

INTRODUCED: October 14, 2019

AN ORDINANCE No. 2019-302

As Amended

To authorize the special use of the property known as 1620 Park Avenue for the purpose of a multifamily dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 12, 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 1620 Park Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a multifamily dwelling, which use, among other things, is not currently allowed by section 30-412.1 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2018), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: APR 27 2020 REJECTED: _____ STRICKEN: _____

create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 1620 Park Avenue and identified as Tax Parcel No. W000-0666/048 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “Map Showing the Improvements on Lot 371, ‘Wm. C. Allen Addition,’ 1620 Park Avenue in the City of Richmond, VA.,” prepared by Virginia Surveys, and dated November 10, 2016, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a multifamily dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the survey entitled “Map Showing the Improvements on Lot 371, ‘Wm. C. Allen Addition,’ 1620 Park Avenue in the City of Richmond, VA.,” prepared by Virginia Surveys, and dated November 10, 2016, and the untitled plans [~~entitled “Jeff Gehrs, 1620 Park Ave., Richmond VA 23220,”~~] prepared by [~~Floyd Gray~~] J. Gehrs, and dated [~~February 8, 2017,~~ and last revised March 6, 2017, and on the plans entitled “Jeff Gehr, 1620 Park AVE., Richmond, VA 23220, Revised Floor Plan Second Floor,” prepared by Residential One, and dated August 30, 2018] January 15, 2020, hereinafter referred to, collectively, as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as a multifamily dwelling containing no more than four dwelling units, substantially as shown on the Plans.

(b) No off-street parking shall be required for the property; provided, however, that for as long as the property is located within any residential restricted parking district established pursuant to Chapter 27, Article VI, Division 3 of the Code of the City of Richmond (2015), as amended, each lease for each dwelling unit authorized by this ordinance shall include language that restricts applications by tenants to the City for parking permits such that the aggregate total of parking permits for all dwelling units on the property is no more than ~~six~~ four. The Owner shall (i) enforce such lease language, (ii) submit to the Zoning Administrator a copy of each lease for each dwelling unit upon full execution thereof, and (iii) notify the Zoning Administrator upon the termination of any tenant's lease.

(c) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets, and such screened facilities shall be located on the northwest portion of the Property abutting the alley, and shall be situated (i) fully within the boundaries of the Property and (ii) between the boundary of the alley and the rear deck or rear of the building located on the Property.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws.

(e) No short term rentals shall be permitted on the Property.

(f) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final,

non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond VA 23219
www.richmondgov.com

Item Request

File Number: PRE.2019.299

O & R REQUEST

4-9108
AUG 28 2019

Office of the
Chief Administrative Officer

O & R Request

DATE: August 26, 2019

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor.)

SS 2/13/19

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *SS*

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning *SS*

FROM: Mark A. Olinger, Director, Department of Planning and Development Review *MO*

RE: To authorize the special use of the property known as 1620 Park Avenue for the purpose of a multi-family dwelling, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 1620 Park Avenue for the purpose of a multi-family dwelling, upon certain terms and conditions.

REASON: The Special Use Permit application is intended to legitimize the current multi-family use of a two-story building, which is not permitted by the underlying zoning of the property.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its October 21, 2019 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 3,859 SF (0.09 acre) parcel of land currently improved with a two-story, 4,876 SF multi-family dwelling and is a part of the Fan neighborhood in the Near West Planning District. The property is located at the center of the Park Avenue block bound by Stuart Circle and North Allen Avenue. Constructed in 1910, the building has been a five-unit multi-family dwelling since the 1950s.

The applicant is reducing the number of units to four and is seeking to make improvements to the interior of the building and legitimize the current multi-family use of the building. If approved, the density of the parcel would be reduced from approximately 56 to 44 units per acre.

The City of Richmond's current Master Plan designates the subject property for Single-Family (Medium-Density) land use which includes, "...single family and two family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R 5A, R 6 and R 7. (City of Richmond, Master Plan, p.133)

All adjacent and nearby properties are located within the same R-6 Single Family Residential District as the subject property. A mix of single-, two- and multi-family land uses, with some commercial land uses, are present in the vicinity.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$1,800

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: September 23, 2019

CITY COUNCIL PUBLIC HEARING DATE: November 12, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
October 21, 2019

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 804-646-5734



Application for SPECIAL USE PERMIT

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
http://www.richmondva.com/

Application is hereby submitted for: (check one)

- special use permit, new
special use permit, plan amendment
special use permit, text only amendment

Project Name/Location

Property Address: 1620 Park Avenue Date:
Tax Map #: W0000666048 Fee:
Total area of affected site in acres: 0.089 acres

(See page 6 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-6

Existing Use: Multi-Family Dwelling (5 Dwelling Units)

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Multi-Family Dwelling (5 Dwelling Units)

Existing Use: Multi-Family Dwelling (5 Dwelling Units)

Is this property subject to any previous land use cases?

Yes No
If Yes, please list the Ordinance Number: N/A

Applicant/Contact Person: Mark Kronenthal

Company: Roth Jackson Gibbons Conklin, PLC

Mailing Address: 11 South 12th Street, Suite 500

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 441-8603 Fax: ()

Email: mkronenthal@rothjackson.com

Property Owner: 1620 Park Avenue, LLC

If Business Entity, name and title of authorized signee: Jeff Gehrs

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 1109 Gaillard Street

City: Alexandria State: VA Zip Code: 22304

Telephone: () Fax: ()

Email: jgehrs@yahoo.com jgehrs@yahoo.com

Property Owner Signature: [Handwritten Signature]

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)



June 7, 2019

BY E-MAIL

Mark J. Kronenthal
Richmond Office
(804) 441-8603 (direct)
mkronenthal@rothjackson.com

Mr. Jonathan Brown
City of Richmond
Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, Virginia 23219
Jonathan.Brown@richmondgov.com

Re: Special Use Permit Amendment: 1620 Park Avenue

Dear Jonathan:

This updated letter shall serve as the Applicant's Report accompanying the application for a Special Use Permit (the "SUP") in order to authorize an existing multi-family dwelling at 1620 Park Avenue (the "Property") for four (4) dwelling units instead of the currently existing five (5) units. The Property is located on the north side of Park Avenue between North Lombardy Street and North Allen Avenue and is identified as Parcel No. W000-0666/048 in the City Assessor's records. The current owner purchased the building in 2017 with the belief that it was a legal five-unit multi-family dwelling and with the intention of renovating the five dwelling units. It was not until work toward that end was pursued through the permitting process that the owner was made aware of an issue with the occupancy of the building.

The Property is zoned R-6 and is occupied by a building that was constructed in 1910 as a two-family dwelling. Research suggests that the building was converted to four (4) dwelling units at some point between 1942 and 1955 and then to five dwelling units as early as 1955. The R-6 zoning classification does not currently permit multi-family dwellings. The R-6 zoning classification that existed prior to 1976, at the time of the establishment of current multi-family use, did allow multi-family dwellings. However, the feature requirements associated with prior zoning classifications applicable to the property would not have permitted the current configuration as five dwelling units at any time after 1942. As a result, despite nearly 60 years of the Property being occupied as five (5) dwelling units, that use is not deemed to be nonconforming (grandfathered) and a special use permit is required in order for four (4) dwelling units to be provided.

(00891665 v1)

RICHMOND

11 South 12th Street, Suite 500, Richmond, VA 23219
P: 804 441-8440 F: 804-441-8438

TYSONS CORNER

8201 Greenstone Drive, Suite 320, McLean, VA 22102
P: 703 485-3535 F: 703-485-3525

The existing building includes approximately 4,876 square feet of finished floor area on two floors. The units are configured as a two-bedroom unit and three-bedroom unit on the first floor and a one-bedroom unit and one four bedroom unit on the second floor. This request would allow for the substantial renovation of the existing units. This renovation, including the remodel of kitchens and baths, would update the dwellings as desirable, high-quality, market-rate dwelling units.

The use of the Property as a four (4) unit multi-family dwelling would require four (4) parking spaces under normal zoning. Due to the fact that the building occupies a majority of the lot no parking has historically been provided on the site. Two parking spaces would be deemed to be nonconforming (grandfathered) for the use of the property based on the fact that the property was constructed as a two-family dwelling prior to zoning requirements. The owner proposes the parking language attached as Exhibit A in response to neighbor comments and review of the proposal. This would satisfy the normal zoning requirement for parking in conjunction with the existing nonconforming spaces.

The surrounding properties are also zoned R-6. The properties to the north across an east west alley are occupied by religious/institutional uses and a surface parking area related to the Grace Covenant Presbyterian and First English Evangelical Lutheran Churches that are the subjects of a number of special use permit and Board of Zoning Appeals approvals. The property to the east is occupied by a multi-family dwelling containing 12 condominium units. Further to the east lie several single-family dwellings and the aforementioned parking garage, which was authorized by a special use permit and serves the One Monument Avenue multi-family dwelling development. The properties to the west and south are generally occupied by single-family dwellings, but also include a mixed-use building with two dwellings and a ground floor restaurant, also authorized by a special use permit.

The Master Plan Land Use Plan generally recommends "Single-Family Medium Density" for the subject and surrounding properties. However, there is additional specific text guidance contained elsewhere in the Master Plan that is supportive of the request. The Near West chapter recognizes higher density residential as being appropriate in the vicinity to the extent that it already exists. Near West chapter Guiding Land Use Principles suggest that, in terms of land use, "most of what currently exists is correct and appropriate." More specifically, as it relates to the Fan, the Near West chapter Land Use Policies and Strategies state that "[the Fan] is identified on the Land Use Plan map as appropriate for the continuation of a wide range of residential uses (with varying housing styles and residential densities)" The same section indicates that "while the Land Use Plan map does not provide specific details regarding the exact location of each type and density of residential and commercial uses, it is intended to reflect the importance of maintaining such a mix in this urban residential neighborhood." Finally, the request is consistent with a variety of general housing goals contained in the Master Plan Neighborhoods and Housing chapter. These goals include, among other things, a desire for neighborhoods to provide a variety of housing choices while remaining culturally and economically diverse.

(00891665 v1)



RICHMOND

11 South 12th Street, Suite 500, Richmond, VA 23219
P. 804-441-9440 F. 804-441-6136

TYSONS CORNER

8200 Greenback Lane, Suite 820, McLean, VA 22102
P. 703-435-3535 F. 703-435-3525

The following are factors indicted in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- *Be detrimental to the safety, health, morals and general welfare of the community involved.*

The proposed SUP will not impact the safety, health, morals and general welfare of the surrounding community. The proposed SUP is consistent with the recommendations of the Master Plan as it would maintain the desirable existing mix of residential uses/densities for this urban residential neighborhood. The proposed use has existed in a configuration with more residential units for approximately 60 years and would be substantially rehabilitated as a result of this request.

- *Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.*

The proposed SUP will not result in significant traffic impacts in the area involved. There would be no change to the existing use of the Property.

- *Create hazards from fire, panic or other dangers.*

The Property has been developed and will be rehabilitated in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- *Tend to overcrowding of land and cause an undue concentration of population.*

The proposed SUP will not impact the existing building configuration which has been in place for nearly 60 years and will not tend to over crowd the land or create an undue concentration of land.

- *Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.*

The proposed SUP would not adversely affect the above referenced City services. To the contrary, the SUP would help insure the continued viability of the Property. The use being requested has existed for nearly 60 years and certainly will not create any additional impact on such City services.

- *Interfere with adequate light and air.*

The proposed SUP will not impact the existing building configuration and will not impact the light and air available to adjacent properties. The existing building's configuration on the site has remained unchanged since 1910, is consistent with other properties in the vicinity, and would not be modified as a part of this request.

{00891665 v1}



RICHMOND

11 South 12th Street, Suite 500, Richmond, VA 23219
P. 804-441-8440 F. 804-411-8438

TYSONS CORNER

8200 Greenstone Drive, Suite 820, Manassas, VA 22102
P. 703-435-3535 F. 703-435-3225

Jonathan Brown
June 7, 2019
Page 4

This request is consistent with the Master Plan guidance related to the property and meets the Charter requirements related to the approval of a special use permit. The request would permit the renovation of the existing five-unit multi-family dwelling – a use that has existed for nearly 60 years and which is part of the existing fabric of the neighborhood. The proposed rehabilitation would provide for updated, high-quality, market rate dwelling units without any new or additional impact to the surrounding properties. In doing so, the request would upgrade the Property while maintaining the existing desirable variation in housing style and density in the vicinity and providing for continued economic diversity in housing options within the neighborhood. Finally, the provision of off street parking spaces – and limitation of parking permits – would bring the property in line with zoning standards and help mitigate any impact on parking related to the existing dwelling units.

Thank you for your time and consideration of this request. Please let me know if you have any questions.

Sincerely,



Mark Kronenthal

[00891665.v1]



RICHMOND

11 South 12th Street, Suite 500 Richmond, VA 23219
P: 804-441-8440 F: 804-441-8438

TYSONS CORNER

3200 Greensboro Drive, Suite 870 McLean, VA 22102
P: 703-435-2335 F: 703-491-3525

Exhibit A

Proposed Parking Language

A minimum of four (4) off-street parking spaces shall be made available for the use of the subject property. The parking spaces shall be provided in accordance with Chapter 30, Article VII of the code of the City of Richmond (2004), as amended, except that the spaces may be located within a seven hundred fifty (750) foot radius of the property as measured from the principal entrance to the building.

The Department of Public Works may issue an aggregate maximum of six (6) residential parking permits for the use of the property, provided further that a maximum of two (2) permits may be issued for any dwelling unit so long as the aggregate number of six (6) permits attributable to the property is not exceeded at any time. The residential parking permits shall be issued in accordance with the requirements of the Director of Public Works. A written lease for the property identifying (i) the dwelling unit, and (ii) the foregoing limitation of permits attributable to such dwelling unit, and executed by tenant and landlord, shall be submitted prior to the issuance of a permit for a tenant occupying any such dwelling unit.

(00891665.v1)



RICHMOND

11 South 12th Street, Suite 500, Richmond, VA 23219
P: 804-441-3440 F: 804-441-3436

TYSONS CORNER

3200 Greensboro Drive, Suite 220, McLean, VA 22102
P: 703-435-3535 F: 703-435-3526

March 3, 2020

BY E-MAIL

Mark J. Kronenthal
Richmond Office
(804) 441-8603 (direct)

mkronenthal@rothjackson.com

Mr. Jonathan Brown
City of Richmond
Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, Virginia 23219
Jonathan.Brown@richmondgov.com

Re: Special Use Permit Amendment: 1620 Park Avenue

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The Property is zoned R-6 and is occupied by a building that was constructed in 1910 as a two-family dwelling. Research suggests that the building was converted to four (4) dwelling units at some point between 1942 and 1955 and then to five dwelling units as early as 1955. The R-6 zoning classification does not currently permit multi-family dwellings. The R-6 zoning classification that existed prior to 1976, at the time of the establishment of current multi-family use, did allow multi-family dwellings. However, the feature requirements associated with prior zoning classifications applicable to the property would not have permitted the current configuration as five dwelling units at any time after 1942. As a result, despite nearly 60 years of the Property being occupied as five (5) dwelling units, that use is not deemed to be nonconforming (grandfathered) and a special use permit is required in order for four (4) dwelling units to be provided.

{01018033.v1}

RICHMOND

1519 Summit Avenue, Suite 102, Richmond, VA 23230
P: 804-441-8440 F: 804-441-8438

TYSONS CORNER

8200 Greensboro Drive, Suite 820, McLean, VA 22102
P: 703-485-3535 F: 703-485-3525

The existing building includes approximately 4,876 square feet of finished floor area on two floors. The units are configured as a two-bedroom unit and three-bedroom unit on the first floor and a one-bedroom unit and one four bedroom unit on the second floor. This request would allow for the substantial renovation of the existing units. This renovation, including the remodel of kitchens and baths, would update the dwellings as desirable, high-quality, market-rate dwelling units.

The use of the Property as a four (4) unit multi-family dwelling would require four (4) parking spaces under normal zoning. Due to the fact that the building occupies a majority of the lot no parking has historically been provided on the site. Two parking spaces would be deemed to be nonconforming (grandfathered) for the use of the property based on the fact that the property was constructed as a two-family dwelling prior to zoning requirements. The owner proposes the parking language attached as Exhibit A in response to neighbor comments and review of the proposal. This would satisfy the normal zoning requirement for parking in conjunction with the existing nonconforming spaces.

The surrounding properties are also zoned R-6. The properties to the north across an east west alley are occupied by religious/institutional uses and a surface parking area related to the Grace Covenant Presbyterian and First English Evangelical Lutheran Churches that are the subjects of a number of special use permit and Board of Zoning Appeals approvals. The property to the east is occupied by a multi-family dwelling containing 12 condominium units. Further to the east lie several single-family dwellings and the aforementioned parking garage, which was authorized by a special use permit and serves the One Monument Avenue multi-family dwelling development. The properties to the west and south are generally occupied by single-family dwellings, but also include a mixed-use building with two dwellings and a ground floor restaurant, also authorized by a special use permit.

The Master Plan Land Use Plan, generally recommends "Single-Family Medium Density" for the subject and surrounding properties. However, there is additional specific text guidance contained elsewhere in the Master Plan that is supportive of the request. The Near West chapter recognizes higher density residential as being appropriate in the vicinity to the extent that it already exists. Near West chapter Guiding Land Use Principals suggest that, in terms of land use, "most of what currently exists is correct and appropriate." More specifically, as it relates to the Fan, the Near West chapter Land Use Policies and Strategies state that "[the Fan] is identified on the Land Use Plan map as appropriate for the continuation of a wide range of residential uses (with varying housing styles and residential densities)" The same section indicates that "while the Land Use Plan map does not provide specific details regarding the exact location of each type and density of residential and commercial uses, it is intended to reflect the importance of maintaining such a mix in this urban residential neighborhood." Finally, the request is consistent with a variety of general housing goals contained in the Master Plan Neighborhoods and Housing chapter. These goals include, among other things, a desire for neighborhoods to provide a variety of housing choices while remaining culturally and economically diverse.

{01018033;v1}



RICHMOND

1519 Summit Avenue, Suite 102, Richmond, VA 23230
P: 804-441-8440 F: 804-441-8438

TYSONS CORNER

8200 Greensboro Drive, Suite 820, McLean, VA 22102
P: 703-485-3535 F: 703-485-3525

The following are factors indicted in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- *Be detrimental to the safety, health, morals and general welfare of the community involved.*

The proposed SUP will not impact the safety, health, morals and general welfare of the surrounding community. The proposed SUP is consistent with the recommendations of the Master Plan as it would maintain the desirable existing mix of residential uses/densities for this urban residential neighborhood. The proposed use has existed in a configuration with more residential units for approximately 60 years and would be substantially rehabilitated as a result of this request.

- *Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.*

The proposed SUP will not result in significant traffic impacts in the area involved. There would be no change to the existing use of the Property.

- *Create hazards from fire, panic or other dangers.*

The Property has been developed and will be rehabilitated in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- *Tend to overcrowding of land and cause an undue concentration of population.*

The proposed SUP will not impact the existing building configuration which has been in place for nearly 60 years and will not tend to over crowd the land or create an undue concentration of land.

- *Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.*

The proposed SUP would not adversely affect the above referenced City services. To the contrary, the SUP would help insure the continued viability of the Property. The use being requested has existed for nearly 60 years and certainly will not create any additional impact on such City services.

- *Interfere with adequate light and air.*

The proposed SUP will not impact the existing building configuration and will not impact the light and air available to adjacent properties. The existing building's configuration on the site has remained unchanged since 1910, is consistent with other properties in the vicinity, and would not be modified as a part of this request.

{01018033.v1}



RICHMOND

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TYSONS CORNER

8200 Greensboro Drive, Suite 820, McLean, VA 22102
P: 703-485-3535 F: 703-485-3525

In addition, the owner agrees to the following:

- 1) Apartment 2: After the completion of the second floor apartments renovation, the applicant will remove the cross-hatched wall, as shown on the attached plans (the "Plans"), in Apartment 2 so there will be no third bedroom in such Apartment 2;
- 2) Apartment 4: A closet and portions of a wall will be removed in the Living Room in Apartment 4 as shown on the Plans so the Living Room cannot be used as a fourth bedroom; and
- 3) Management: The Property will be managed by a professional Richmond-area property manager.

This request is consistent with the Master Plan guidance related to the property and meets the Charter requirements related to the approval of a special use permit. The request would permit the renovation of the existing five-unit multi-family dwelling – a use that has existed for nearly 60 years and which is part of the existing fabric of the neighborhood. The proposed rehabilitation would provide for updated, high-quality, market rate dwelling units without any new or additional impact to the surrounding properties. In doing so, the request would upgrade the Property while maintaining the existing desirable variation in housing style and density in the vicinity and providing for continued economic diversity in housing options within the neighborhood. Finally, the provision of off street parking spaces – and limitation of parking permits – would bring the property in line with zoning standards and help mitigate any impact on parking related to the existing dwelling units.

Thank you for your time and consideration of this request. Please let me know if you have any questions.

Sincerely,



Mark Kronenthal

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Exhibit A

Proposed Parking Language

No off-street parking shall be required for the property; provided, however, that for as long as the property is located within any residential restricted parking district established pursuant to Chapter 27, Article VI, Division 3 of the Code of the City of Richmond (2015), as amended, each lease for each dwelling unit authorized by this ordinance shall include language that restricts applications by tenants to the City for parking permits such that the aggregate total of parking permits for all dwelling units on the property is no more than four (4). The Owner shall (i) enforce such lease language, (ii) submit to the Zoning Administrator a copy of each lease for each dwelling unit upon full execution thereof, and (iii) notify the Zoning Administrator upon the termination of any tenant's lease.

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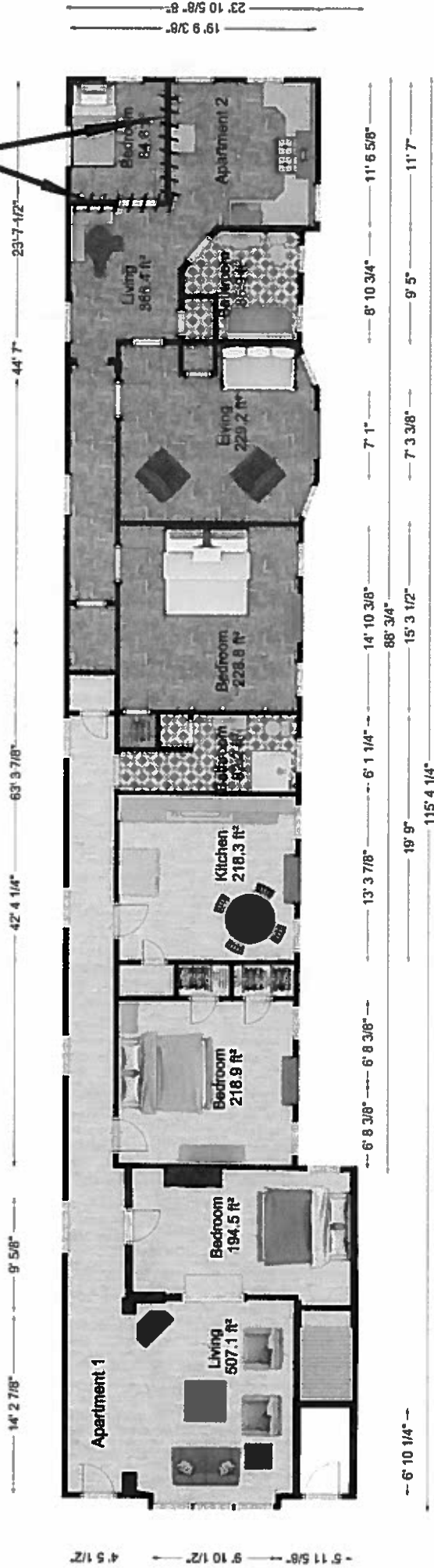
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TYSONS CORNER

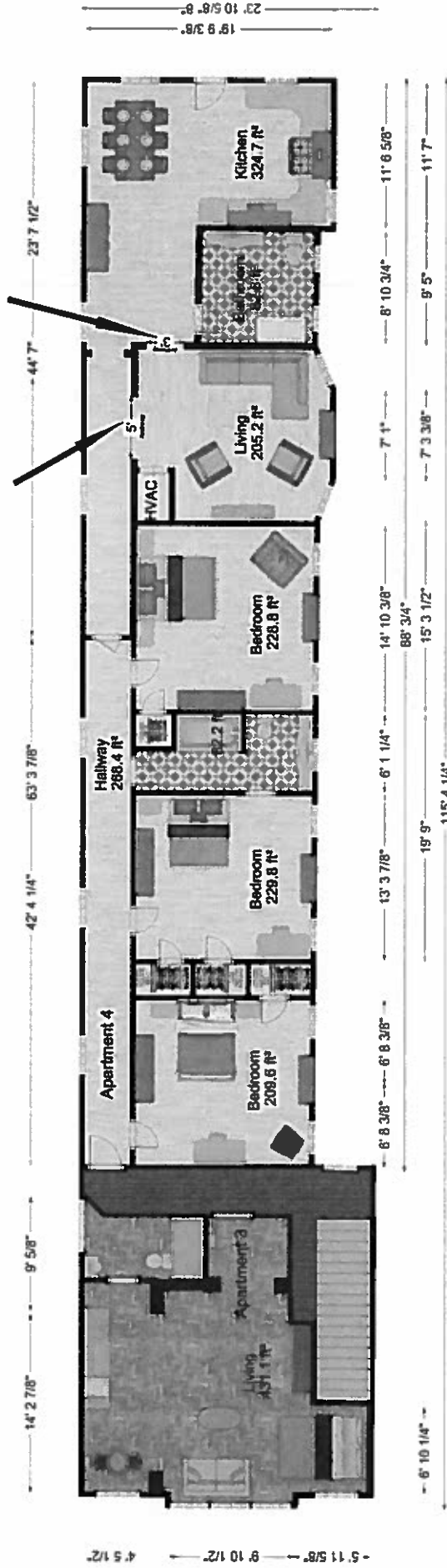
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bedroom walls to be removed per the application statement.



January 15, 2020
 Drawn by J. Gehrs

1620 Park Ave 2nd Floor
 To be opened and configured per application statement



January 15, 2020
 Drawn by J. Gehrs