

**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.richmondgov.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: 3415A Floyd Avenue Date: May 8, 2020  
Tax Map #: W0001596050 Fee: \$1800.00  
Total area of affected site in acres: 0.2136

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

**Zoning**

Current Zoning: R6

Existing Use: Parking lot with 4 brick garages

**Proposed Use**

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

3 new buildings/4 apartments (three bed/3 1/2 bath, 2 bed/2 1/2 bath/1 garage, 2 bed/2 bath/2 garages, 2 bed/2 1/2 bath/4 garages) with

Existing Use: Parking lot with 4 garages

2 courtyards between the 3 buildings

Is this property subject to any previous land use cases?

Yes

No

☐☐

If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** Dante DeCapri

Company: In the Alley LLC

Mailing Address: 3407 Floyd Avenue

City: Richmond

State: VA

Zip Code: 23221

Telephone: (804) 357-5477

Fax: (804)

359-5546

Email: dante@envirogroup.org

**Property Owner:** In the Alley LLC

If Business Entity, name and title of authorized signee: Dante DeCapri-Manager

(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: 3407 Floyd Avenue

City: Richmond

State: VA

Zip Code: 23221

Telephone: (804) 357-5477

Fax: (804)

359-5546

Email: \_\_\_\_\_

**Property Owner 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)

July 28, 2020

**BY ELECTRONIC DELIVERY**

Mr. Matthew Ebinger  
City of Richmond DPDR  
Land Use Administration Division, Room 511  
City Hall, 900 East Broad Street  
Richmond, Virginia 23219

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

**Re: Special Use Permit: 3415A Floyd Avenue (W0001596050)**

Dear Mr. Ebinger:

This letter shall serve as the Applicant's Report accompanying the application for a Special Use Permit (the "SUP") for the property known as 3415A Floyd Avenue (the "Property"). The SUP would authorize (a) an eight feet (8') tall fence, (b) zero setbacks solely on the Crenshaw and Nansemond sides of the Property, and (c) construction within alleys with no public street frontage on otherwise by-right residential buildings.

The applicant, In The Alley, LLC (the "Applicant"), proposes to construct **three (3) two (2) story buildings** on the Property (the "Project"):

- (a) one (1) building 3,600 square feet in size with two (2) residential dwelling units, and
- (b) two (2) single-family buildings of 3,000 and 1,600 square feet, respectively.

The three (3) buildings comprising the Project are planned on one (1) existing contiguous parcel bordered by four (4) alleys and an existing garage building, all generally bounded by Floyd Avenue, Ellwood Avenue, North Crenshaw Avenue, and North Nansemond Street, all as shown on the plans submitted with the application in this matter. The Property is currently zoned R-6 Residential and is located in the Museum District. The R-6 district generally permits single-family and two-family residences in the manner proposed by the Applicant.

{01089211;v2}

**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

Properties surround the Property are also zoned R-6 and occupied by a mix of single-family and two-family dwellings. Some properties on the surrounding block contain office uses. A specific area of existing parking located on the Property will not be disturbed by the Project. This specific parking area of the Property is subject to an easement benefiting a commercial office property on the block. The Applicant does not expect any impacts to this parking area.

The Master Plan Land Use Plan generally recommends “Single-Family Medium Density” for the subject and surrounding properties and there is additional specific text guidance contained elsewhere in the Master Plan that is supportive of the request. More specifically, as it relates to the Museum District, the Near West chapter Land Use Policies and Strategies state that “[the Museum District] 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.

We would also note key findings of community engagement in the ongoing Richmond 300 Master Plan update. The Richmond300 process has found that “vacant parcels where there are no buildings on a lot ... may decrease the perception and actual safety of neighborhoods. Strategies to reduce the number of vacant buildings and parcels may increase the overall safety of neighborhoods.” (Source: City of Richmond Planning and Development Review, 2018).

### **STANDARD OF REVIEW**

The request addresses the following 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 SUP 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 related to the Property. It would contribute to the general welfare of the community by, among other things, eliminating a vacant or otherwise little used surface parking and garage parcel that could attract - and has attracted - nuisance and dumping activity, providing light and eyes on the street and alleyway in the form of new residents, using the Property in manner better than for underused parking, and enhancing the visual appearance of the alley.

{01089211.v2}



#### **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

- *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, again, owing to its consistency with the Master Plan and its design principals. There will be an overall reduction in parking spaces, and accordingly traffic, on the existing parking lot causing a corresponding reduction in use by vehicles. It is important to note that notwithstanding the overall reduction in spaces, the parking provided for each of the dwelling units will be in excess of normal zoning requirements, mitigating any guest parking impacts.

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

The Property is to be constructed 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. Existing fire hydrants are located within the safe, appropriate distance established by the Fire Department for the Property.

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

The proposed SUP will not tend to over crowd the land or create an undue concentration population. The development is consistent with the pattern of development in the surrounding block and is consistent with the Master Plan.

- *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. The Applicant proposes to screen garbage cans on the Property, and is proposing pervious surfaces that would, in aggregate, increase the pervious area in the property with plantings and rainwater collection on site, reducing existing storm water runoff throughout the alley.

- *Interfere with adequate light and air.*

The proposed SUP will not interfere with adequate light and air. The buildings are low scale with space provided around the buildings for light and air flow, consistent with the historic development pattern in the area and the desired urban form for the area.

In the interest of transparency and to show the Applicant's authentic and long history of community engagement in order to inform this application, responsiveness to neighbor concerns, and diligence to respond to staff comments, we attach a summary of community meetings, community communications, and meetings with staff as **Schedule A**. We also attach a summary of changes made in response to concerns raised in those meetings as **Schedule B**.

{01089211.v2}



**RICHMOND**

1519 Summit Avenue, Suite 102, Richmond, VA 23230

P: 804-441-8440 F: 804-441-8438

**TYSONS CORNER**

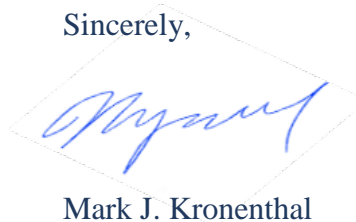
8200 Greensboro Drive, Suite 820, McLean, VA 22102

P: 703-485-3535 F: 703-485-3525

In summary, the Applicant enthusiastically seeks approval of the construction of the Project. This propose represents an optimal small scale residential infill development for this location. In exchange for approval, the aesthetic and quality assurances conditioned through the SUP would guaranty the construction of higher quality dwellings than might otherwise be developed, and higher quality buildings than if the Property continued in its existing uses solely for parking. The Project would contribute to the vibrancy of the block through the provision of an appropriate urban form that is consistent with the historic development pattern of the surrounding neighborhood.

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

Sincerely,



Mark J. Kronenthal

Enclosures

cc: The Honorable Andreas Addison

{01089211.v2}



**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

**Schedule A**

**MEETINGS AND COMMUNITY COMMUNICATIONS SUMMARY**

**2016**

Museum District Association (MDA) Zoning Chair Meeting  
October 3, 2016

MDA Board of Directors Meeting  
December 15, 2016

**2017**

Mail-out/Invitation to Neighbors in the Block (letter and then-current plans)  
Approximately January, 2017

Neighborhood/Block Meeting  
January 28, 2017

Meeting w/ City Planning & Development Staff February 1, 2017

Meeting w/ City neighbor holding easement  
March, 9, 2017 at 3pm.

Meeting with Planning & Development Review Committee & City Staff  
March 30, 2017

Meeting with Planning & Development Review Committee & City Staff  
August 1, 2017

Mail-out/Invitation to Neighbors in the Block (with letter & information)  
Approximately November, 2017

Neighborhood/Block Meeting  
November 11, 2017

**2018**

Meeting w/Planning & Development Staff  
Feb 1, 2018

MDA Board of Directors Meeting  
October 3, 2018

Meeting with Planning & Development Review Committee & City Staff  
October 18, 2018

{01089211.v2}



**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

**Schedule B**

**ENHANCEMENTS IMPLEMENTED BASED ON STAFF AND COMMUNITY MEETINGS:**

- Reduction of proposed dwelling units
- Green infrastructure and plantings
  - o Added tall evergreen screening plantings and native low growing plantings on Ellwood side
  - o More green space on Ellwood side within the 5' setback
  - o Rainwater collection for plantings below the courtyards in large underground cisterns
  - o Reduced storm water runoff via additional added green space and additional pervious pavers
- Reduced overall area of buildings
- Enhanced setbacks
- Changed from multi-family apartments to single family and duplex
- Removed elevated porches on Ellwood side, added elevated porch to unit A on Floyd side Now ground level shared and screened courtyard/patios
- Added articulation in the form of solar shading and pergolas on the Ellwood side
- Provided on-grade screening for HVAC and garbage cans

{01089211.v2}



**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

## **In The Alley LLC – Crenshaw Mews Frequently Asked Questions Update**

Neighbors of the In The Alley LLC “Crenshaw Mews” Special Use Permit (“SUP”) proposal for four (4) residential units at 3415A Ellwood Avenue have recently provided the Applicant with copies of a circulated petition, which petition contains several inaccuracies. In order for neighbors to have accurate information on which to base their opinion, the Applicant would like to provide the following clarifications:

***Petition Inaccuracy:*** “A Special Use Permit (SUP) was previously submitted in 2017 and over fifty neighbors signed a petition in opposition and approval was denied.”

**Fact:** The proposal has been evolving over several years and no application has been previously denied by the City. The Applicant’s principal did pause the application process for a period due to his cancer treatments. The application materials have significantly evolved since 2017 plans – the version submitted with the SUP is the 4th iteration of the plans presented to neighbors, incorporating comments given by the surrounding neighbors over a long period. The SUP has only recently been formally submitted and is at the beginning stages of review with many future opportunities for comment.

***Petition Inaccuracy:*** “The overflow of parking will have a domino effect on all the surrounding areas.”

**Fact:** The SUP proposal has more parking spaces than it has bedrooms. The 4 residential units with a combined total of 9 bedrooms have off-street parking spaces onsite for each bedroom plus 2 extra spaces. This parking exceeds what most any other property on the surrounding block provides - only 4 of the approximately 34 residential units nearby have off-street parking for either residents or visitors.

***Neighbor Question:*** Will existing office user parking be displaced from the SUP property?

**Answer:** No. A specific area of existing parking located on the SUP property will not be disturbed and is located within a separate easement area held by the office user. The Applicant does not expect any impacts to this parking area.

***Neighbor Question:*** “Does the Museum District have room for growth?”

**Answer:** Yes. Infill growth like the SUP is supported in the City’s adopted Master Land Use Plan and the draft Richmond 300 Master Plan. Specifically to the Museum District, the Near West chapter Land Use Policies and Strategies portion of the Master Plan provides that “[the Museum District] 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 SUP is consistent with the goals of the Master Plan Neighborhoods and Housing chapter desire for neighborhoods to provide a variety of housing choices while remaining culturally and economically diverse. The Richmond 300 Master Plan update process has found that “vacant parcels where there are no buildings on a lot ... may decrease the perception and actual safety of neighborhoods. Strategies to reduce the number of vacant buildings and parcels may increase the overall safety of neighborhoods.”

***Neighbor Question:*** “Can fire trucks and emergency services access any emergencies within the proposed project?”

**Answer:** Yes. The customary pre-application discussions with City staff included a close review of the alley configuration and hydrant access, which review will be updated as part of the SUP review.

**Quotes & Comments Applicable to  
Crenshaw Mews    September 9, 2020**

*Andreas Addison*

*RTD August 28, 2020*

**“Future revenues generated from attracting new private investment in developments that grow our tax base must be leveraged to transform our city.”**

**Tax base will grow by a minimum of 800%, most likely 1000%**

*Stephen Versen-Zoning Chair*

*MDA Columns Magazine 2107*

*Demand for Alley Construction Grows*

**“Two important ways that our neighborhood appears to be an *ideal candidate* for new ADUs and Alley Homes is the Museum District’s walkability and its existing mix of housing.**

The Museum District is perhaps the most livable community in the entire region for those who don’t own a car, making ADUs located here suited for the active elderly or Millenials who don’t own a car and prefer smaller living spaces.

Second, our neighborhood is distinguished by a variety of housing types: row houses, garden apartments, detached single family homes, duplexes and traditional apartments. This means an influx of ADUs and Alley Homes **would not change the character of the neighborhood** as much as if this were exclusively a neighborhood of detached family dwellings. **In fact, these new dwellings could make the neighborhood more like itself**-a relatively dense, vibrant, mixed-use residential neighborhood with diverse mix of people and housing options.

Lastly, there are also the positive benefits that will accrue to our alleys, as they become a place where people, and not just our cars and trashcans, live. **These new residences in our alleys will help make our alleys cleaner, safer,** and put more pressure on the City to better maintain the alleys.”

Notes:

Bold is by me.

This article was accompanied by a photo of a 2 story brick building with 2 garage doors opening into the alley. The caption read “Here is an example of quality alley construction”.

Active Elderly are my primary target tenants. The Ellwood alley is overgrown and not cared for with trashcans and and trash and residents cars encroaching on the alley. Photo is very similar to our project.

*Stephen Versen-President*

*MDA Columns Magazine 2018*

“One thing I am passionate about is our urban forest. **The trees in our neighborhood add to the Museum District’s character, providing beauty for residents to enjoy and refuge for wildlife. In addition, they provide the very practical benefits of improved air quality, increased property value and natural shade,** which can help reduce summertime air conditioning costs.

Every new MDA president comes in with a goal or legacy in mind, **I want mine to be an increased appreciation for our urban forest and a significant increase in the new number of trees planted in our neighborhood”**

Notes:

Bold and underline is by me.

We will be making a significant increase in trees and plants.

*Richmond 300 Master Plan Draft*

*City of Richmond Planning and Development Review*

*September 2018*

“vacant parcels where there are no buildings on a lot ... may decrease the perception and actual safety of neighborhoods. Strategies to reduce the number of vacant buildings and parcels may increase the overall safety of neighborhoods”

*Richmond 300 Master Plan Draft*

*City of Richmond Planning and Development Review*

*June 2020*

Big Move

Re-Write the Zoning Ordinance

Pg. IV

“Direct growth to appropriate areas while maintaining and creating new authentic neighborhoods adjacent to enhanced transit.”

Goal 13

Pg. 137

**“In 2017, real estate tax income accounted for 33% of the City's total budget. Property tax is the single largest source of income for the City. These revenues are critical in providing vital services to city residents, such as public safety, infrastructure, and public education.”**

Tax base will grow by a minimum of 800%, most likely 1000%

## Goal 14

Pg. 140

**“Preserve, expand, and create mixed income communities, by preserving existing housing units and developing new ones— both rental and owner occupied—throughout the city.”**

### Objective 17.6

Pg. 165

**“Reduce urban heat, prioritizing areas with a high heat vulnerability index rating**

c. Design neighborhoods with a variation in building heights to encourage air circulation

d. **Encourage redevelopment of surface parking lots into mixed use developments** - potentially taxing properties with parking lots as a primary use at a higher rate

e. Increase the tree canopy and overall green spaces throughout the city”

**The accompanying chart shows this area as the highest on the vulnerability index.**

### Objective 17.2

Pg. 162

**“Reduce light pollution**

a. Seek and develop strategies to achieve certification as an International Dark Sky Association International Dark Sky Community

b. Install hooded light fixtures on public rights-of way and buildings to reduce light pollution and reduce impact on nocturnal species”

**Our plans show our adherence to the Dark Sky association strategies.**

## Planning for a Post Pandemic World

Pg. 16

“More balconies and porches: **The number one feature respondents (over 80%) believe individuals will want in their home is a private balcony or porch.**”

Despite this fact, we removed these from our original design due to neighbor pushback.

Notes:

Bold and underline is by me.