

INTRODUCED: May 13, 2024

AN ORDINANCE No. 2024-132

To authorize RRG Properties, LLC, to encroach upon the public right-of-way with an outdoor dining area encroachment, and associated awnings, along the north line of East Broad Street and the east line of North 28th Street at the northeast corner of the intersection of East Broad Street and North 28th Street, upon certain terms and conditions. (7th District)

Patrons – Mayor Stoney (By Request) and Ms. Newbille

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 28 2024 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That RRG Properties, LLC, referred to as “Licensee”, is hereby authorized to encroach upon the public right-of-way with an outdoor dining area, and associated awnings, on the sidewalk adjacent to a restaurant enclosed by fencing, consisting of approximately 368 square feet of the public right-of-way, as shown on a plan prepared by the Department of Public Works, dated March 1, 2024, entitled “Proposed Encroachment onto a City Sidewalk within the Public Right of Way of an Outdoor Dining Area at 2800 E Broad Street,” and designated as DPW Drawing No. N-29093, a copy of which is attached to this ordinance and incorporated herein.

§ 2. That the grant of authorization for the above-described encroachment shall be

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 28 2024 REJECTED: _____ STRICKEN: _____

subject to the applicable general provisions set forth in sections 24-59 through 24-65 of the Code of the City of Richmond (2020), 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, which shall be maintained for the life of the encroachment, 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) Posts for the railing for the outdoor encroachment area shall not be encased in the sidewalk and must be attached to the sidewalk surface in a manner which would facilitate removal, if necessary, and must not prevent access to any Department of Public Utilities facilities.

(e) The outdoor dining encroachment area shall conform to the requirements of sections 24-225, 24-226, 24-227, 24-228, 24-229, and 24-230 of the Code of the City of Richmond (2020), as amended, concerning sidewalk cafés, except (i) that subsection (d) of section 24-227 of the Code of the City of Richmond (2020), as amended, shall not apply to the outdoor dining encroachment area, (ii) that subsection (b) of section 24-230 of the Code of the City of Richmond

(2020), as amended, shall not apply to the outdoor dining encroachment area, 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.

(f) The Licensee must obtain written approval of the initial outdoor furnishings and any subsequent changes to the appearance of the enclosure or the outdoor furnishings from the Director of the Department of Public Works.

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

(h) 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.

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

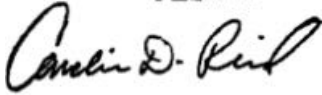
(j) The Licensee shall provide written notification to the City Assessor, the Director of Finance, and the Director of Public Works of the new owner’s name and mailing address immediately upon transferring any ownership or encroachment rights to another party. However, the encroachment provided for in this ordinance shall not be effective as to any such new owner unless and until such new owner furnishes the insurance and bond forms required by section 3(b) and section 3(c) of this ordinance, respectively, and files a written statement in a form satisfactory to the City Attorney to the effect that such new owner agrees to be bound by and to comply with the terms and conditions upon which the encroachment authorization is granted.

(k) The Licensee shall cause any existing but unauthorized encroachments to be either authorized or removed.

§ 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.

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE

A TRUE COPY:
TESTE:

City Clerk



City of Richmond

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

Master

File Number: Admin-2024-0356

File ID: Admin-2024-0356

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 1

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 04/23/2024

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 05/13/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: ADMIN-2024-0356 - Ord AATF - 2800 E. Broad St,
ADMIN-2024-0356 - DPW DRWG N29093 - 2800 E
Broad St, ADMIN-2024-0356 - LTR of REQ - 2800 E
Broad ST

Enactment Number:

Contact:

Introduction Date:

Drafter: Joseph.DavenportJr@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	4/23/2024	M.S. Khara	Approve	4/24/2024
1	2	4/23/2024	Joseph Davenport - FYI	Notified - FYI	
1	3	4/24/2024	Bobby Vincent	Approve	4/24/2024
1	4	4/24/2024	Joseph Davenport - FYI	Notified - FYI	
1	5	4/25/2024	Robert Steidel	Approve	4/25/2024
1	6	4/25/2024	Joseph Davenport - FYI	Notified - FYI	
1	7	4/26/2024	Jeff Gray	Approve	4/26/2024
1	8	4/26/2024	Joseph Davenport - FYI	Notified - FYI	
1	9	4/30/2024	Lincoln Saunders	Approve	5/7/2024
1	10	4/30/2024	Joseph Davenport - FYI	Notified - FYI	
1	11	5/7/2024	Mayor Stoney	Approve	5/20/2024
1	12	5/7/2024	Joseph Davenport - FYI	Notified - FYI	

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File Admin-2024-0356

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: April 22, 2024

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

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

THROUGH: Bobby Vincent Jr., Director, Department of Public Works

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

**RE: PROPOSED ENCROACHMENT ONTO A CITY SIDEWALK WITHIN THE
PUBLIC RIGHT OF WAY OF AN OUTDOOR DINING AREA AT 2800 E
BROAD STREET**

ORD. OR RES. No.

PURPOSE: To allow an encroachment into the public right-of-way for an outdoor dining area and its amenities which will occupy an area totaling 368 square feet of public right-of-way along the north line of E Broad Street and along the east line of N 28th Street, all located at 2800 E Broad Street, and as further detailed on a plan prepared by the Department of Public Works and designated as DPW Drawing. No. N-29093 dated March 1, 2024, and entitled “PROPOSED ENCROACHMENT ONTO A CITY SIDEWALK WITHIN THE PUBLIC RIGHT OF WAY OF AN OUTDOOR DINING AREA AT 2800 E BROAD STREET.”

BACKGROUND: A request for encroachment was received (letter dated June 16, 2023) from Mr. Scott Corwin, of the Johannas Design Group, on behalf of the building owner (RRG Properties) for 2800 E Broad Street. The letter requests approval of an outdoor dining space located adjacent to and for use by the Hill Café, located at 2800 E Broad Street.

The Hill Café is located in an area zoned R-6 and operates as a business use (first floor restaurant and second floor office) under a variance for a nonconforming use granted by the Board of Zoning Appeals on September 5, 1990.

The restaurant began offering outdoor dining to its customers under a Temporary Outdoor Dining permit offered under the COVID 19 protocols (ENCR-075248-2020). The present request will utilize

much the same area as the previous permit but will allow the railing to be attached to the sidewalk and eliminate the requirement that the railing, tables, chairs and other amenities be removed from the sidewalk at times when restaurant is not open.

Approval of this outdoor dining area will allow for the additional seating for Hill Cafe to continue to be used and add to the vitality of the restaurant and surrounding area. The present plan includes a black powdered-coated aluminum railing surrounding tables and chairs adjacent to the front of the building (E Broad St) and the side of the building (N 28th St). Awnings partially covering the outdoor dining areas and the front door are included.

The area of the encroachment for outdoor dining is 353 sq. ft. and the area of the encroachment for awnings is 96 sq. ft. As the outdoor dining and the awning encroachment areas overlap, the total effective encroachment area is 368 sq. ft., as depicted on DPW Drawing No. N-29093, dated March 1, 2024.

The application for a permanent outdoor dining encroachment located at 2800 East Broad Street was reviewed by the Urban Design Committee at its meeting of January 4, 2024, and recommended for approval (UDC 2024-02 ENCROACHMENT).

COMMUNITY ENGAGEMENT: Urban Design Committee (UDC) considered and approved the proposed outdoor dining encroachment at their meeting of January 4, 2024, public invited to attend and provide comment; upon City Council introduction, the proposed Ordinance will be referred to a future Land Use, Housing and Transportation (LUHT) Committee meeting for discussion, public encouraged to attend and provide comment; subsequent to LUHT recommendation to City Council, Council to hold a public hearing regarding the proposed Ordinance.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan: Goal 6 (Land Use and Transportation Planning), Objective 6.1 (Support the retention, creation, and attraction of businesses in and near Nodes, Priority Neighborhoods, and major corridors); Goal 11 (Businesses & Jobs), Objective 11.3 (Increase the number and support the growth of small businesses).

FISCAL IMPACT: None

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 13, 2024

CITY COUNCIL PUBLIC HEARING DATE: June 10, 2024

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing and Transportation Committee (LUHT)

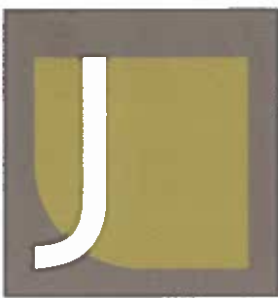
AFFECTED AGENCIES: Public Works; Law Department; Planning & Development Review; Public Utilities; Assessor; Finance; Budget and Strategic Planning; Fire Department; Police Department, Mayor's Office, and CAO's Office

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: DPW Dwg. No. N-29093
Applicant's request letter (Scott Corwin; dated June 16, 2023)

STAFF:

Prepared for Bobby Vincent, Jr., Director, DPW
Prepared by M.S. Khara, City Engineer, DPW
Research and Drawing Coordinated By: DPW Staff



JOHANNAS design group
1901 West Cary Street
Richmond Virginia 23220

P. 804.358.4993

F. 804.358.8211

W. johannasdesign.com

6.16.23

Mr. Bobby Vincent
Director of Public Works
City Hall, Room 701
900 East Broad Street
Richmond, VA 23219

Re: Outdoor Dining Encroachment for 2800 East Broad Street (The Hill Cafe)

Dear Mr. Vincent,

Pursuant to the Procedure Outline for Initiating a Request for an Approval of an Outdoor Dining Encroachment Into the Public Right-of-Way with a City Ordinance, please accept this letter to initiate the process for a dining encroachment for The Hill Cafe. As the restaurant has successfully operated with outdoor dining for a few years, the facility's tenant, Richmond Restaurant Group represented by Mr. Jared Golden, is interested in continuing to offer outdoor dining to its patrons. No change from the current, previously approved conditions is anticipated.

The restaurant has seated its outdoor dining patrons per the attached Department of Public Works drawing dated 7/2/20, allowed by a Temporary Outdoor Dining Encroachment Permit instituted during the COVID pandemic. Attached is a Site Plan dated 6.16.23, drawn based on recent site observations.

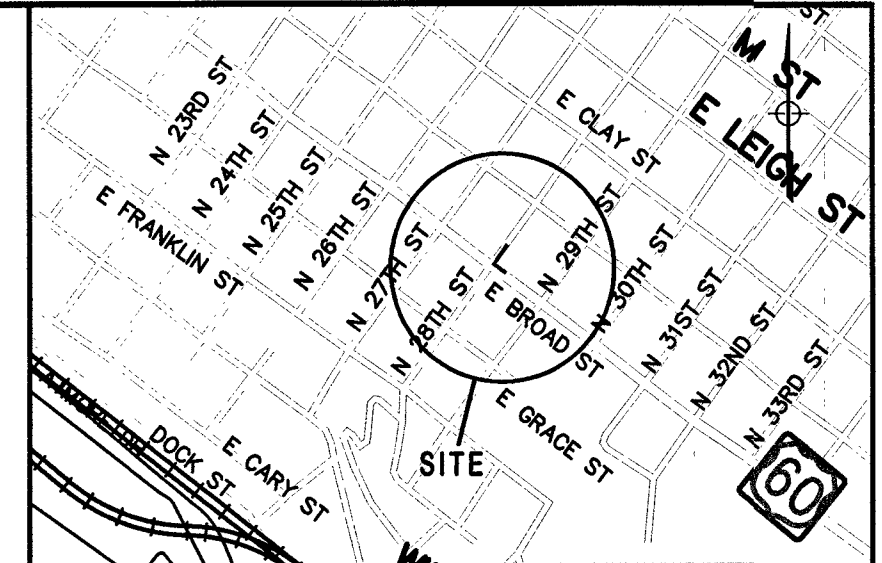
Per City Assessor's records, the building has 1270 square feet (sf) of space on the first floor, occupied by restaurant usage, and 1130sf on the second floor, utilized as office space. The area for outdoor dining is 372.5sf, with 270sf along 28th Street and 102.5sf facing East Broad Street.

A basic restaurant occupancy calculation, per building code occupant/area ratios of 1/15 for assembly-use tables and chairs, 1/200 for commercial kitchens, and 1/300 for storage areas, would be in the vicinity of a maximum of 100 occupants, including 25 patrons dining outside. The restaurant has two restrooms, which accommodates up to 150 occupants per the building code.

The restaurant has maintained liability insurance naming the City as insured for the encroachment area per an attached certificate, and intends to continue. As this area is wholly within the right-of-way, and not real property, City zoning administrator Mr. William C. Davidson has indicated that the zoning department cannot regulate this.

Please let us know how best to proceed to facilitate this request, and thanks,

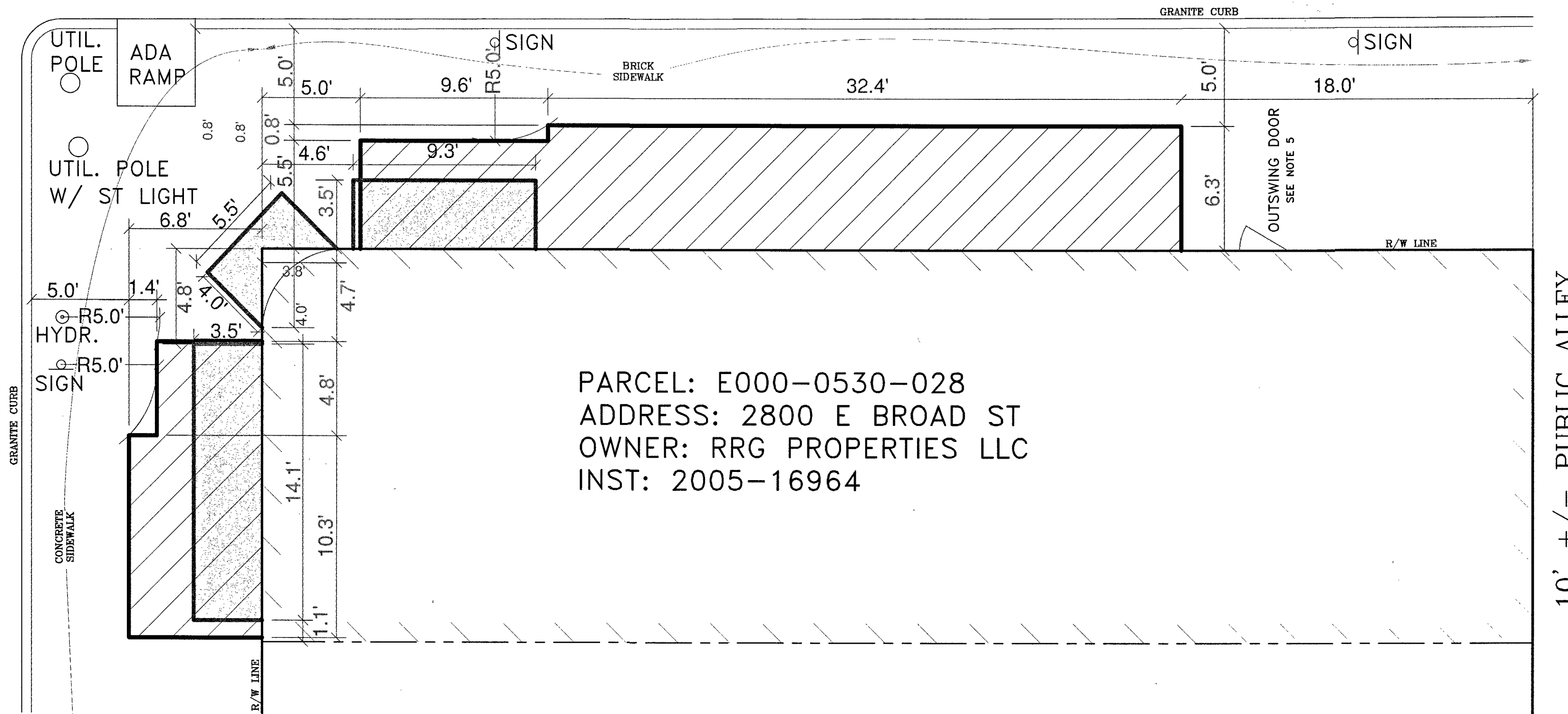
Scott Corwin



VICINITY SKETCH
(SCALE 1"=1000')

N 28TH STREET
66' +/- PUBLIC ROW

E BROAD STREET
66' +/- PUBLIC ROW



PARCEL: E000-0530-028
ADDRESS: 2800 E BROAD ST
OWNER: RRG PROPERTIES LLC
INST: 2005-16964

NOTES:

1. THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES, AND SITE PLAN PREPARED BY JOHANAS DESIGN GROUP TITLED "THE HILL CAFE, 2800 E. BROAD STREET" DATED 12/07/2023 AND REVISED 12/27/2023
2. AREA CROSSHATCHED IS PROPOSED OUTDOOR DINING ENCROACHMENT. AREA = 353 SQ FT
3. AREA SHADED IS PROPOSED AWNING ENCROACHMENT. AREA = 96 SQ FT.
4. TOTAL AREA TO BE CHARGED FOR ENCROACHMENT FEE = 368 SQ FT
5. EXISTING OUTSWING DOOR IS AUTHORIZED ENCROACHMENT THROUGH ORD. 91-214-199



Council District 7

Block No. E-530

NOTES

1. Property owners correct as of 03/01/2024
2. Ordinance _____
3. Adopted _____
4. Accepted _____

Engineering Specialist: Shenouda Guergues

Shenouda Guergues

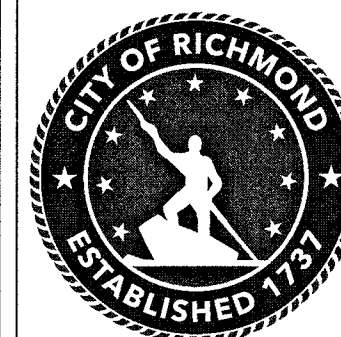
Op. Mgr. For Surveys: Marvin W. Anderson, CLS

Marvin W. Anderson

ROW Manager: Joseph L. Davenport Jr, P.E.

Joseph L. Davenport Jr

DEPARTMENT OF PUBLIC WORKS
CITY OF RICHMOND, VIRGINIA



PROPOSED ENCROACHMENT ONTO A CITY SIDEWALK
WITHIN THE PUBLIC RIGHT OF WAY OF AN OUTDOOR
DINING AREA AT 2800 E BROAD STREET

REQUESTED BY: SCOTT CORWIN OF JOHANAS DESIGN GROUP ON BEHALF OF OWNERS, DATED 06/16/2023

REFERENCES: B/L 9SE

REVISIONS:

Surveys Division, Room 600 City Hall
900 E. Broad Street, Richmond, Va. 23219

DRAWN BY: SG
CHECKED BY: MWA

FIELD NOTE

SCALE
1"=5'

DATE
03/01/2024

PROJECT
E-530-EN

DRAWING NO.
N-29093