

Ebinger, Matthew J. - PDR

From: CATHY SAUNDERS <CATHY.SAUNDERS@Longandfoster.com>
Sent: Wednesday, October 2, 2019 7:50 PM
To: Brown, Jonathan W. - PDR; Ebinger, Matthew J. - PDR
Cc: Bieber, Craig K. - City Council Office; Bennette D. Burks (bdburks@verizon.net)
Subject: Comments regarding Ordinance No 2019-259 Special Use Permit Amendment for 214 North Lombardy Street

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Dear Director of Planning and Development Review,
Secretary of the Commission,

Thank you for the opportunity to send you comments on the proposed special use permit amendment referenced above. I'd be happy to answer any questions. I can be reached at this email or 804-304-3929. I speak as a homeowner three doors from the proposed expanded residential unit and commercial space and also as a residential realtor who works in the City.

1. The total number of residential units should remain at two or fewer. The property owner purchased the two unit property and due diligence should have been completed before the purchase if their intent was to maintain three units. Even one additional unit will adversely affect the available limited parking and further contribute to the trash collecting in the alley behind the buildings where there is already insufficient space to house the collecting bins for public pick-ups. As for revenue generation by the homeowner and the City, two nicely appointed units can attract income in excess of three moderately appointed units.
2. For both the proposed commercial and residential revisions to the property at 214 Lombardy, the parking for the properties within at least a two block area will be adversely affected. I therefore suggest approval of the ordinance must be coupled with the extension of Zone 2 parking to include the 1500 block of Hanover Avenue. The standards for determining the adequacy of parking is flawed when evaluating parking availability. The following are just some of the reasons why parking on the 1600 block of Hanover, on which the proposed three unit dwelling will face and which is perpendicular to the Lombardy location of the proposed commercial space, is currently strained and inadequate for the current property owners. Extending Zone 2 through the 1500 block of Hanover would provide some relief.
 - There are 4 apartment buildings on the block that add many more cars to the street than the single family homes with an average of two vehicles. While it is stated that the City administration monitors the number of parking permits issued per address, we know for a fact that this is not enforced.
 - The homes on the northside of the 1600 block of Hanover do not have off street parking behind their homes as their lots are too shallow and many have only a deck and no rear yard. (As The Fan "fans" out, lots further west get deeper.) They therefore have no choice but to park on the street.
 - Tenants of the apartments on Lombardy between Hanover and Park park on the 1600 block of Hanover as there is insufficient spaces on Lombardy and also because those addresses are classified as Zone 2 and which includes the 1600 block of Hanover and not the 1500 block of Hanover which is Zone 1.
 - Currently, at least three homeowners on the 1600 block of Hanover currently have only one vehicle. This would likely change if homeownership changed and led to even more cars vying for the limited spaces. Further, there are currently three homes where their occupants travel extensively and/or have second homes. Thus you see that, theoretically, there might be adequate parking but a change in any one

of these homeowners' frequency residing on Hanover can change the parking availability, and it does when, for example, they return home during the week to return to work.

- The 1500 block of Hanover has homes on the southside of the block and none on the northside as Lombardy/Children's Park is located across from them. Extending Zone 2 to include this block would relieve some of the undue congestion on the 1600 block.
- Two restaurants are within a half block of the 1600 block of Hanover and their patrons and employees park on the 1600 block of Hanover.

Should there be any question about the available parking on the 1600 block of Hanover I encourage you to view the parking at times other than 8 am – 5pm when most homeowners are away. I would be happy to meet whoever might like to take such a tour. It is unfortunate that several homeowners on the block have had to adjust their activities away from home as returning to the block after dinner, for example, usually means they must park a block or two away and with the change in the seasons, walk in the dark, and/or carry groceries and/or young children, a long distance. Let's not exacerbate this matter by increasing the number of issued parking permits without expanding the available space to park.

I thank you for the opportunity to provide these comments.

Cathy Saunders
1607 Hanover Avenue
804-304-3929

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Bennette D. Burks
1605 Hanover Ave
Richmond, VA 23220-3525

March 29, 2019

Mark A. Olinger, Director
Richmond Department of planning and Development
900 E. Broad St., Room 511
Richmond, VA 23219

Dear Sir:

Subject: Special Use Permit Application SUP-0456-2018
1601 Hanover Ave/204 N. Lombardy Ave.
Application Documents and Review

I have had the opportunity to review the Special Use Permit (SUP) application filed to allow for the intensification of the use of the two-unit dwelling at 1601 Hanover Ave and a restaurant in the attached building identified at 204. N. Lombardy. I respectfully submit that the documents do not "...point out the specific features of the special use that will ensure that it will be compatible with the surrounding area, and that it is an appropriate use for the site." The application states that, "It must be shown that the proposed use will **not**" result in one of more of the conditions listed in the application. I request that the application include an analysis of known or likely impacts of the use, specific measures to address the impacts—measures that will be made a part of the ordinance—sealed architectural drawings that provide details regarding occupancy and complete code compliance with all relevant current codes.

You and I have a history dating back to approximately 2010, when I first contacted your office regarding issues with the previous operation. Between 2010, you and I exchanged emails, participated in meetings, and debated the many ways the previous operation was incompatible. These incompatibilities arose from a number of sources, some of which may still exist. No application can be complete unless application includes a review of these known issues, the likely impacts of new operations, and enforceable language to prevent the recurrence of nuisances and incompatibilities.

The application is clear that the applicant bears full responsibility to establish the application is reasonable. A key element in demonstrating reasonableness is a listing of known or likely impacts, none of which is addressed. Reviewing known impacts from the previous operation is essential. Some impacts are systemic to the building and will likely arise again were a new restaurant to open. Other issues have arisen because of conditions the applicant may have created during unpermitted activities. Other issues have arisen because of inadequacies identified in the current SUP.

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Special Use Permit Application SUP-0456-2018
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March 29, 2019
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Keep in mind, also that incompatibility can arise from any single factor or a combination of factors. The review should be a holistic review of the nature of the proposed restaurant and how each factor may contribute to incompatibility. Here is a summary of items we have wrestled over:

- Use of the building in a manner different than described in the SUP;
- Mechanical noise at 60 dB from the exhaust fan and air conditioning equipment;
- Patron noise in the alley at 70 dB;
- Random excessive smoke and particulates from the exhaust fan;
- Patrons on the exposed roof;
- Patrons congregating in the alley where they shout, drink, urinate, and occasionally have sex;
- After-hours operation;
- Rumble from excessive patrons in the building;
- “Thumping” from amplified music; and
- Trash overflowing neighbors’ trash cans.

The application only addresses music but hardly in a substantive manner. Other items are simply ignored. All need to be addressed and reflected in the enforceable language of the proposed ordinance before the application is approved by your office..

I also noticed that the application does not contain sealed architectural plans. The sketches that are supplied note that they are subject to change. The plans provide no information on occupancy load, means of egress, nor occupancy separation. You may recall that the building was the subject of two stop-work orders related to unpermitted activities. I am concerned that these activities may have made the building unsafe.

I request that an draft SUP ordinance contain specific, enforceable language that relates to all of the known or likely impacts including but not limited to the following:

- Restaurant use is consistent with a “coffee bar” in terms of operating time and occupancy load. The building shall close at 6 PM. Occupancy is based on 40 ft² per patron with a sitting-to-standing patron ratio of 2:1 at a total occupancy not to exceed that of Kuba-Kuba;
- Sale of beer, wine, or mixed beverages is prohibited in keeping with the “coffee bar” theme as exhibited by Starbucks;

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1601 Hanover Ave/204 N. Lombardy Ave.
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- Mechanical equipment cannot exceed 50 dB in noise intensity beyond the boundary of the premises;
- Exhaust fans must be located such that they vent at the highest point of the premises, which is the dwelling;
- Patrons may not use any part of the exterior of the premises;
- Restaurant management is responsible to keep patrons from congregating on the sidewalk or alley;
- The restaurant must be vacant between 10 PM and 6 AM;
- The sealed plan shall contain calculations of the expected solid waste load and show where the expected waste load will be contained. Occupancy shall be limited to smaller value of either the occupancy of Kuba Kuba or volume of solid waste that can be stored on the premises and not violate egress requirements; and
- Mandatory exits may not traverse storage areas including the storage area for the waste bins..

The addition of a third residential unit represents an intensification of the use. The application also needs to address the known and likely impacts of an increase from two to three units. Parking is major issue. I suggest that the SUP disallow parking permits for both the dwelling and the restaurant if three units are contemplated.

Likewise, the sealed architectural plans should contain specific details regarding the actual location and configuration of the third unit and identify how this unit is code compliant in all respects.

I appreciate your desire to provide for mixed-use neighborhoods. I believe this desire must be tempered by the current realities of how foodservice occupancies operate. I will address policy issues separately. As it related to technical plan review, I believe your office has a duty to neighbors to ensure that the applicant can ensure that the reasonableness of the proposal. The current application is too sparse to provide any assurance and should be rejected.

I look forward to meeting with you and others. Feel free to let me know if you have any questions, concerns, or issues.

Sincerely,



Katheryn E. Surface Burks

Sincerely



Bennette D. Burks

Ebinger, Matthew J. - PDR

From: Brown, Jonathan W. - PDR
Sent: Friday, October 4, 2019 9:03 AM
To: Ebinger, Matthew J. - PDR
Subject: FW: Opposition to recent zoning change request at 1601 Hanover Avenue, in the Fan

FYI: This message has just arrived regarding 214 Lombardy SUP.

From: Brian Baird [mailto:brian.baird5@gmail.com]
Sent: Thursday, October 3, 2019 8:10 PM
To: Brown, Jonathan W. - PDR <Jonathan.Brown@richmondgov.com>
Cc: Bieber, Craig K. - City Council Office <Craig.Bieber@richmondgov.com>
Subject: Opposition to recent zoning change request at 1601 Hanover Avenue, in the Fan

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Good evening -

Since 2003, I've been a homeowner at 1704 Hanover Avenue in the Fan, and I'm familiar with the long history of 1601 Hanover Avenue including its zoning. The property is problematic for several reasons, including:

- No parking of any kind
- Inadequate space for trash storage
- Incredibly close proximity to residences / neighbors, leading to a history of music and drunk patrons only a few feet from residences

In addition to those issues, the current property owner has engendered no trust from the neighborhood. Illegal apartments were constructed, promises to upgrade the look of the property have been made and broken, and now another zoning proposal is in play which only reiterates the issues which neighbors called out as intolerable at the most recent meeting with the property's lawyer. Namely, these are:

- Selling alcohol (I noticed that no ABC license would be pursued, which matters little when beer and wine are sold)
- Storing trash in the small area behind the property
- Playing music on the property
- Not arranging for any additional parking

Some of these issues can be managed, such as the music, and I didn't add a bullet point for the request for sidewalk tables even though this would likely lead to trash and cigarette butts on the sidewalk. Some allowances can be made. However, the current setup of the property is not conducive to what is being sought, and I **STRONGLY OPPOSE** passing the most recent version of the zoning change until these points have been addressed.

The property was frankly purchased on a lark at auction, with no knowledge of the zoning restrictions by the bidder. Now the neighborhood is being asked to capitulate to zoning changes in order for the owner to maximize their rent, and because the property was such a neighborhood disaster in its former iteration we know better than to allow such a change. The owner should exercise some imagination and rent the space as a shop, an office, or some other low - traffic business. There are many businesses which could fit into the space and be good neighbors at the same time. The current property setup is not a good one for the requested purpose.

Sincerely,

Brian Baird
1704 Hanover Avenue
Richmond
804-586-4156

Ebinger, Matthew J. - PDR

From: Brown, Jonathan W. - PDR
Sent: Friday, October 4, 2019 10:33 AM
To: Lloyd, Preston
Cc: Ebinger, Matthew J. - PDR
Subject: FW: 1601 Hanover Ave/ 214 Lombardy

Preston,
This message has just arrived from a nearby resident.

From: Paul Monroe [mailto:paul@drpaulmonroe.com]
Sent: Friday, October 4, 2019 10:26 AM
To: Bieber, Craig K. - City Council Office <Craig.Bieber@richmondgov.com>; Brown, Jonathan W. - PDR <Jonathan.Brown@richmondgov.com>; Bennette D. Burks <Burks@3-eng.com>
Subject: 1601 Hanover Ave/ 214 Lombardy

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Dear Sir:

We have several objections to the proposed Special Use permit.

This property has a history of disregard for its neighbors in the past. I understand that the present owners are different, but we are concerned that their requests will allow for further abuse of the neighbors and will lead to deterioration of the neighborhood.

They are requesting to increase the number of apartments and an increase in their parking permits in a block in which parking is at a premium. Without providing any onsite parking, they are opening an 80 seat restaurant and increasing the number parking permits for its apartments. We think the size of the restaurant should be much more limited and the number of apartments should not be increased.

They are asking for sidewalk seating for a cafe- where there is clearly no room on this narrow sidewalk.

Their requests to expand both the number of apartments and the size of the restaurant bode poorly on their impact on the neighborhood. This special use permit will increase the value of their property but will have a negative impact on those who live in this dense neighborhood.

Please consider not approving their expansion.

Sincerely,

Paul and Sara Monroe
1613 Hanover Ave

Mark Olinger
Richmond Department of Planning and Development
900 E. Broad Street
Richmond, VA 23219

Re: 1601 Hanover Avenue
214 North Lombardy

Dear Sir

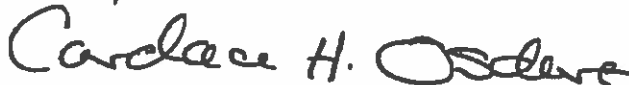
I am writing to you at the urging of my neighbors who live across the street from me in the 1600 block of Hanover Avenue. Unwise development of 1601 Hanover Ave. and 301 N. Lombardy will have a very unfortunate impact on their property and quality of living.

I assume that you are well aware of the concerns which these neighbors have. No doubt you have received several letters in regard to the Special Use Permit Application (SUP 0456-2018). Enclosed are two letters which go into the details in regard to this application. These letters outline specific requests and changes which should be made to this SUP application.

For the past year, our 1600 block of Hanover Avenue has had several meetings to air everyone's concerns. We have also made our presence known at several Fan District Association meetings. A lot of effort and time has been invested in this. It is a Goliath type of undertaking.

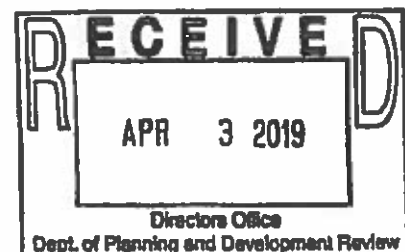
Please re evaluate this application and make the necessary changes to put our minds at rest. I love my neighbors and respect their integrity. It would be very sad if they decided to move elsewhere because a compromise cannot be agreed upon.

Sincerely



Candace Osdene
1608 Hanover Avenue

April 3, 2019



March 29, 2019

Mark A. Olinger, Director
Richmond Department of planning and Development
900 E. Broad St., Room 511
Richmond, VA 23219



Dear Sir:

**Subject: Special Use Permit Application SUP-0456-2018
1601 Hanover Ave/204 N. Lombardy Ave.
Application Documents and Review**

I have had the opportunity to review the Special Use Permit (SUP) application filed to allow for the intensification of the use of the two-unit dwelling at 1601 Hanover Ave and a restaurant in the attached building identified at 204. N. Lombardy. I respectfully submit that the documents do not "...point out the specific features of the special use that will ensure that it will be compatible with the surrounding area, and that it is an appropriate use for the site." The application states that, "It must be shown that the proposed use will not" result in one of more of the conditions listed in the application. I request that the application include an analysis of known or likely impacts of the use, specific measures to address the impacts—measures that will be made a part of the ordinance—sealed architectural drawings that provide details regarding occupancy and complete code compliance with all relevant current codes.

The application is clear that the applicant bears full responsibility to establish the application is reasonable. A key element in demonstrating reasonableness is a listing of known or likely impacts, none of which is addressed. Reviewing known impacts from the previous operation is essential. Some impacts are systemic to the building and will likely arise again were a new restaurant to open. Other issues have arisen because of conditions the applicant may have created during unpermitted activities. Other issues have arisen because of inadequacies identified in the current SUP.

Keep in mind, also that incompatibility can arise from any single factor or a combination of factors. The review should be a holistic review of the nature of the proposed restaurant and how each factor may contribute to incompatibility. Here is a summary of items we have wrestled over:

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- Patrons congregating in the alley where they shout, drink, urinate, and occasionally have sex;
- After-hours operation;
- Rumble from excessive patrons in the building;
- “Thumping” from amplified music; and
- Trash overflowing neighbors’ trash cans.

The application only addresses music but hardly in a substantive manner. Other items are simply ignored. All need to be addressed and reflected in the enforceable language of the proposed ordinance before the application is approved by your office..

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- Exhaust fans must be located such that they vent at the highest point of the premises, which is the dwelling;
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- Restaurant management is responsible to keep patrons from congregating on the sidewalk or alley;
- The restaurant must be vacant between 10 PM and 6 AM;
- The sealed plan shall contain calculations of the expected solid waste load and show where the expected waste load will be contained. Occupancy shall be limited to smaller value of

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either the occupancy of Kuba Kuba or volume of solid waste that can be stored on the premises and not violate egress requirements; and

- Mandatory exits may not traverse storage areas including the storage area for the waste bins..

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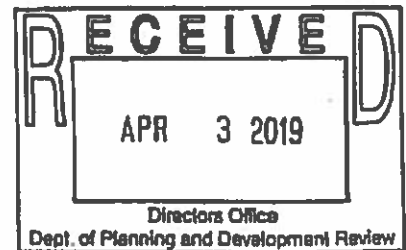
Likewise, the sealed architectural plans should contain specific details regarding the actual location and configuration of the third unit and identify how this unit is code compliant in all respects.

I appreciate your desire to provide for mixed-use neighborhoods. I believe this desire must be tempered by the current realities of how foodservice occupancies operate. I will address policy issues separately. As it related to technical plan review, I believe your office has a duty to neighbors to ensure that the applicant can ensure that the reasonableness of the proposal. The current application is too sparse to provide any assurance and should be rejected.

I look forward to meeting with you and others. Feel free to let me know if you have any questions, concerns, or issues.

March 29, 2019

Mark A. Olinger, Director
Richmond Department of planning and Development
900 E. Broad St., Room 511
Richmond, VA 23219



Dear Sir:

**Subject: Special Use Permit Application SUP-0456-2018
1601 Hanover Ave/214 N. Lombardy Ave.
Mixed-Use Neighborhood Policy**

I have had the opportunity to review the Special Use Permit (SUP) application filed to allow for the intensification of the use of the two-unit dwelling at 1601 Hanover Ave and a restaurant in the attached building identified at 214 N. Lombardy. I have lived in the neighborhood for 16 years and have spoken with others who have lived here as long as 50 years. Independently and collectively, we have all reached the same general conclusion: foodservice occupancies are not appropriate in the 200 block of N. Lombardy.

The current proposed SUP for 214 N. Lombardy merely reflects the failed concepts and is, itself, probably going to suffer the same fate, dragging the neighbors along, too. The occupancy is not stated, but assuming the owner wants to maximize the occupancy, at least 80 patrons will be allowed for a "coffee bar or equivalent" concept. The sketch of the restaurant shows only 31 seats, if I am interpreting the sketch correctly. The seating/standing ratio is less than 50/50, hardly the profile of a typical coffee bar like Starbucks and certainly not the profile of Kuba Kuba, Joe's or other successful Fan restaurants. The application should be rejected as incompatible based on the abundance of evidence provided by previous failures and apparent profile as a beer-based restaurant.

Bob DiCapri, was the owner of Café Pagliacci. Bob once explained that he lived in the neighborhood and treated his patrons as if they were close friends. The restaurant was quiet and comfortable—a literal extension of his home. My experience was that Bob ran the restaurant more like a hobby. He opened and closed as he pleased. Bob's description sums up the issue: Fan restaurants only succeed when they appeal to the adults and comport themselves as if they were dwellings.

About 2005, Bob leased his restaurant to some kids who tried to operate the restaurant as the Wooden Spoon. The concept only lasted about a year. The building was vacant until about 2009, when Si opened. The Si concept lasted only about two years, after which time a succession of student-managers tried to rebrand Si as Pie. Pie went bankrupt in 2015. As a restaurant Si/Pie failed several times.

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Mixed-Use Neighborhood Policy
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Si/Pie was a failure in many ways. Real estate taxes were paid only to stave off foreclosure, and meal taxes were not paid for over two years. The restaurant generated continuing complaints resulting in many police calls for service. Pie patrons intimidated elderly neighbors, made noise, and vomited on the sidewalks. Noise was a constant issue. I needn't remind you the various emails we exchanged and meetings we held. The restaurant was an anathema to the neighborhood.

About this same time, Bogart's moved from 203 N. Lombardy and was eventually replaced by Ballaceaux, which created its own share of noise and patron complaints. Ballaceaux failed twice, once under its original concept and a second time under a revised fusion concept. Ballaceaux was replaced by Flora, which only lasted a couple of years. Every restaurant concept in the 200 block of N. Lombardy has failed in the last 15 years.

What has been striking to neighbors is that all of the failures take the same arc. First, the restaurants open with a high cuisine concept—tapas, fusion, curated Mexican. None of the concepts lasted. Eventually, the emphasis devolved to loud music and cheap alcohol in a feeble attempt to entice youthful patrons. All of the restaurants essentially became bars. Of course, N. Lombardy has no parking as is a bit too far for walking students, so the restaurants became noisier even as patrons fled them in search of quieter and/or closer venues. The restaurants' demise occurred in fits of their own creation and increasing nuisance complaints by taxed neighbors who got dragged into the fray. Restaurants in the 200 block of N. Lombardy have been a dismal failure and drain on the neighbors.

I appreciate your desire to provide for mixed-use neighborhoods. I understand the Mayor's desire to generate revenue/excitement/density/diversity. Your office and the City should provide informed leadership as it relates to SUP applications. Examine long-term, successful "neighborhood" restaurants to learn the secrets of their success. SUP conditions should reflect these secrets in terms of occupancy, profile, and concept. The current application appears to be just a subterfuge for beer-based bar—the very failed occupancy that preceded it. Don't make the same mistake for at least the seventh time, please.