successor(s) shall secure the proper permits. The encroachment shall be maintained and operated in a manner satisfactory to best management/construction practices and as directed by the Directors of Public Works and Planning and Development Review.
8. The property owner(s)/successor(s) shall provide written notification to the Assessor, Director of Finance and the Director of Public Works of any change in the ownership of the property or restaurant; immediately upon transferring ownership or encroachment rights to another individual or party. Notification should include the new owner's name and mailing address and any other contact information
9. The applicant(s)/owner(s)/successor(s) shall have the sole responsibility to provide the Department of Planning and Development Review and the Department of Public Works- Division of Right of Way Management with written evidence that all conditions of the ordinance have been satisfied. Should this written evidence not be submitted to the said offices prior to the expiration date, twelve months after final approval of ordinance, and the ordinance will become null and void automatically.

BACKGROUND: The purpose of the buildout at 2035 West Broad Street is to create a new location for a Pies and Pints Restaurant. This is a restaurant concept started in West Virginia, currently operating locations from Ohio to North Carolina. This is their first Virginia location. They will occupy all of the first floor, with the exception of the entry and stairs serving the 2nd floor. They will be serving a selection of gourmet pizzas, salads, and a large assortment of beers on tap.

The 2-story structure is built to the property line on all sides. It is composed of brick exterior bearing walls, steel beams, and wood floor joists and roof. Its street level facade has been modified many times over the years, but it still features its original cornice above a series of double hung windows with transoms, serving the vacant 2nd floor space.

The restaurant design will feature (2) two roll-up doors at the front storefront which will open the dining room up to outdoor sidewalk patio dining. The outdoor dining will be enclosed by a permanent

painted metal fence and gate which is reviewed and approved by Urban Design Committee (UDC). Ample space is left remaining to accommodate pedestrians. Two metal canopies will be installed over the dining area, and a third smaller canopy will be installed over the building entry doors which has been approved separately through the Department of Public Works administrative process. The canopies will feature built-in lights integrated into their ceilings, as well as spot lighting for each of (2) two proposed blade signs, approved separately, and for the 'Pies and Pints' signage, approved separately, installed on the face of the building. The 'Pies and Pints' signage will be self-illuminated. One of the two blade signs is being allocated for the future, as yet undetermined, 2nd floor tenant. The restaurant kitchen is located in the rear portion of the space, along with a separate 'beer garden' smaller dining room.

FISCAL IMPACT/COST: None

FISCAL IMPLICATIONS: None.

BUDGET AMENDMENT NECESSARY: No amendment necessary.

REVENUE TO CITY: \$1000 application & processing fee; 227 square feet of encroachments @ \$0.25 = approximately \$56.75 annual Assessor area tax.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: December 11, 2017

CITY COUNCIL PUBLIC HEARING DATE: January 8, 2018

REQUESTED AGENDA: Consent Agenda.

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Land Use, Housing and Transportation Committee

AFFECTED AGENCIES: Public Works; Law Department; Planning and Development Review; Public Utilities; Economic and Community Development; Assessor; Budget and Strategic Planning; Fire Department; Police Department, Mayor's Office, CAO's Office, Finance, Public Utilities

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Letter of Request
DPW Dwg. No. N-28802

STAFF:

Prepared for Bobby Vincent, Jr
Prepared by James Ellis, PE – DPW
Research and Drawing Coordinated By: Jane Amory
Department of Public Works 646-0435

2035 Broad, LLC

2035 Broad, LLC
Jonathan Martin
16571 Park Lane Dr.
Los Angeles, CA 90049

May 25th, 2017

Director of Public Works
City Hall, Room 701
900 E. Broad St.
Richmond, VA 23219

Re: Outdoor Dining Encroachment – 2035 W. Broad St.

To Whom it May Concern:

This letter shall serve as notice from the owner in interest of 2035 W. Broad St. to initiate the right-of-way encroachment process for an Outdoor Dining Encroachment. The owner in Interest, 2035 Broad, LLC, seeks approval of an outdoor dining space located adjacent to the existing improvements at 2035 W. Broad St. The outdoor dining space will be used by the future Pies and Pints restaurant located at the property.

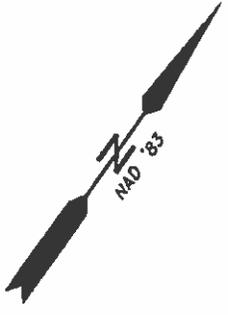
Enclosed please find an encroachment drawing and plat plan for your review.

Please do not hesitate to contact me should you have any questions or need additional information.

Sincerely,



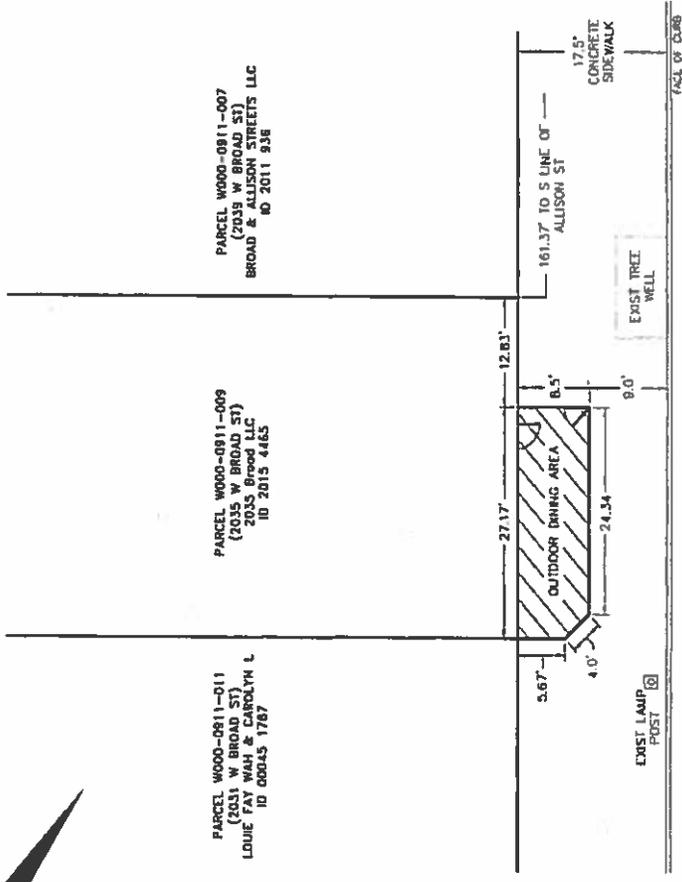
Jonathan Martin
2035 Broad, LLC
Principal



PARCEL W000-0811-011
 (2031 W BROAD ST)
 LOUIE FAY WAH & CAROLYN L
 ID 00045 1787

PARCEL W000-0811-009
 (2035 W BROAD ST)
 2035 BROAD LLC
 ID 2015 4465

PARCEL W000-0811-007
 (2039 W BROAD ST)
 2039 BROAD STREETS LLC
 ID 2011 2304



W. BROAD ST.
 118' R/W



- NOTES:
1. PROPOSED OUTDOOR DINING ENCROACHMENT AREAS SHOWN AS: AREA = 227 SQ.FT. (FOR PARCEL W000-0811-009)
 2. THIS DRAWING IS A COMPILATION OF RECORD SURVEYS AND DRAWINGS BY OUR ASSOCIATES ARCHITECTS TITLED: "PIES AND PRITS OUTDOOR DINING ENCROACHMENT PLAN" DATED MAY 15, 2017.

<p>NOTES:</p> <ol style="list-style-type: none"> 1. PROPERTY OWNERS CORRECT AS OF OCTOBER 11, 2017 2. ORDINANCE..... 3. ADOPTED..... 4. ACCEPTED..... <p>REFERENCES: BL 05NW, N-</p>		<p>Drafting Technician <i>[Signature]</i> Survey Superintendent <i>[Signature]</i> Right of Way Manager <i>[Signature]</i></p>		<p>Surveys Division, Room 600 City Hall 900 E. Broad Street, Richmond, Va. 23219 DEPARTMENT OF PUBLIC WORKS RICHMOND, VIRGINIA</p>		<p>Richmond Virginia logo</p> <p>DRAWN BY: JHA CHECKED BY: M.W.A.</p>		<p>FIELD NOTE</p> <p>SCALE: 1"=10'</p> <p>DATE: 10/13/17</p> <p>PROJECT: W-911-ENC</p> <p>DRAWING NO.: N-28802</p>	
<p>Council District 2</p> <p>Block No. W-911</p>				<p>PROPOSED OUTDOOR DINING ENCROACHMENT LOCATED ON THE SOUTH LINE OF W. BROAD ST. BETWEEN ALLISON ST. AND N MEADOW ST. (2035 W. BROAD ST.)</p> <p>Prepared By: Jonathan Martin of 2035 Broad LLC</p>					