

INTRODUCED: June 13, 2016

AN ORDINANCE No. 2016-185

To authorize The Camel, Inc., to encroach upon the public right-of-way with a proposed outdoor dining area encroachment on the south line of West Broad Street between North Lombardy Street and North Allen Street in front of 1621 West Broad Street, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUNE 27 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That The Camel, Inc., 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 feet into the public right-of-way, as shown on a plan prepared by the Department of Public Works, dated May 12, 2016, entitled “Proposed Area for Outdoor Dining Encroachment Located on the South Line of W. Broad St. between N. Lombardy St. and N. Allen Ave. (1621 W. Broad St.),” and designated as DPW Drawing No. N-28576, a copy of which is attached to this ordinance and incorporated herein.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUNE 27 2016 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) Except as otherwise provided by this ordinance, the outdoor dining encroachment area shall conform to the requirements of sections 24-247 through 24-250 of the Code of the City of Richmond (2015), as amended, concerning sidewalk cafés, except that the enclosure may be bolted to the sidewalk. 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.

(i) All gates to the enclosure, other than emergency exits, shall swing inward.

(j) The hours of operation of the outdoor dining area shall be the same as the hours of operation of the restaurant located at 1621 West Broad Street.

§ 4. This ordinance shall be in force upon adoption and shall become effective only when, within twelve (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

MAY 18 2016

Chief Administration Office
City of Richmond

4-5192

O&R REQUEST

DATE: May 13, 2016 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (By Request)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: John J Buturla, Interim Deputy Chief Administrative Officer

FOR: Emmanuel Adediran, Director
Department of Public Works

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

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

FROM: Doug Mawby
Department of Public Works

RE: PROPOSED ENCROACHMENT ONTO A CITY SIDEWALK WITHIN THE
PUBLIC RIGHT OF WAY FOR AN OUTDOOR DINING AREA AT 1621 W
BROAD ST.

ORD. OR RES No. _____

PURPOSE: To allow a restaurant to establish an enclosure containing 256 square feet on a City sidewalk in front of 1621 W Broad Street for outdoor dining as shown illustrated and hatched on a plan prepared by the Department of Public Works and designated as DPW Dwg. No. N-28576 dated 5/12/2016 entitled "PROPOSED OUTDOOR DINING ENCROACHMENT LOCATED ON THE SOUTH LINE OF W BROAD ST. BETWEEN N. LOMBARDY ST. AND N. ALLEN ST."

REASON: Letter of request from Rand Burgess of the Camel Restaurant Inc. dated January 14, 2014. The applicant wishes to establish an outdoor dining area on the Broad St. sidewalk adjacent to the Camel Restaurant located at 1621 W Broad Street.

RECEIVED

JUN 03 2016

OFFICE OF CITY ATTORNEY

RECOMMENDATIONS: The Department of Public Works offers no objections to the proposed encroachment, 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 to be borne by the applicant, 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 applicant(s)/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 applicant(s)/owner(s)/successor(s) shall provide a removal bond as required or established by the City unless this requirement is waived by the Director of Public Works or his designee.
4. The outdoor dining encroachment area shall conform to the requirements of the Sidewalk Café Program as found in City Code Sections 24-247 through 24-250, except that the enclosure may be bolted to the sidewalk. Future changes to the appearance of the enclosure may be approved by DPW subject to prior review and approval by the Urban Design Committee.
5. Hours of operation of the outdoor dining area shall match the hours of operation of the Camel Restaurant.
6. An annual Assessor area tax shall be assessed to the applicant(s)/owner(s)/successor(s) for the encroachment area.
7. The applicant(s)/owner(s)/successor(s) shall bear 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.
8. The applicant(s)/owner(s)/successor(s) shall secure the proper permits, and the encroachment shall be maintained in a manner satisfactory to best management/construction practices and to the Directors of Public Works and Planning and Development Review.
9. The applicant(s)/owner(s)/successor(s) shall provide written notification to the Assessor, Director of Finance and the Director of Public Works of any new owner's name and mailing address immediately upon transferring ownership or encroachment rights to another individual or party.
10. 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, the ordinance will become null and void automatically.
11. Any gates to the enclosure, other than emergency exits, shall swing inward.

BACKGROUND: This outdoor dining facility was originally approved as a Sidewalk Café as allowed in City Code Chapter 24. Per the Code, the enclosure for such a café may not be permanently affixed to the sidewalk, as it must be taken in at the close of business each day. During operations at the restaurant it was found that patrons tended to lean on the railing and knock it over. The operators of the restaurant were concerned that someone would get hurt so they bolted the enclosure down. This was discovered and the operators were told they must unbolt the enclosure, which they did.

A Special Use Permit Amendment to allow for extended hours of operation was recently approved, so the applicant has asked to have to have an Outdoor Dining Encroachment instead of a Sidewalk

Café. The appearance of the dining area will initially be the same as it was under the Sidewalk Café Permit, with the exception that the enclosure will be bolted down and remain on the sidewalk when the business is closed. The applicant has indicated that in the future they wish to modify the appearance of the enclosure. This will be approvable by DPW subject to prior approval by the Urban Design Committee.as noted in condition 4 above.

FISCAL IMPACT/COST: None

FISCAL IMPLICATIONS: None.

BUDGET AMENDMENT NECESSARY: No amendment necessary.

REVENUE TO CITY: \$1000 application & processing fee; 256 ± square feet of encroachments @ \$0.25 = approximately \$64.00 annual Assessor area tax.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: June 13, 2016.

CITY COUNCIL PUBLIC HEARING DATE: July 25, 2016.

REQUESTED AGENDA: Consent Agenda.

RECOMMENDED COUNCIL COMMITTEE: Planning Commission

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission.

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.: 2014-94-158

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Applicant's request letter, DPW Dwg. No. N-28576

STAFF:

Prepared for Emmanuel Adediran

Prepared by Doug Mawby

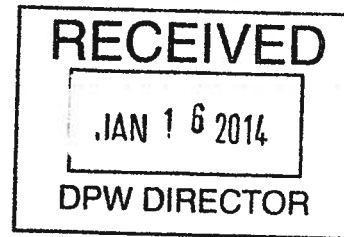
Research and Drawing Coordinated By: Marvin Anderson and Jane Amory

Department of Public Works

646-0435

The Camel Restaurant Inc.
Rand Burgess- Owner/operator
1621 West Broad Street
Richmond, Va 23220
(804) 353-4901


January 14, 2014

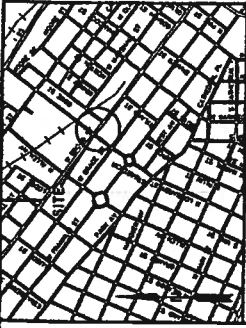


Attention: Department of Public Works
City of Richmond
City Hall, Room 701, 900 E. Broad St. 23219

The Camel Restaurant has been in business now for nearly eight years. The popularity has grown tremendously in the past few years and we have been adjusting to give patrons quality food, drink and entertainment. We have a national reputation as a great place for music, and enjoy supporting the local music scene, providing music of all varieties seven nights a week. At this time, we are working to secure our future on Broad Street through several initiatives and procedures. Already submitted, our request for an amendment to the special use permit would allow us to host live music until closing seven nights a week. In response to a fire marshall warning for overcrowding, we will be submitting a revised layout and floorplan that shows how tables are removed after dinner service on event nights in order to have our occupancy rating increased.

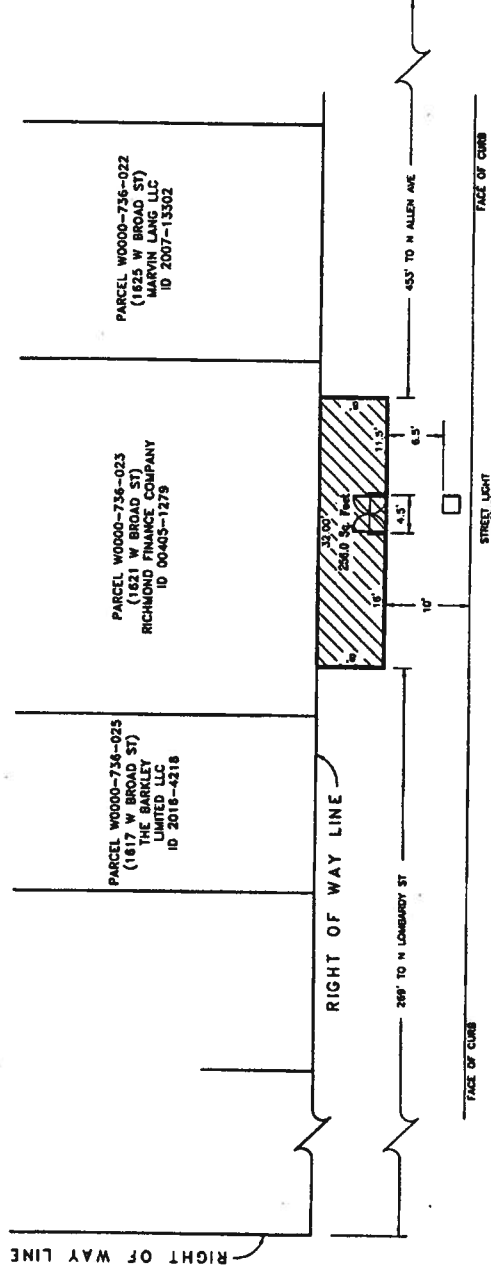
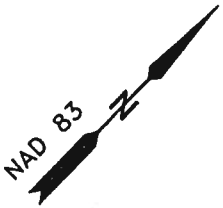
This letter is requesting that we be allowed to operate a permanent outdoor dining patio. We were approved for the temporary cafe permit last summer and have enjoyed the additional flexibility. In filing for this encroachment, we hope to resolve the safety problem of having a perimeter fence that's too flimsy for regular use, and be given permission to secure it permanently. We have prepared a drawing showing the the patio area and building front. We will be sticking with the already approved size and boundaries. There is ample room on the sidewalk for pedestrian travel. The light pole directly in front of the building creates the tightest spot, but still has five feet of clear travel space. While we're at it, there's a sign that was gifted to the business. It never went through a sign permit application. It sticks out about 16 inches from the building at ten feet above the sidewalk, encroaching in the patio area. You can see it in the sidewalk view pictures. It would be nice to keep it, but we can comply and remove it if deemed inappropriate. Attached is a copy of our insurance certificate, an architectural drawing of the building and patio, photographs of the patio as it exists, and a check to cover our application and processing fees. We look forward to working through this process as swiftly as possible and thank you for your time and consideration.

Sincerely-

Rand Burgess



VICINITY SKETCH
NOT TO SCALE

N LOMBARDY ST
60' R/Ws



NOTES:



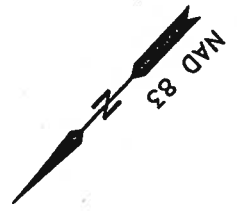
1. INDICATES PROPOSED OUTDOOR DINING ENCROACHMENT AREA: 256 Sq. Ft.
2. THIS DRAWING IS A COMPILATION OF DATA FROM PUBLIC RECORDS. SKETCH PROVIDED BY PLACERMENT AND RECENT FIELD MEASUREMENTS.

W. BROAD ST.
118' R/Ws

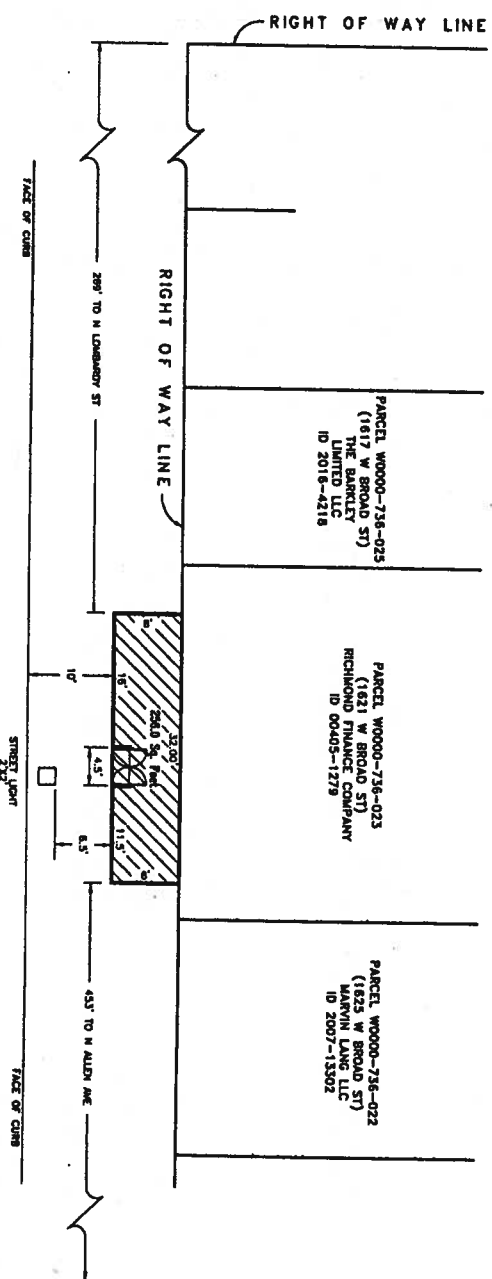


SCALE: 1"=10'

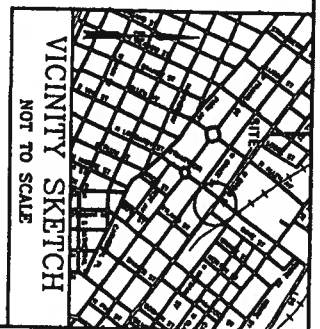
<p>NOTES</p> <p>1. Property owners correct as of MAY 4, 2016.</p> <p>2. Ordinance _____</p> <p>3. Adopted _____</p> <p>4. Accepted _____</p>	<p>REVISIONS</p>	<p>Surveys Division, Room 600 City Hall 900 E. Broad Street, Richmond, Va. 23219 DEPARTMENT OF PUBLIC WORKS RICHMOND, VIRGINIA</p>		<p>FIELD NOTE</p> <p>SCALE 1"=10'</p> <p>DATE 5/12/2016</p> <p>PROJECT W-736-ENC</p>	<p>DRAWN BY: JMA</p> <p>CHECKED BY: M.W.A.</p>	<p>Council District <u>2</u></p> <p>Block No. <u>W-736</u></p>
				<p>Proposed Area for Outdoor Dining Encroachment located on the south line of W. Broad St. between N. Lombardy St. and N. Allen Ave. (1621 W. Broad St.)</p> <p>Requested by: LETTER OF REQUEST FROM RAND BURGESS dated: January 14, 2016</p>	<p>DRAWING NO. N28576</p>	



N LOMBARDY ST
60' R/W±



W. BROAD ST.
118' R/W±



- NOTES:
- INDICATES PROPOSED OUTDOOR DINING ENCROACHMENT AREA: 236 Sq Ft
 - THIS DRAWING IS A COMPILATION OF DATA FROM RECORD SOURCES. SKETCH PROVIDED BY APPLICANT AND RECENT FIELD MEASUREMENTS.

NOTES

1. Property owners correct as of MAY 4, 2016.
2. Ordinance _____
3. Adopted _____
4. Accepted _____

REFERENCES: BL 035W, N23387

Drafting Technician: *[Signature]*

Survey Superintendent: *[Signature]*

Right of Way Manager: *[Signature]*

KEYSIGNS

Surveyors Division, Room 600 City Hall
900 E. Broad Street, Richmond, Va. 23219
DEPARTMENT OF PUBLIC WORKS
RICHMOND, VIRGINIA



DRAWN BY: JNA
CHECKED BY: M.A.A.

Council District 2

PROPOSED AREA FOR OUTDOOR DINING ENCROACHMENT
LOCATED ON THE SOUTH LINE OF W. BROAD ST.
BETWEEN N. LOMBARDY ST. AND N. ALLEN AVE.
(1821 W. BROAD ST.)

Approved by: Letter of request from said business dated: January 14, 2014

FIELD NOTE	SCALE	DATE	PROJECT	DRAWING NO.
	1"=10'	5/12/2018	W-736-ENC	N28576

Block No. W-736