

INTRODUCED: November 14, 2022

AN ORDINANCE No. 2022-336

To authorize the special use of the property known as 801 East Main Street for the purpose of a mixed-use building without operable windows, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 12 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 801 East Main Street, which is situated in a B-4 Central Business District, desires to use such property for the purpose of a mixed-use building without operable windows, which use, among other things, is not currently allowed by section 30-440.7, concerning building façade fenestration, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 12 2022 REJECTED: _____ STRICKEN: _____

create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause 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 (2020), 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 801 East Main Street and identified as Tax Parcel No. W000-0001/001 in the 2022 records of the City Assessor, being more particularly shown as “Parcel I” on an untitled exhibit, prepared by an unknown preparer, and undated, 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 mixed-use building without operable windows, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Wytestone Plaza Building, 801 E. Main Street, Richmond, Virginia,” prepared by Commonwealth Architects, and dated September 9, 2022, 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 a mixed-use building without operable windows, substantially as shown on the Plans.

(b) Operable windows as required by section 30-440.7 of the Code of the City of Richmond (2020), as amended, shall not be required for the Special Use.

(c) All mechanical equipment, including heating, ventilation, and air conditioning units, serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 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 (2020), 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 (2020), 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.

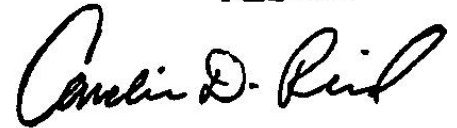
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), 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 building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, 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 "Carolin D. Reed". The signature is written in a cursive, flowing style.

City Clerk



City of Richmond

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

Item Request File Number: PRE.2022.0446

O & R Request

DATE: October 17, 2022

EDITION: 1

TO: The Honorable Members of City Council

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

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

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

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review

RE: To authorize the special use of the property known as 801 East Main Street for the purpose
of a mixed-use building, with off-street parking, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 801 East Main Street for the purpose of
a mixed-use building, with off-street parking, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit to authorize a mixed-use building within a
B-5 Central Business District. While the use is permitted the property does not meet the current fenestration
requirements within the B-5 zone which call for operable windows. A Special Use Permit is therefore
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.

BACKGROUND: The property is located in the Central Office neighborhood on East Main Street at the
corner of East Main Street and South 8th Street. The property is currently a 17,645 sq. ft. (.41 acre) parcel
of land. The City's Richmond 300 Master Plan designates a future land use for the subject property as
Downtown Mixed Use, which is defined as the "Central business district of the Richmond region features
high-density

development with office buildings, residential buildings, and a mix of complementary uses, including regional destinations in a highly walkable urban environment.”

Intensity: Buildings typically a minimum height of five stories. Primary Use: Retail/office/personal service, multi-family residential, cultural, institutional, government, and open space. Secondary Uses: Not applicable. (p. 66)

The current zoning for this property is B-4 Central Business District. All adjacent properties are located primarily within the same B-4 Zone as the property in question. The area is primarily commercial offices, retail shops, and institutional uses, with some multi-family residential present in the vicinity. The proposed density is 680 units per acre.

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: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$2,400 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 14, 2022

CITY COUNCIL PUBLIC HEARING DATE: December 12, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission
December 5, 2022

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: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734



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

Property Address: 801 East Main Street Date: 8/26/2022
Tax Map #: W0000010001 Fee: \$2,400
Total area of affected site in acres: .409 acres

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

Zoning

Current Zoning: B-4 District

Existing Use: Commercial - Office

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
15 stories of multi-family residential (dwelling units) above 2 stories of commercial use

Existing Use: 17 stories of commercial - office use

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Lee A. Shadbolt

Company: Commonwealth Architects
Mailing Address: 110 Shockoe Slip, 3rd Floor
City: Richmond State: VA Zip Code: 23219
Telephone: (804) 200-7172 Fax: ()
Email: Lshadbolt@comarchs.com

Property Owner: Plaza Associates, L.L.C. c/o W. J. Vakos Management Company

If Business Entity, name and title of authorized signee: William J. Vakos, Jr.

(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: 10333 Southpoint Landing Blvd, 3rd Floor
City: Fredereicksburg State: VA Zip Code: 22407
Telephone: (540) 898-3242 Fax: ()
Email: WJVak@wjvco.com

Property Owner Signature:
WILLIAM J. VAKOS, JR. MANAGER

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)



September 8, 2022

Mr. Matthew Ebinger, AICP
City of Richmond DPDR
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, Virginia 23219

Re: Special Use Permit: 801 East Main Street (W00000010001 desc: C01)

Dear Mr. Ebinger:

This letter shall serve as the Applicant's Report accompanying the Special Use Permit application (the "SUP") for the property known as 801 East Main Street (the "Property"). The SUP would authorize the redevelopment of the property from an Office use to a mixed-use building with ground floor commercial uses on the ground floor, tenant amenity space on the second floor and up to 300 multi-family dwelling units on the third through seventeenth floors. The special use permit is necessary because the operable window requirement is not satisfied per Sec. 30-440.7(b) of the Zoning Ordinance relative to fenestration requirements for dwelling units.

Subject Property

The applicant, Plaza Associates, L.L.C. (the "Applicant") is a developer with an excellent reputation for high quality projects throughout the Commonwealth of Virginia. The applicant proposes that the 801 East Main Street Building (also referred to as the Wytestone Building or Ross Building) change from class-A office use to a Multifamily Dwelling use.

Current Use & Zoning District Regulation

The upper (third to seventeenth) floors of the Tower currently contain office tenants with the first floor occupied by retail tenants. The upper (third to seventeenth) floors will be renovated with in a change use from office to residential apartments. The second or mezzanine floor will contain a management office, lounge space, community room and fitness center. There are three basement levels containing parking. The existing historic building envelope containing a fixed curtainwall is expected to remain in place with minimal modification.

The Property is located within a B-4 (Central Business) zoning district, which permits a multitude of uses, including dwelling units (apartments), retail, restaurant, office and other uses. The Property is also located within the boundaries of the Arts District Station/Monroe Ward Plan of Development Overlay District (POD-2), which requires a Plan of Development (POD) for the construction of any new building or addition occupying more than 1,000 square feet of lot coverage.

The property is a corner lot and East Main Street is the Principal Street Frontage as well as being designated on the Zoning Map as both a Street Oriented Commercial frontage and a Priority Street Frontage. The building may not contain ground floor dwelling units along the East Main Street frontage and must have

only commercial uses with a minimum of one-third or 1,000 square feet, whichever is greater, of the ground floor of that portion of the building located adjacent to the Street Oriented Commercial Frontage. The commercial uses must be at least twenty feet (20') in depth measured from the building wall along East Main Street.

According to Sec. 30-440.7. Building façade fenestration: For dwelling uses, tourist homes, and shelters, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building façade between two and eight feet in height along the street frontage. In all cases, windows shall be double-hung, single-hung, awning, or casement type and fixed windows shall be permitted only as a component of a system **including operable windows** within a single wall opening. The building is within the historic district and needs to comply with the Department of the Interiors Standards for Rehabilitation in order to obtain historic investment tax credits. Modifying the historic fixed curtainwall windows to become operable would be contrary to the Department of the Interiors Standards and could possibly void the tax credits.

Proposed Special Use

The structure is located within state and national historic districts. The building is a contributor to these historic districts and is eligible for federal and state historic investment tax credits. A Part 1 submission to the Department of Historic Resources (DHR) has been made and it is Owner's intention to pursue all available historic investment tax credit opportunities with this property.

The Applicant, proposes that the existing building on the Property (the "Building") undergo a high-quality historic renovation, preserving the Building in substantially the same physical configuration. Specifically, the Applicant expects to:

1. Renovate the interior open spaces (previously maintained for office use) into approximately 300 residential units. The buildings core including stairs, elevators, vertical shaft and historic elevator cores will remain intact with MEP upgrades and retrofitted ceilings.
2. The exterior mid-century modern curtainwall facades (fixed glazing) will remain in place with minimal modification.
3. Change the non-historic revolving doors into two sets of glass and aluminum storefront doors similar to the original design.
4. Modify the historic lobby for updated MEP systems and patching and repairing the ceilings in kind.

The request in this SUP is narrowly limited to addressing the requirement for operable windows {and bicycle parking requirements if necessary}.

Conformance with Master Plan

The proposed special use of the property conforms to the City's Master Plan, approved in the form of the Richmond 300 Master Plan (the "Master Plan") designates the parcel to be within the "Downtown Mixed Use" with a node for "Downtown Core". There is specific text guidance contained elsewhere in the Master Plan (Richmond 300) that is supportive of the request. The "Downtown Mixed Use" is described as the "Central business district" of the Richmond region which features high density development with office buildings, residential buildings, and a mix of complementary uses, including regional destinations in a highly-walkable urban environment. Development Style: Higher density pedestrian and transit-oriented development encouraged on vacant or underutilized sites. Historic buildings are adapted for new uses."

The added residential density will help accomplish Richmond 300's goal for the "Downtown Core" priority growth node for transitioning the area "from a primarily office district to an 18-hour district (18 hours of the day are lively and 6 are sleepy) with a mix of uses, including entertainment, residential, and retail uses." Additionally, the building's proximity to the greenspace provided by Capital Square and riverfront

amenities helps offset the SUP request. All units are proposed to have windows that will provide ample light.

Charter Requirements

The request addresses the following factors indicated in the Charter and the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed SUP 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 surrounding community. The proposed SUP is consistent with the recommendations of the Master Plan related to the Property. It would contribute to the general welfare of the community by, among other things, providing an opportunity to renovate the existing historic Building in a manner consistent with the quality of renovations in the surrounding community. The added residential density will add the vibrancy of Richmond's downtown core, thereby helping accomplish established goals and objectives of Richmond 300.
- **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 in the area involved, again, owing to its consistency with the Master Plan and its design principals. Parking is provided for the residential units, 1) on the lower 3 floors of the Building, 2) in the Owners adjacent parking garage at 8th and Cary Street, 3) and in the parking garage at 8th and Franklin St (by lease agreement). It is of course, in the applicant's best interest to provide a seamless parking experience for its tenants. This goal is synergistic with the community's interests. There is no motor vehicle parking requirement for the building for non-dwelling use(s) and there would be no parking requirement for any dwelling use of the building as long as a commercial use, other than a parking deck or garage, exists within the building.
- **Create hazards from fire, panic or other dangers.**
The Building will be renovated 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. Existing fire hydrants are located within the safe, appropriate distance established by the Fire Department for the Property.
- **Tend to overcrowding of land and cause an undue concentration of population.**
The proposed SUP will not modify the existing structure's footprint. It will not tend to over crowd the land or create an undue concentration population. The development is consistent with the pattern of development in the surrounding area and is consistent with 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 proposed SUP would not adversely affect the above referenced City services. The Applicant has owned the facility since 1998 and been a good steward of the facility and surrounding neighborhood. The proposed occupancy and use of services will be sympathetic to the neighborhood and provide needed housing.

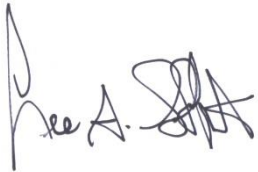
- **Interfere with adequate light and air.**

The proposed SUP will not interfere with adequate light and air; the height and configuration of the Building will not materially change from existing conditions.

Conclusion

In summary, the Applicant enthusiastically seeks approval of the SUP. The revitalization of the Building, made possible through the SUP, would allow the renovation of a high quality use in the Building for the benefit of the community at large. The Project would contribute to the vibrancy of the block through the provision and preservation of an appropriate urban form that is consistent with the historic development pattern of the surrounding neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee A. Shadbolt". The signature is stylized and written in a cursive-like font.

Lee A. Shadbolt, AIA, NCARB
Principal

Attachment

E. MAIN ST. (70' Wide)

Main Street Partners
TM W-10-7
D.B. 810, P. 1078

WHRB Real Estate LTD Partnership
TM W-10-9
D.B. 9600, P. 2919

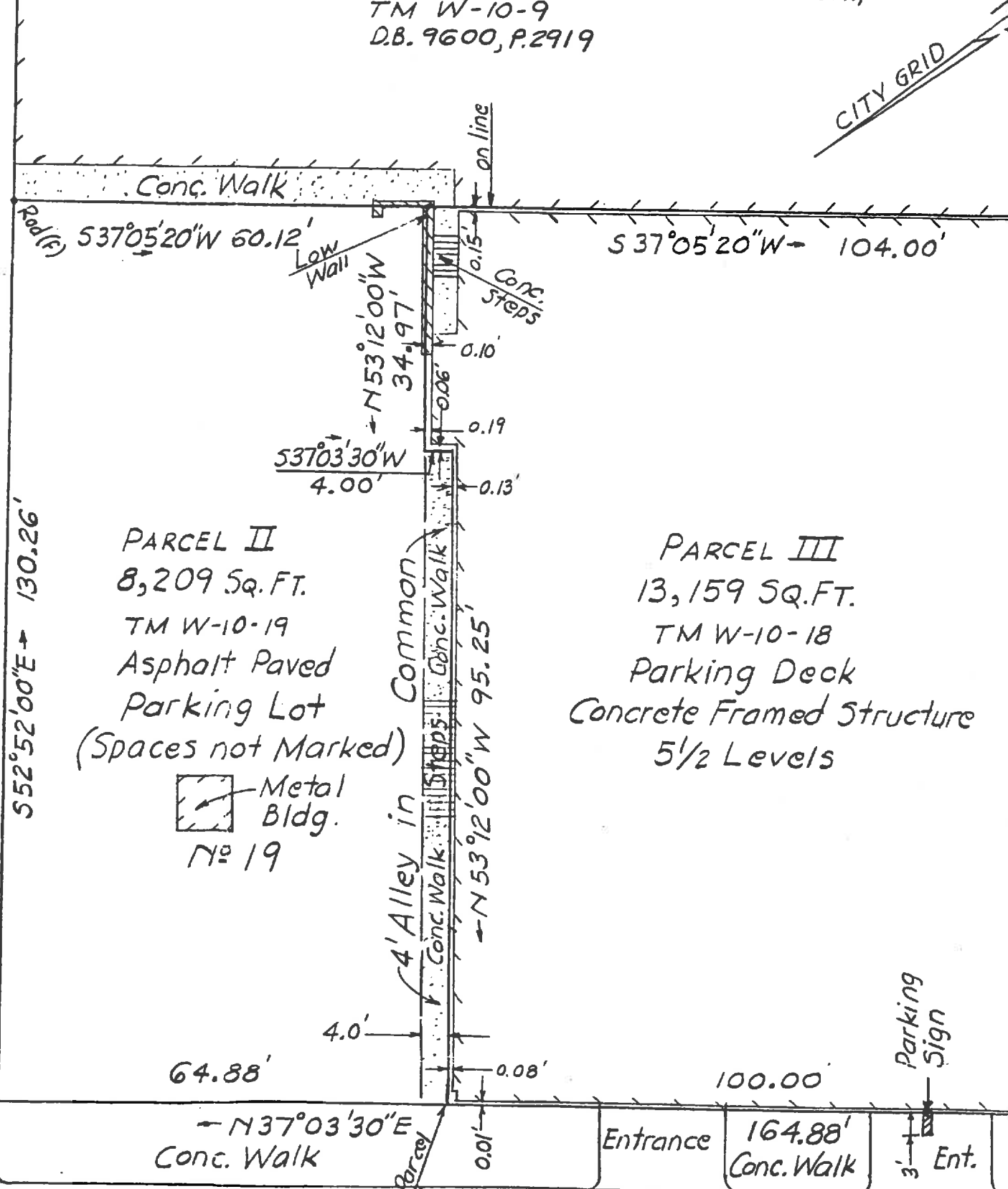
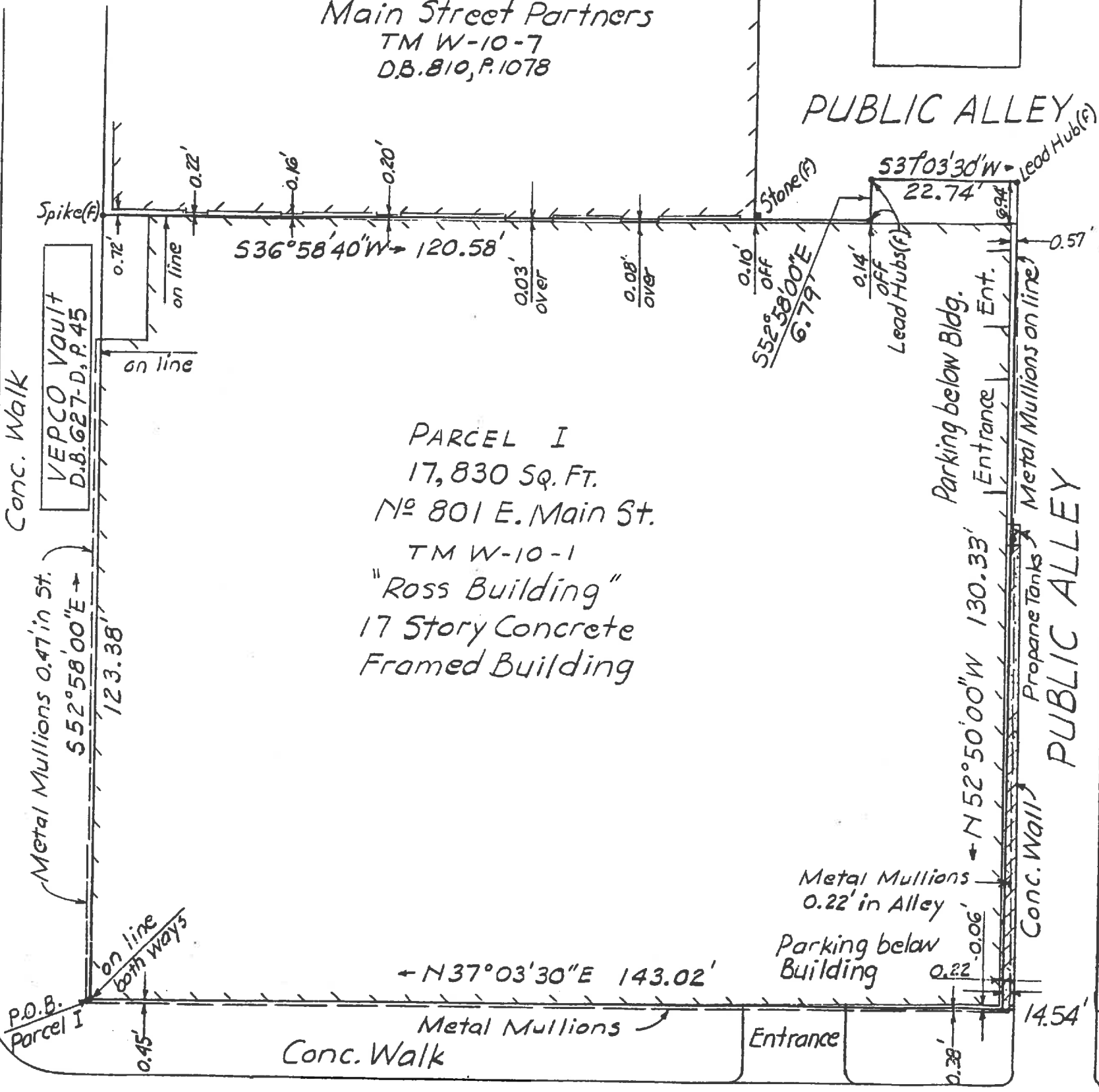
CITY GRID

PUBLIC ALLEY

PARCEL I
17,830 SQ. FT.
No 801 E. Main St.
TM W-10-1
"Ross Building"
17 Story Concrete
Framed Building

PARCEL II
8,209 SQ. FT.
TM W-10-19
Asphalt Paved
Parking Lot
(Spaces not Marked)

PARCEL III
13,159 SQ. FT.
TM W-10-18
Parking Deck
Concrete Framed Structure
5 1/2 Levels



Legend:
 [Hatched Box] Metal Bldg.
 No 19