



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**CPCR 2018-001:** To authorize an exception to §14-264 of the Code of the City of Richmond for the property known as 1300 East Byrd Street pursuant to §14-292(c) of the Code of the City of Richmond.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** January 16, 2018

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#### **PETITIONER**

Lory Markham, Markham Planning

#### **PROPERTY OWNER**

North Falls Acquisition, LLC

#### **LOCATION**

1300 East Byrd Street

#### **PURPOSE**

To authorize an exception to allow an encroachment into the 50 feet seaward portion of the Resource Protection Area (RPA) & Intensely Developed Area (IDA) buffer within the Chesapeake Bay Protection Area on the property.

#### **SUMMARY & RECOMMENDATION**

The property owner is proposing the construction of a hotel on the property. This development would result in approximately 13,168 square feet of encroachment. The development would encroach in both the landward and seaward portions of the Resource Protection Area and Intensely Developed Area of the Chesapeake Bay as shown on the City's adopted Chesapeake Bay Preservation Map.

§14-264 of the Code of the City of Richmond does not permit structures or non-water-dependent facilities to encroach into an RPA and, therefore, the petitioner has requested an exception from the Planning Commission to encroach into the 50-foot seaward portion of the RPA buffer, pursuant to §14-292(c) of the Code of the City of Richmond.

Historically, this area was developed with active uses serving trade along the canal. When creating the Chesapeake Bay Map, the IDA designation recognized that this was possibly impervious surface. The IDA allows for the continued development of impervious area with the stipulation that offsets for the encroachment still must be provided.

Water Resources Staff understands the proposed development is constrained by both the physical location of the site, RMA, as well as the zoning requirements for the building. While Water Resources Staff would like to see a planted/landscaped water quality offset, staff understands there is limited surface area within the buffer area to place any kind of best management practice (BMP) or plantings. Water Resources Staff asks that the applicant submit a Water Quality Impact

Assessment with their development plans as a part of their land disturbing and Chesapeake Bay Site plan, and chose native plant and tree species for the landscaping and tree wells.

Water Resources Staff finds that the encroachment is still in keeping with the allowed encroachments of the City's code and with the State's current Chesapeake Bay program.

Therefore, Water Resources Staff recommends approval of the exception request.

## **FINDINGS OF FACT**

### **Site Description**

The subject property is located between Haxall Canal to the south and the Downtown Expressway to the north, in the Shockoe Slip neighborhood of the Downtown Planning District. The property is improved with a vacant, one-story building constructed in 1920, per tax assessment records.

### **Proposed Use of the Property**

A Plan of Development application has been submitted, proposing a 7-story hotel with 111 structured parking spaces and 3,220 square feet of retail space on the ground floor.

### **Zoning & Master Plan**

The property is located in the B-4 Central Business Zoning District. Adherence to B-4 zoning standards will be confirmed as part of Plan of Development approval.

The Downtown Plan shows the subject property in an Urban Center Area. The Urban Center Area is characterized by higher density, mixed-use development, typically arranged on a fine-grained street network, with wide sidewalks, regular tree planting, and minimal setbacks (3.25).

### **Chesapeake Bay Protection Areas**

The Resource Protection Area (RPA) is defined as that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of State waters.

Per Richmond City Code section 14-231(a)... In their natural condition, these lands provide for the removal, reduction or assimilation of sediments, nutrients and potentially harmful or toxic substances in runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on State waters and aquatic resources.

Additionally, "the 100-foot wide buffer area shall be the landward component of the resource protection area as set forth in Section 14-231(b)(5). Notwithstanding permitted uses, encroachments, and vegetation clearing, as set forth in this section, the 100-foot wide buffer area is not reduced in width. To minimize the adverse effects of human activities on the other components of the resource protection area, State waters, and aquatic life, a 100-foot wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist." (Section 14-264(3))

Intensely Developed Areas (IDA) have been designated as an overlay of Chesapeake Bay Preservation areas (CBPA) within its jurisdiction and shall serve as redevelopment areas in which

development is concentrated. When the Chesapeake Bay program was adopted the city examined the pattern of residential and commercial development with the CBPA where little of the natural environment remained. The area shown on the official Chesapeake Bay map was determined to be an intensely development area based on historic commercial and industrial uses along the canal in years past.

Per section 14-264(7) Buffer area requirements for intensely developed areas states the City may exercise discretion regarding whether to require establishment of vegetation in the 100-foot wide buffer area. However, while the immediate establishment of vegetation in the buffer area may be impractical, the City shall give consideration to implementing measures that would establish vegetation in the buffer in these areas over time in order to maximize water quality protection, pollutant removal, and water resource conservation. Where buffers are to be established, they shall be designed in accordance with the standards established in the Riparian Buffer Modification & Mitigation Guidance Manual, 2003, prepared by the Chesapeake Bay Local Assistance Division of the Department of Conservation and Recreation and as may be amended by the Commonwealth of Virginia from time to time.

### **Surrounding Area**

Properties surrounding the subject property are located in the B-4 Central Business Zoning District, DCC Downtown Civic and Cultural Zoning District, B-5 Central Business Zoning District, and M-1 Light Industrial Zoning District. A mix of land uses are present in the vicinity of the subject property.

### **Neighborhood Participation**

Notice of the public hearing on the proposed exception has been advertised in accordance with State Code and property owners with 150 feet of the subject property have been mailed notice of the public hearing.

Staff has not received any letters of support or opposition.

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