

INTRODUCED: January 23, 2017

AN ORDINANCE No. 2017-010

To authorize TRP Roseneath, LLC, to encroach upon the public right-of-way with a proposed outdoor dining area encroachment on the northwest line of Roseneath Road between West Leigh Street and West Moore Street in front of 1500 Roseneath Road, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 27 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That TRP Roseneath, LLC, referred to as “Licensee”, is hereby authorized to encroach upon the public right-of-way with a proposed outdoor dining area on a raised patio with an area of approximately 490 square feet, together with an overhead canopy and gutters with an area of approximately 750 square feet, extending into the sidewalk in front of a restaurant, as shown on a plan prepared by the Department of Public Works, dated December 8, 2016, entitled “Proposed Patio, Canopy and Other Related Structures for an Outdoor Dining Encroachment Located on the Northwest Line of Roseneath Road between W Leigh Street and Moore Street,” and designated as DPW Drawing No. N-28761, a copy of which is attached to this ordinance and incorporated herein.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 27 2017 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) 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 must obtain a code modification from the Commissioner of Buildings for any encroachment structure that does not comply with the Virginia Uniform Statewide Building Code.

(f) The Licensee must obtain administrative approval from the Director of Public Works for any existing encroachment abutting or adjacent to the property known as 1500 Roseneath Road and identified as Tax Parcel No. N000-1788/002 in the 2017 records of the City Assessor and any encroachment needed for the containment and disposal of storm water from any canopy gutters on the property known as 1500 Roseneath Road and identified as Tax Parcel No. N000-1788/002 in the 2017 records of the City Assessor to the City's stormwater system.

(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 the 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.

(k) The hours of operation of the outdoor dining area shall not exceed the hours of operation of the indoor dining area of the restaurant located at 1500 Roseneath Road.

§ 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 written evidence acceptable to the Director of Public Works of Licensee's

compliance with subsections (e) and (f) of section 3 of this ordinance and 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

DEC 16 2016

Chief Administration Office
City of Richmond

4-6080

O&R REQUEST

DATE: December 7, 2016

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Levar M. Stoney, Mayor (By Request)

[Signature]

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

[Signature]

THROUGH: John J Buturla, Interim Deputy Chief Administrative Officer

[Signature]

FOR: Emmanuel Adediran, Director
Department of Public Works

[Signature]

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

[Signature]

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

[Signature]

FROM: Marvin Anderson, Surveys Supt.
Department of Public Works

[Signature]

RECEIVED

JAN 06 2017

OFFICE OF CITY ATTORNEY

RE: PROPOSED ENCROACHMENTS INTO THE PUBLIC RIGHT OF WAY OF AN OUTDOOR DINING AREA AND ITS ASSOCIATED STRUCTURES (PATIO, ENTRY STEPS WITH HANDRAILS, COLUMNS FOR CANOPY, DOORSWINGS AND CANOPY WITH GUTTERS) AT 1500 ROSENEATH ROAD

ORD. OR RES No. _____

PURPOSE: To allow encroachments into the public right of way of an outdoor dining area and its associated structures (patio, entry steps with handrails, columns for canopy, door swings and canopy with gutters) which will occupy an area of 750 square feet of public right of way in front of 1500 Roseneath Road and further detailed on a plan prepared by the Department of Public Works and designated as DPW Drawing. No. N-28761 dated 12/07/2016 and entitled "PROPOSED PATIO, CANOPY AND OTHER RELATED STRUCTURES FOR AN OUTDOOR DINING ENCROACHMENT LOCATED ON THE NORTHWEST LINE OF ROSENEATH ROAD BETWEEN W LEIGH STREET AND MOORE STREET".

REASON: A request/application for encroachment was received from John P. White, Jr. with 510 Architects, LLC on behalf of Tazza Kitchen and the property owner, TRP Roseneath, LLC. The

request was entered into EnerGov on October 4, 2016 and assigned number ENCR-007028-2016. Tazza Kitchen plans to open a restaurant at 1500 Roseneath Road and wishes to enhance the establishment by offering outdoor dining on a covered patio in front of the restaurant and in the public right of way of Roseneath Road.

RECOMMENDATIONS: The Department of Public Works offers no objections to the proposed encroachments, 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 the responsibility of the property owner, 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 property 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 property owner(s)/successor(s) shall provide a \$5000.00 removal bond as required or established by the City.
4. Any structures included in this request that are not compliant with Building Code shall receive an approved Code Modification before this ordinance can be deemed as accepted and in effect
5. Any existing encroachments for this parcel must receive administrative encroachment approval before this ordinance will be deemed as accepted and in effect.
6. Any encroachments needed for containing and disposing of storm water from the canopy gutters to the City storm water system must receive administrative encroachment approval before this ordinance will be deemed as accepted and in effect.
7. Changes to the appearance of the enclosure which alter those already approved by UDC may be considered and approved by DPW subject to consultation with and/or review by the Urban Design Committee.
8. Hours of operation of the outdoor dining area shall not exceed the hours of operation of the indoor area of the restaurant.
9. An annual Assessor area tax shall be assessed to the owner(s)/successor(s) for the encroachment area.
10. The property owner(s)/successor(s) is responsible for 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.
11. The applicant(s)/owner(s)/successor(s) shall secure the proper permits. The encroachment shall be maintained and operated in a manner satisfactory to best management/construction practices and as directed by the Directors of Public Works and Planning and Development Review.
12. The property owner(s)/successor(s) shall provide written notification to the Assessor, Director of Finance and the Director of Public Works of any change in the ownership of the property or restaurant; immediately upon transferring ownership or encroachment rights to another individual or party. Notification should include the new owner's name and mailing address and any other contact information
13. 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, and the ordinance will become null and void automatically.

BACKGROUND: Tazza Kitchen plans to open a restaurant at 1500 Roseneath Road and wishes to enhance the establishment by offering outdoor dining on a covered patio in front of the restaurant and in the public right of way of Roseneath Road.

The patio will be steel framed and elevated to 46” to meet the interior building floor height. There will be a steel mesh screening from the bottom of the patio to the sidewalk level. Access will be by steps at the southeast corner from the sidewalk or by the two doors from the interior restaurant space. The canopy covering the patio is constructed of heavy wood and steel and supported by a row of steel columns.

The applicant has opined that this dining area will provide a covered area where patrons can dine outside while experiencing the bustling street life in this up and coming area, especially with the retail / restaurants that are proposed in the HandCraft project across the street.

FISCAL IMPACT/COST: None

FISCAL IMPLICATIONS: None.

BUDGET AMENDMENT NECESSARY: No amendment necessary.

REVENUE TO CITY: \$1000 application & processing fee; 750 square feet of encroachments @ \$0.25 = approximately \$187.50 annual Assessor area tax.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: January 9, 2017.

CITY COUNCIL PUBLIC HEARING DATE: January 23, 2017

REQUESTED AGENDA: Consent Agenda.

RECOMMENDED COUNCIL COMMITTEE: None

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.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: DPW Dwg. No. N-28761

STAFF:

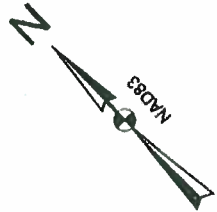
Prepared for Emmanuel Adediran

Prepared by Marvin Anderson

Research and Drawing Coordinated By: Raquel Aguirre

Department of Public Works

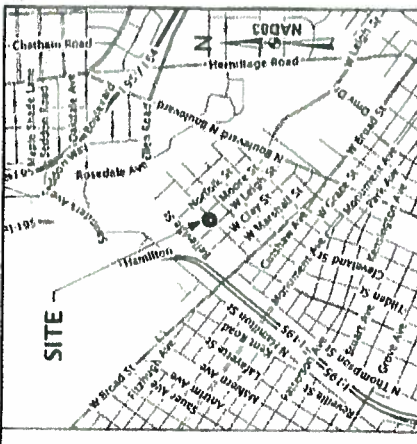
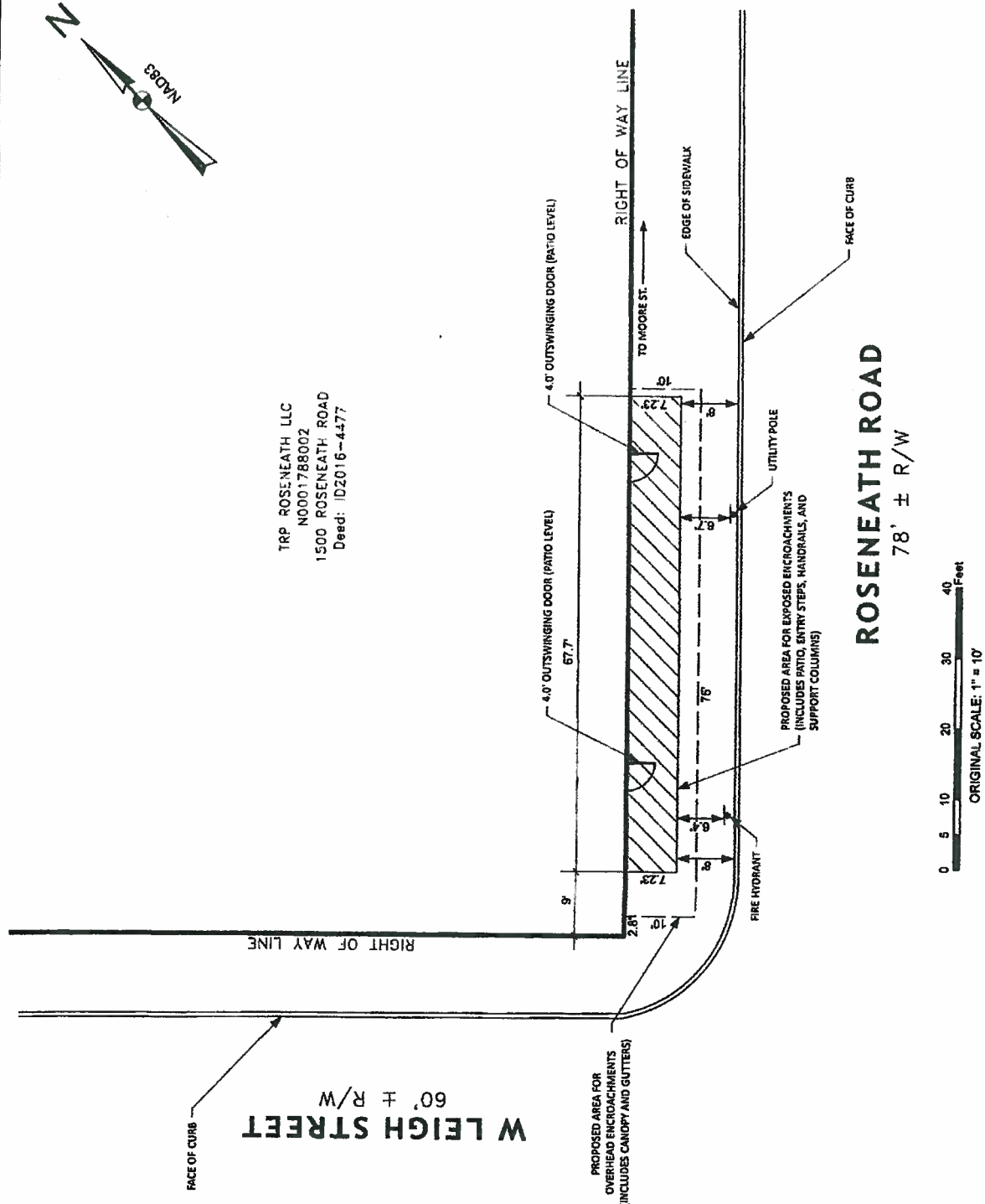
646-0435



TRP ROSENEATH LLC
 N0001788002
 1500 ROSENEATH ROAD
 Deed: ID2016-4477

W LEIGH STREET
 60' ± R/W

ROSENEATH ROAD
 78' ± R/W



VICINITY MAP
 1" = 2000'

ENCROACHMENT SUMMARY

- INDICATES AREA FOR OVERHEAD ENCROACHMENTS; INCLUDES PROPOSED CANOPY AND GUTTERS (750 SQ. FT.)
- INDICATES AREA FOR EXPOSED ENCROACHMENTS; INCLUDES PROPOSED PATIO, ENTRY STEPS, HANDRAILS, AND SUPPORT COLUMNS (490 SQ. FT. ±)
- DOOR SWINGS ONTO PATIO (2 TOTALING 28 SQ. FT. ±)

NOTES

- THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND PLATS BY SIG ARCHITECTS LLC AS SHOWN ON PLATS TITLED "TAZZA KITCHEN" DATED 10/3/16, "TAZZA KITCHEN" DATED 11/19/16, "TAZZA KITCHEN" DATED 11/18/16, AND "TAZZA KITCHEN" 12/7/2016.
- THIS PLAT IS TO BE REFERENCED BY AN ORDINANCE WHICH IS TO AUTHORIZE OUTDOOR DINING AND ITS RELATED STRUCTURES.
- THERE ARE EXISTING ENCROACHMENTS ON PROPERTY AND OTHER PROPOSED ENCROACHMENTS FOR THE OUTDOOR DINING AREA WHICH MUST BE APPROVED ADMINISTRATIVELY AS A CONDITION OF ORDINANCE COMING INTO EFFECT.
- ANY ENCROACHMENTS WHICH DO NOT COMPLY WITH BUILDING CODE MUST RECEIVE A CODE MODIFICATION FROM APPROPRIATE BUILDING OFFICIAL.

Council District: 2 Block No. N-1788

<p>NOTES</p> <ol style="list-style-type: none"> Lot dimensions from records. Property owners correct as of 11/10/2016. Ordinance No. _____ Adopted _____ Accepted _____ <p>REFERENCES: BL 17NE</p>	<p>Drafting Technician: <i>Michelle Cole</i></p> <p>Surveyor Superintendent: <i>Michelle Cole</i></p> <p>Right-of-Way Manager: <i>Paul Cook</i></p> <p>REVISIONS:</p>	<p>DEPARTMENT OF PUBLIC WORKS RICHMOND, VIRGINIA</p>	<p>GRADES BY: REA CHECKED BY: MWA</p>	<p>FIELD NOTE: _____</p> <p>SCALE: 1" = 20'</p>	<p>DATE: 12/9/2016</p> <p>PROJECT: N-1788-EMC</p> <p>DRAWING NO.: N-28761</p>
	<p>PROPOSED PATIO, CANOPY AND OTHER RELATED STRUCTURES FOR AN OUTDOOR DINING ENCROACHMENT LOCATED ON THE NORTHWEST LINE OF ROSENEATH ROAD BETWEEN W LEIGH STREET AND MOORE STREET</p> <p>Requested By: John White, Principal with SIG Architects, LLC</p>				