NORFOLK

City Council Meeting Agenda

TUESDAY, JANUARY 12, 2016

Work Session Agenda

4:00 PM – City Hall - 10th Floor Conference Room

Finance, Administration, & Economic Development Committee

- Joint Meeting with Retirement Board

Work Session Agenda Continued

5:00 PM – City Hall - 10th Floor Conference Room

Council Interests

Documents: 01-12-16 COUNCIL INTERESTS.PDF

Break For Dinner

Closed Session

- Real Estate Matters

Agenda Overview

Presenter: *Marcus D. Jones, City Manager*

FY 2015 Audit Results & CAFR Presentation

Presenter: *Cheryl Xystros, KPMG; John Sanderlin, City Auditor; & Christine Garczynski, Acting Director of Finance*

The D'Art Center Grant

Presenter: *Wynter C. Benda, Deputy City Manager*

Homelessness Updates

- Project Homeless Connect
- Veteran Homelessness

Presenter: *Mike Wasserberg, Director of the Office to End Homelessness*

Additional Documents

Documents: 01-12-16 MINUTES OF CITY COUNCIL MEETING OF DECEMBER 15.PDF, 01-12-16 MINUTES OF HEALTH, EDUCATION AND FAMILIES COMMITEE MEETING OF DECEMBER 15.PDF, 01-12-16 NON STANDARD LOT CERTIFICATE - 3241 LYONS AVE.PDF, 01-12-16 PENDING LAND USE ACTIONS.PDF, 01-12-16 DT BUILDERS - REZONING OF 1510 COLON AVE.PDF, 01-12-16 HIGH SPEED RAIL PROJECT TIER II EIS - NORFOLK COMMENTS.PDF, 01-12-16 LETTER FROM KPMG.PDF

Announcement Of Meeting

Documents: 01-12-16 ANNOUNCEMENT OF MEETING.PDF

Formal Session Agenda

7:00 PM - Council Chambers, City Hall, 11th Floor

Prayer

Prayer to be offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

Public Hearings

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by

the City Clerk, to hear comments on approving a **Lease Agreement** between the City of Norfolk and **Tidewater Utility Construction, Inc.**, for the **Lease** of certain city owned property located at **1000 Monticello Avenue, 830 Holt Street, and 317 Chapel Street**.

Documents: PH-1 LEASE OF PROPERTY TO TIDEWATER UTILITY CONSTRUCTION.PDF

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving the release of a **Utility and Drainage Easement** over a portion of the former right-of-way of **South Cape Henry Avenue**.

Documents: PH-2 RELEASE OF DRAINAGE AND UTILITY EASEMENT - S. CAPE HENRY AVE.PDF

Regular Agenda

R-1

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named **'Jessy's Taco Bistro'** on property located at **328 West 20th Street**," will be introduced in writing and read by its title.

Documents: R-1 SPECIAL EXCEPTION - JESSYS TACO BISTRO.PDF

R-2

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a S**pecial Exception** authorizing the operation of an eating and drinking establishment named **'The Pancake House and Grill'** on property located at **7633 Granby Street**," will be introduced in writing and read by its title.

Documents: R-2 SPECIAL EXCEPTION - THE PANCAKE HOUSE AND GRILL.PDF

R-3

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as **'Mambo Room Latin Dance Studio'** on property located at **419 West 22nd Street**," will be introduced in writing and read by its title.

Documents: R-3 SPECIAL EXCEPTION - MAMBO ROOM LATIN DANCE STUDIO.PDF

R-4

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment, not yet named, on property located at **428 and 430 West 24th Street, Suite A**," will be introduced in writing and read by its title.

Documents: R-4 SPECIAL EXCEPTION - JOHN PORTER.PDF

R-5

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as **'Grace O' Malley's Irish Pub and Restaurant'** on property located at **207 Granby Street, Suites 211 and 213**," will be introduced in writing and read by its title.

Documents: R-5 SPECIAL EXCEPTION - MARTIN AND CHRISTINE MARRON.PDF

R-6

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as **'Toast'** on property located at **2406 Colonial Avenue, Unit A**," will be introduced in writing and read by its title.

Documents: R-6 SPECIAL EXCEPTION - TOAST.PDF

R-7

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the resumption of a nonconforming use in accordance with the provisions of **Section 12-9** of the **Zoning Ordinance of the City of Norfolk, 1992**, as amended on property located at **517 Warren Crescent and 533 Mill Street**," will be introduced in writing and read by its title.

Documents: R-7 SPECIAL EXCEPTION - WORK PROGRAM ARCHITECTS.PDF

R-8

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as '**Starving Artist Café'** on property located at **4408 Colley Avenue**," will be introduced in writing and read by its title.

Documents: R-8 SPECIAL EXCEPTION - KIM KEENE.PDF

R-9

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of an **Automobile and Truck Repair** facility named **'J M & M Automotive'** on property located at **5633 East Virginia Beach Boulevard**," will be introduced in writing and read by its title.

Documents: R-9 SPECIAL EXCEPTION - JMANDM AUTOMOTIVE.PDF

R-10

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as **'Mermaid Vineyard and Winery'** on property located at 330 West 22nd Street, Suites 104, 105 and 106," will be introduced in writing and read by its title.

Documents: R-10 SPECIAL EXCEPTION - MERMAID WINERY.PDF

R-10A

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as **'Mermaid Vineyard and Winery'** on property located at **330 West 22nd Street, Suites 104, 105 and 106**," will be introduced in writing and read by its title.

R-11

Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend and reordain **Chapter 5, Article II** of the **Norfolk City Code, 1979**, is hereby amended and reordained **SO AS TO** remove the mandatory minimum seating requirements and the prohibition of minors whenever alcoholic beverages are served or sold at public dance halls," will be introduced in writing and read by its title.

Documents: R-11 AMENDMENT TO CHAPTER 5 OF THE NORFOLK CITY CODE RELATING TO PUBLIC DANCE HALLS.PDF

R-12

Letter from the City Manager and an Ordinance entitled, "An Ordinance finding a public necessity for the acquisition in fee simple of certain property located at **107 North Shore Road** for the purpose of construction of a new wastewater pump station; approving the acquisition of the property by **Purchase Agreement** or condemnation; and authorizing the expenditure of a sum of up to $195,000.00 from funds heretofore appropriated for acquisition of the property and all related transactional costs," will be introduced in writing and read by its title.

Documents: R-12 ACQUISITION OF PROPERTY - 107 N. SHORE RD.PDF

R-13

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a $32,516 **Commonwealth of Virginia, Department of Environmental Quality Grant for Litter Prevention, Recycling and Environmental Educational Programs** and appropriating and authorizing the expenditure of the grant funds for the programs," will be introduced in writing and read by its title.

Documents: R-13 ACCEPTING A GRANT FROM DEPT OF ENVIRONMENTAL QUALITY.PDF

R-14

Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting the **Colonial Place/Riverview Civic League** to encroach into the right of way at the traffic circle at the corner of **Colonial Avenue and Delaware Avenue** with the placement of a mermaid sculpture," will be introduced in writing and read by its title.

Documents: R-14 ENCROACHMENT - COLONIAL PLACE RIVERVIEW CIVIC LEAGUE - COLONIAL AVE.PDF

R-15

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a $32,600.00 grant award from the **U.S. Department of Homeland Security Federal Emergency Management Agency** through the **Virginia Department of Emergency Management**, appropriating and authorizing the expenditures of the funds for the **FY15 State Homeland Security Program** and authorizing the expenditure for the purchase of hazardous materials team equipment for the **Department of Fire-Rescue**," will be introduced in writing and read by its title.

Documents: R-15 FY 2015 STATE HOMELAND SECURITY PROGRAM GRANT.PDF

R-16

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting an additional grant award in the amount of $137,327.00 from the **Federal Emergency Management Agency** through the **Hazard Mitigation Grant Program** which includes $27,465.40 from the Commonwealth of Virginia and $6,866.35 as a cash match from the property owners through the **Hazard Mitigation Grant Program** for the City of Norfolk elevation of four (4) residential structures project and appropriating and authorizing the expenditure of the funds for the project," will be introduced in writing and read by its title.

Documents: R-16 ACCEPTANCE OF FEMA HAZARD MITIGATION GRANT FUNDING.PDF

R-17

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting the sum of $126,522.00 to the **D'Art Center**, appropriating the grant funds, authorizing their expenditure, and authorizing the City Manager to enter into a **Grant Agreement** with the **D'Art Center**," will be introduced in writing and read by its title.

Documents: R-17 APPROVAL OF GRANT AGREEMENT WITH THE DART CENTER.PDF

THE CITY OF NORFOLK

MEMORANDUM

TO:	City Council
FROM:	Lori A. Crouch, Public Relations Manager
COPIES TO:	City Clerk, City Attorney
SUBJECT:	Council Interests
DATE:	January 8, 2016

I hope you all enjoyed the holiday season. You will find information on several Council Interest items and highlights of the week in today's memo.

Huntersville Pool – The city performed renovations to the Huntersville pool from October 2014 – September 2015. The work included weight room and locker room renovations, new family changing room and pool maintenance. The city spent $569,043 on the work. Of this total, the City spent $2,180 to correct a design or construction deficiency. Any other repairs or corrections were completed by the contractors at no additional cost to the City.

HRT Bus Stop – Hampton Roads Transit (HRT) planning and safety personnel reviewed the proposal to relocate the Route 21 bus stop at Little Creek and Restmere. The stop is currently located directly across from the Sewell's Park Apartments and Arbor Pointe Apartments. On average six passengers board and 26 passenger alight at the location. The bus stop has been at this location for a number of years. The location also meets the spacing and accessibility requirements for this route. The HRT assessment found relocating the stop would disrupt the spacing and cause the passengers who use the stop to travel farther to access it. The safety assessment found no safety issues with the current stop.

Fleet Manager Receives National Recognition - Facundo Tassara, Norfolk's Fleet Manager, was named one of the Top 20 government fleet managers in the country under 40 years old. Government Fleet Magazine will feature Tassara in its January 2016 edition.

Under Tassara's leadership, the National Automotive Fleet Association (NAFA) named Norfolk's Fleet Management Division in the Top 100 in North America earlier this year. Fleet Management's major accomplishments included locking in a fuel contract saving the City more than $1.5 million, preventative maintenance program improvements saving $61,000 and outsourcing tire operations saving $49,500.

Tassara also launched Norfolk's first fleet of Compressed Natural Gas (CNG) cars. Six environmentally friendly Honda Civics hit the road recently. The vehicles will save the City nearly $80,000 in fuel costs over the life of the cars and save approximately $74,430 in fuel expenses at the current price of CNG.

Google Names Norfolk Virginia's 2015 eCity - The vibrant, authentic port city of Norfolk bustles on its streets and online. Google has named Norfolk as its 2015 eCity for Virginia. The award recognizes cities with strong online business communities – businesses that use the web to find new customers, connect with existing clients, and fuel their local economies.

Google based its results on examining economic value provided through Google's AdWords program. Other criteria included website and social media presence, blogging and e-commerce.

The award shows the robust economy, both real world and virtual, built by Norfolk businesses.

Downtown Norfolk Transit Center – Local and state leaders cut the ribbon on the new Downtown Norfolk Transit Center today. The new Center will serve as a destination and gateway to the region. Service starts January 17.

City of Norfolk

Inter Department Correspondence Sheet

TO: Members of Council

FROM: City Clerk

COPIES TO:

SUBJECT: Minutes of City Council Meeting

December 18, 2015

Attached are the minutes from the City Council meeting held on December 15, 2015.

R. Breckenridge Daughtrey

NORFOLK, VIRGINIA

BUSINESS MEETING OF COUNCIL

TUESDAY, DECEMBER 15, 2015

President Fraim called the meeting to order at 5:00 p.m. with the following members present: Ms. Graves, Ms. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley and Mr. Winn.

He then asked the Manager to review the agenda. That being done, he called for a closed meeting.

A. CLOSED SESSION

Motion for closed session was approved for purposes which are set out in **Clause (s) 3 of subsection (A) of Section 2.2-3711** of **the Virginia Freedom of Information Act**, as amended:

(3) Discussion of the acquisition of real property for public purpose in downtown and in the Riverview section of the city.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

B. COUNCIL INTERESTS

COUNCILMAN PROTOGYROU:

- Suggested adding language to the ordinance that would allow institutions such as schools to be able to have chickens.
- Asked for a detailed update on Waterside to include photographs, a timeline, and what storefront businesses are proposed. He also asked for an update on the marina.

COUNCILMAN RIDDICK:

- Asked that street lights be replaced on the east side of Church Street from Princess Anne Road to Goff Street. In addition, he asked that the lighting be upgraded on Virginia Beach Boulevard by Booker T. Washington High School.

- Asked to add parking on Church Street by the new Maplewood Plaza Shopping Center and to bring an ordinance to Council before the shopping center opens.

COUNCILWOMAN JOHNSON:

- With regard to Councilman Riddick's request about street lights, she asked that appropriate staff examine upgrades for the neighborhoods surrounding Booker T. Washington High School.

- Thanked the police for their help with complaints concerning ATVs. She asked what ordinance regulates these vehicles.

VICE MAYOR WILLIAMS GRAVES:

- Asked for an update on the cigar factory building.

- Asked that the bus stop at the corner of Virginia Beach Boulevard and Newtown Road by Hollywood Homes/Maple Hall be moved back to the feeder lane.

COUNCILMAN SMIGIEL:

- Asked that the bus stop at Northside Junior High School be moved off of school property. In addition, he reiterated the need for regular trash pickup at bus stops citywide and especially those near convenience stores.

- Reported to Council on the recent urban crescent meeting and distributed a handout.

C. DOWNTOWN NORFOLK TRANSIT CENTER

Ron Williams, Deputy City Manager, reported as follows:

- The transit center is complete and ready to open.

Paul Filion, Transportation Project Manager, Light Rail & Intercity Passenger Rail, reported as follows:

- The center will handle 14 bus routes, includes numerous amenities and will operate from 4:30 a.m. – 2 a.m. Monday thru Saturday and 6 a.m. – 2 a.m. Sundays.
- This was a $6.7 million project with the City's share under the $4 million budget.
- A ribbon cutting is scheduled for 11 a.m. on January 8, 2016.

D. COSTAL RESILIENCY STRATEGY UPDATE PART II

Sabrina Joy-Hogg, Deputy City Manager, reported as follows:

- There is no simple solution to funding identified projects, and will require a variety of sources.
- Two local revenue sources were studied: the real estate tax and a dedicated fee.

After lengthy discussion of the funding alternatives presented, Council continued the matter to its next meeting.

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, DECEMBER 15, 2015 – 7:00 P.M.

President Fraim called the meeting to order at 7:10 p.m.

Prayer offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

INVITATION TO BID

IB-1 **INVITATION TO BID** scheduled this day pursuant under State Law, public notice having been inserted in the local press by the City Clerk to accept bids for a **Long-Term Lease Agreement**, with a term of twenty-five years with a renewal term of fifteen years, for property known as the **Downtown Norfolk Transit Center** located at **434 St. Paul's Boulevard**.

William Harrell, President & CEO, Hampton Roads Transit, 509 East 18th Street, was present to answer questions.

One bid was submitted by Hampton Roads Transit that was opened, numbered and read.

Thereupon, An Ordinance entitled, An Ordinance accepting a bid submitted by **Hampton Roads Transit** for a Long Term Lease Agreement, with a term of twenty-five years with a renewal term of fifteen years, for property known as the Downtown Norfolk Transit Center," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 15, 2016.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PUBLIC HEARINGS

PH-1 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a **GEM Lot** to **DPT Construction, LLC** of a certain parcel of property located at **1716 Princeton Avenue**.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the conveyance to **DPT Construction, LLC** of certain parcels of property located at **1716 Princeton Avenue** for the total sum of $38,600.00 in accordance with the terms and conditions of the Conveyance Agreement; and authorizing the release of the City's right of reverter upon certain conditions," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 15, 2016.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a **GEM Lot** to **Terry Self** of a certain parcel of property located at **2506 Maltby Avenue**.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the conveyance to **Terry Self** of certain parcels of property located at **2506 Maltby Avenue** for the total sum of $6,394.71 in accordance with the terms and conditions of the **Conveyance Agreement**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 15, 2016.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-3 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a **GEM Lot** to **Notable Rehabs, LLC** of a certain parcel of property located at **2604 Barre Street**.

Jason Middleton, the applicant, 4410 East Claiborne Square, Hampton, VA, was present to answer questions for PH-3 thru PH-5.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the conveyance to **Notable Rehabs, LLC** of certain parcels of property located at **2604 Barre Street** for the total sum of $15,600.00 in accordance with the terms and conditions of the **Conveyance Agreement**; and authorizing the release of the City's right of reverter upon certain conditions," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 15, 2016.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-4 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a **GEM Lot** to **Notable Rehabs, LLC** of a certain parcel of property located at **2606 Barre Street**.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the conveyance to **Notable Rehabs, LLC** of certain parcels of property located at **2606 Barre Street** the total sum of $15,600.00 in accordance with the terms and conditions of the **Conveyance Agreement**; and authorizing the release of the City's right of reverter upon certain conditions," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 15, 2016.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-5 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a **GEM Lot** to **Notable Rehabs, LLC** of a certain parcel of property located at **2606 Middle Avenue**.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the conveyance to **Notable Rehabs, LLC** of certain parcels of property located at **2606 Middle Avenue** for the total sum of $32,400.00 in accordance with the terms and conditions of the **Conveyance Agreement**; and authorizing the release of the City's right of reverter upon certain conditions," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 15, 2016.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-6 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City of Norfolk**, for a change of zoning from IN-1 (Institutional) District to OSP (Open Space Preservation) District at on property located at **7620 Shirland Avenue**.

Thereupon, an Ordinance entitled, "An Ordinance to rezone property located at **7620 Shirland Avenue** from IN-1 (Institutional) District to OSP (Open Space Preservation) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-7 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Coastal Breeze Car Wash**, for a change of zoning from C-3 (Retail Center) District to C-2 (Corridor Commercial) District on property located at **834 N. Military Highway**.

Mr. Kent Winquist, the applicant, 7924 Glade Road, and Elmer Tolle, 770 Independence Circle, Virginia Beach, were present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to rezone property located at **834 North Military Highway** from C-3 (Retail Center Commercial) District to C-2 (Corridor Commercial) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-7A An Ordinance entitled, "An Ordinance granting a Special Exception to permit the operation of a car wash named "Coastal Breeze Car Wash" on property located at 834 North Military Highway," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-8 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Maker's Craft Brewery**, for a change of zoning to modify conditions attached to the property; zoned conditional C-2 (Corridor Commercial) on property located at **2219 Colonial Avenue**.

Robyn Thomas, 913 West 21st Street, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to rezone property located at **2219 Colonial Avenue** in order to change conditions on property zoned Conditional C-2 (Corridor Commercial) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-8A An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a **Microbrewery** named **"Maker's Craft Brewery"** on property located at **2219 Colonial Avenue**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-8B An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as "Maker's **Craft Brewery"** on property located at **2219 Colonial Avenue**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-9 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **Franklin Johnston Group, a)** to amend to the future land use designation in the General Plan, *plaNorfolk2030*, from Industrial to Multifamily, **b)** for a text amendment to the City's *Zoning Ordinance of the City of Norfolk, 1992* to create PD-R Tidewater Drive (Tidewater Drive Residential Planned Development) District and **c)** for a change of zoning from I-1 (Limited Industrial) District to PD-R Tidewater Drive on property located at **6435 Tidewater Drive**.

(THE APPLICANT HAS REQUESTED THAT THIS MATTER BE CONTINUED INDEFINITELY.)

R. J. Nutter, 222 Central Park Avenue, Virginia Beach, was present to answer questions.

ACTION: CONTINUED INDEFINITELY.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: Riddick.

PH-10 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **West Norfolk Marketplace, LLC,** for **a)** an amendment to the future land use designation in the **General Plan**, *plaNorfolk2030*, from Multifamily Corridor to Commercial at **1209 West 26th Street, b)** from Industrial to Commercial at **2330 Bowdens Ferry Road** and **c)** for a change of zoning from I-1 (Limited Industrial) District, I-3 (General Industrial) District, and C-2 (Corridor Commercial) District to Conditional C-2 (Corridor Commercial) District on property located at **2315, 2401, 2419, 2501, 2517 2601, 2605, and 2613 Hampton Boulevard, 1250 West 24th Street, 1215, 1217, 1221, and 1225 West 25th Street, 1204, 1207 and 1209 West 26th Street, and 2330 Bowdens Ferry Road**.

Thomas Harris, West 27th Street and Charles Corbett, Vice President, Lamberts Point Civic League, 1220 West 38th Street, #15, stated they are not against the project, but are against the name of the project. They would like the market's name to include Lamberts Point, because Lamberts Point is one of the oldest established communities in the City.

Thomas Tingle, 4350 Newtown Avenue, Williamsburg, VA, representing the applicant, stated the developer agrees to use the name Lamberts Point in the name of the shopping center.

Thereupon, an Ordinance entitled, "An Ordinance to amend the City's General Plan, *planorfolk2030*, **SO AS TO** change the land use designation for property located at **1209 West 26th Street** from Multifamily Corridor to Commercial," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-10A An Ordinance entitled, "An Ordinance to amend the City's **General Plan**, *planorfolk2030*, **SO AS TO** change the land use designation for property located at **2330 Bowdens Ferry Road** from Industrial to Commercial," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-10B An Ordinance entitled, "An Ordinance to rezone properties located at **2315 to 2613 Hampton Boulevard, 1250 West 24th Street, 1215** to **1225 West 25th Street, 1204, 1207** and **1209 West 26th Street**, and **2330 Bowdens Ferry Road** from I-1 (Limited Industrial) District, I-3 (General Industrial) District, and C-2 (Corridor Commercial) District to Conditional C-2 (Corridor Commercial) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-11 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **8412 Shore Drive Development, LLC**, for a zoning text amendment to **Section 27-26, "Taylor's Landing Planned Development** (PD-MU Taylor's Landing)" of the *Zoning Ordinance of the City of Norfolk*, to increase the number of dwelling units and decrease the off-street parking requirements within the Taylor's Landing Planned Development Zoning District.

Thereupon, an Ordinance entitled, "An Ordinance to amend **Section 27-26** of the **Zoning Ordinance of the City of Norfolk, 1992, SO AS TO** increase the maximum number of dwelling units and reduce off-street parking requirements in the **Taylor's Landing Planned Development** (PD-MU Taylor's Landin) District," was introduced in writing and read by its title.

Bobby Diberardinis, 2147 Lord Landing, Virginia Beach, John Wiegand, 2533 Virginia Beach Boulevard, Virginia Beach, and Grey Mason, 2717 Chesterforest Court, Virginia Beach, were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-12 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments to amend **Section 14.1-137** of the *Norfolk City Code*, **SO AS TO** change the voting place of the **Ocean View Center Precinct**.

Thereupon, an Ordinance entitled, "An Ordinance to amend **Section 14.1-137** of the **Norfolk City Code, SO AS TO** change the voting place of the **Ocean View Center Precinct**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-13 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on authorizing the **Land Disposition and Development Contract ("LDDC")** to be entered into with **Luna Development Services, LLC, ("Luna")** and authorizing the conveyance of parcels of real property to Luna as provided in the LDDC.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the **Land Disposition and Development Contract ("LDDC")** to be entered into with **Luna Development Services, LLC, and ("Luna")** and authorizing the conveyance of parcels of real property to Luna as provided in the **LDDC**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 15, 2016.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-14 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Garage Parking Agreement** with a term of five years in the **City of Norfolk**.

(THE LESSEE REQUESTED THAT THIS ITEM BE WITHDRAWN.)

ACTION: WITHDRAWN.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-15 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving the terms and conditions of a Lease with Norfolk **NATO Festival, Inc.**, for a certain premises located at **1361 and 1371 Hanson Avenue**, Norfolk, Virginia and authorizing the execution of the Lease.

Thereupon, an Ordinance entitled, "An Ordinance approving the terms and conditions of a Lease with Norfolk **NATO Festival, Inc.** for a certain premises located at **1361 and 1371 Hanson Avenue**, Norfolk, Virginia and authorizing the execution of the Lease," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 15, 2016.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-16 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Lease Agreement**, with the **Beacon Light Civic League, Inc.**, for a portion of the property known as the **Berkley Neighborhood Multi-Purpose Center** at **925 South Main Street**.

Thereupon, an Ordinance entitled, "An Ordinance approving a **Lease Agreement**, with the **Beacon Light Civic League, Inc.**, for a portion of the property known as the **Berkley Neighborhood Multi-Purpose Center** at **925 South Main Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 15, 2016.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-17 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments to amend and reordain **Sections 1** and **2** of the **Capital Improvement Program Budget** for the **Fiscal Year 2016, SO AS TO** establish funding for additional **Capital Improvement Projects** in the amount of $13,500,000.

Thereupon, an Ordinance entitled, "An Ordinance to amend and reordain **Sections 1** and **2** of the **Capital Improvement Program Budget** for the **Fiscal Year 2016, SO AS TO** establish funding for additional **Capital Improvement Projects** in the amount of $13,500,000 and to provide the funds therefor from the issuance of bonds," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

REGULAR AGENDA

R-1 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a grant award of $165,000.00 from the **Virginia Department of Behavioral Health and Developmental Services** to assist the **Community Services Board's** consumers with intellectual disabilities in moving from institutional settings into more independent community settings and appropriating and authorizing for expenditure the grant funds," was introduced in writing and read by its title.

Jackie Shady, Director, Crisis and Recovery and Annabella Miano, Supervisor of PACT, from Community Services Board, briefed Council on the services that these grant awards will provide and asked Council to adopt them.

Ellis James, 2021 Kenlake Place, spoke on items R1-R-5, stating these grants are extremely important to our City, because they can provide needed services.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a grant award of $200,000.00 from the **Virginia Department of Behavioral Health and Developmental Services** to expand the number of consumers assisted in the **Norfolk Community Services Board's Program** of **Assertive Community Treatment** and appropriating and authorizing for expenditure the grant funds," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a grant award of $305,295.00 from the **Virginia Department of Behavioral Health and Developmental Services** to support the continuance of the **Norfolk Community Services Board's Crisis Intervention Program** and appropriating and authorizing for expenditure the grant funds," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a grant award of $350,000.00 from the **Virginia Department of Behavioral Health and Developmental Services** to provide permanent supportive housing through rental assistance to consumers of the **Norfolk Community Services Board** and appropriating and authorizing expenditure of the grant funds," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a grant award of $952,773.00 from the **Virginia Department of Behavioral Health and Developmental Services** to implement an assertive program to improve access to treatment and end homelessness for single adults experiencing chronic homelessness with mental illness of substance abuse disorders and appropriating and authorizing the expenditure of the funds for the program," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

Jackie Schaede, Director, Crisis & Recovery Services and Annabella Miano, Supervisor of PACT, Community Services Board, asked Council to approve these three ordinances.

R-6 Letter from the City Manager and an Ordinance entitled, "An Ordinance approving an **Agreement** by, between and among **Lake Wright, LLC**, **Hospitality Management Advisors, Inc., CXA 16 Corporation**, the **Economic Development Authority** of the **City of Norfolk**, **Lake Wright II, LLC**, and the **City of Norfolk** pertaining to the public road to be constructed at **Lake Wright**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Downtown Development Certificate** to permit the construction of a **Multi-Family Residential** building on property located at **117 West Virginia Beach Boulevard**," was introduced in writing and read by its title.

Thomas Morrisette, 5204 Edgewater Drive, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8 Letter from the City Manager and an Ordinance entitled, "An Ordinance approving the terms and conditions of the **Real Estate Purchase Agreement** and the conveyance to the **City of Norfolk** of certain property fronting **Main Street, Bank Street and Plume Street** in the City of Norfolk and authorizing the City Manager to accept the Deed on behalf of the City," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-9 Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend and reordain **Section 25-321 of the Norfolk City Code, 1979, SO AS TO** authorize the operation of golf carts in the Riverpoint area of the city," was introduced in writing and read by its title.

Rebecca McMahan, 150 Kingsley Lane, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-10 An Ordinance entitled, "An Ordinance to schedule Council meeting dates for 2016," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

NEW BUSINESS

1. Darnetta Saunders (Dee's Hotdog), 1411 East Virginia Beach Boulevard, spoke about vending at the Downtown Norfolk Transfer Center (DNTC), stating that she wanted to make sure that once the Virginia Beach Boulevard lot is closed, she will still have a place to vend.

2. Roscoe Calloway, 1121 Campostella Avenue, expressed concerns over the City's bidding process for small businesses and community concerns on the Southside and prayed for Council.

3. Bob Brown, 8507 Troy Street, stated that the work Dennis Gronka started leading to an elected school board will continue, and extended an invitation to Council to attend Mr. Gronka's memorial service on December 19th at Kemspville Presbyterian Church.

4. Donald Hornstein, 608 Colonial Avenue, #5, spoked concerning 161 Granby Street.

5. Michael Muhammad, 801 East 26th Street, commented on the actions of some members of Council and about an incident involving him and Mr. Smigiel at the Academy for Discovery at Lakewood.

6. Danny Lee Ginn, 3844 Dare Circle, said that he was stepping out of the norm and wished Council a good holiday season.

THE CITY OF NORFOLK

Inter Department Correspondence Sheet

TO: Members of Council

FROM: City Clerk

COPIES TO:

SUBJECT: Minutes of the Health, Education and Families Committee

December 18, 2015

Attached are the minutes from the Health, Education and Families Committee meetings held December 15, 2015.

R. Breckenridge Daughtrey

NORFOLK, VIRGINIA

HEALTH, EDUCATION AND FAMILIES COMMITTEE

TUESDAY, DECEMBER 15, 2015

The meeting was called to order at 4:05p.m. with the following members present: Mr. Smigiel, Ms. Graves, Ms. Johnson, Dr. Whibley, City Clerk Breck Daughtrey and City Attorney Bernard Pishko. Mayor Paul Fraim arrived at 4:30p.m.

From the School Board: Rodney Jordan, chair and Reverend Ed Haywood.

Opening remarks were offered by co-chairs Mr. Smigiel and Dr. Whibley. Discussion ensued on the process by which committee and school board meetings will proceed and what items will be discussed and how agendas will be developed. A focal point was how the Council and the board can better collaborate on developing the school system's budget.

Mr. Jordan suggested a joint meeting with Council on Wednesday, January 27th at 4:30p.m. He also suggested that in addition to presentations from the schools during joint meetings, that the City have a presentation as well, and that discussions should be kept at the policy level.

Ms. Johnson suggested having the five new schools as a meeting topic.

Dr. Whibley stated she does not want meetings to be information meetings with PowerPoint presentations; that the meetings should be discussions about what Norfolk Public School initiatives are and what that means financially to the City.

Following discussion on topic areas, Mr. Smigiel noted four agenda items: 1) the five new schools; 2) teacher raises; 3) CTE school; and 4) federal aid.

Mayor Fraim recommended having a presentation on federal impact aid by a woman who presented at a recent Military Economic Development Committee meeting.

Dr. Whibley asked for financial graphs of the City and schools to be congruent.

Mr. Smigiel recommended a discussion on housing policy as a topic for the next meeting in terms of new housing's impact on the school system.

With no further business the meeting adjourned.

THE CITY OF NORFOLK
CITY PLANNING

Inter Departmental Memorandum

TO:	City Council
THROUGH:	Marcus D. Jones, City Manager
FROM:	George Homewood, AICP, Director of City Planning
COPIES TO:	Ronald G. Moore, Sr. Design & Rehabilitation Consultant
SUBJECT:	Non Standard Lot Certificate – 3241 Lyons Avenue
DATE:	January 8 , 2016

Attached is a Certificate for a Nonstandard Lot authorizing development of a nonstandard lot consistent with the process authorized by Council in 2009. The approved design has been determined to be consistent with the character of the neighborhood in which it will be located.

Council requested this information be provided whenever development of a nonstandard lot has been authorized at the time the new ordinance was adopted.

Property Information

Location:	3241 Lyon Avenue	**Neighborhood:**	Fairmount Park
Zoning:	R-8	**Standard Lot Size:**	50 Ft. x 100 Ft.
House Type:	1.5 Story Single Family	**Proposed Lot Size:**	30 Ft. x 100 Ft.
House Size: (Width x Depth)	24 Ft. x 55 Ft.	**Square Footage:**	2040 Sq. Ft.

A copy of the Survey and the Front Elevation is included for your review.

For more information, please contact George Homewood, Planning Director at 664-4747 or Ronald Moore, Sr. Design & Rehabilitation Consultant at 664-6778.

THE CITY OF NORFOLK
CITY PLANNING

Department of Planning and Community Development
Zoning Certification for Non-Standard Lots

Applicant Information

Applicant Name:	Eden Way Properties, LLC	**Date of Application:**	June 3, 2015
Mailing Address:	1021 Eden Way North		
City, State, Zip Code:	Chesapeake, VA 23320		
Phone Number:	757-636-7256	**E-Mail:**	

Property Information

Location:	3241 Lyons Ave.	**Neighborhood:**	Fairmount Park
Zoning:	R-8	**Standard Lot Size:**	50 Feet x 100 Feet
House Type:	1.5 Story Single Family	**Proposed Lot Size:**	30 Feet X 100 Feet
Proposed House Size:	24 Feet x 55 Feet	**Square Footage:**	2040 SF

The proposed building plans and elevations for development of the site at 3241 Lyons Ave. and located in the Colonial Heights neighborhood in Norfolk, Virginia have been determined to be in keeping with the character of the neighborhood using the standards established by City Council in Section 4-0.15 of the Zoning Ordinance, which include but are not limited to location and placement of windows, doors, roof(s), porch(es), columns, driveways, garage(s), and building height.

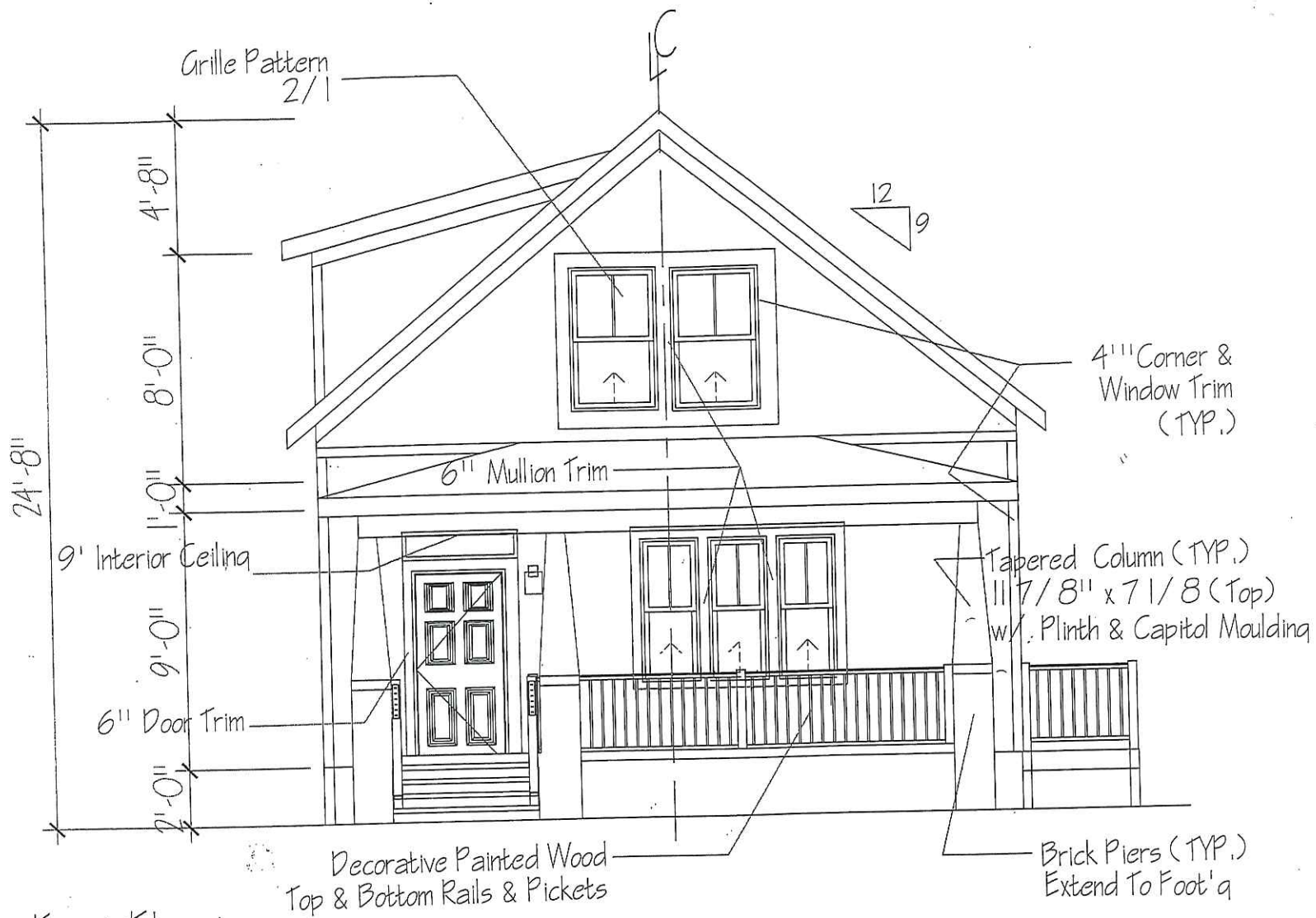
Please submit three sets of final plans and elevations to the Department of Planning and Community Development to be stamped "approved". After plans have been stamped, two sets of the approved plans will need to be presented to the Building Safety Division for consistency with Building Code requirements and for issuance of the required building permits.

for Leroy M. Newcomb IV

George Homewood, AICP, Director
City Planning

December 17, 2015
Date

BC: City Manager's Office
Planning Director
Program Manager
Building Official

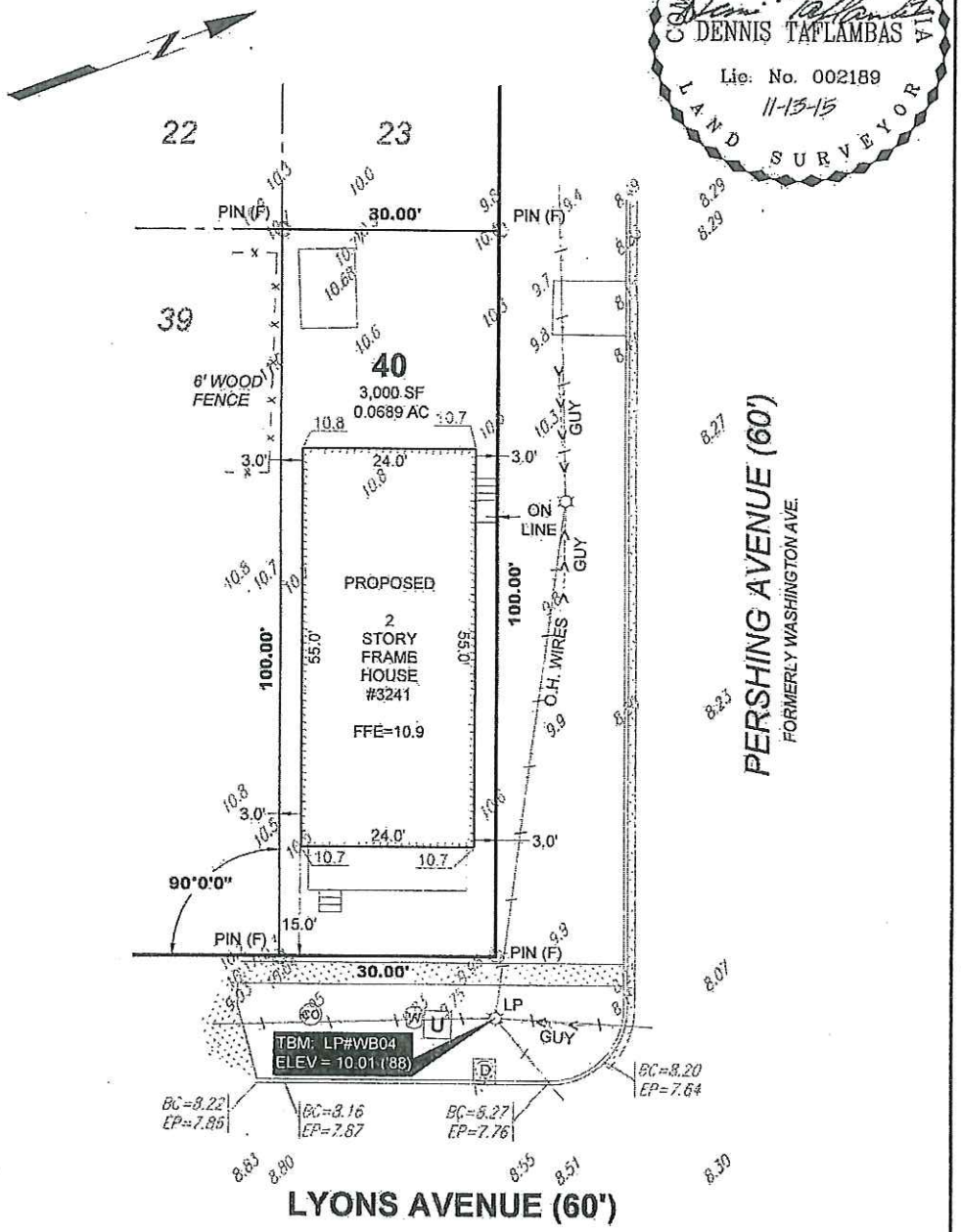


Front Elevation

Scale: 1/4" = 1'-0"

1. THIS IS TO CERTIFY THAT I, ON NOVEMBER 13, 2015, SURVEYED THE PROPERTY SHOWN ON THIS PLAT. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. THE ONLY EASEMENTS APPEARING ON THIS SURVEY ARE THOSE WHICH WERE SHOWN ON THE RECORDED SUBDIVISION PLAT UNLESS OTHERWISE NOTED.
2. THIS PROPERTY APPEARS TO FALL IN FLOOD ZONE(S) X AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM MAP FOR THE CITY OF NORFOLK, MAP/PANEL 5101040095F, EFFECTIVE 9-2-2009. BASE FLOOD ELEVATION = N/A
3. ALL ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988. SOURCE: CARONNET RTK
4. A TEMPORARY BENCHMARK (NAIL SET) HAS BEEN PLACED ON SITE IN LIGHT POLE #WB04. ELEVATION = 10.01 (NAVD'88)

COMMONWEALTH OF VIRGINIA
DENNIS TAFLAMBAS
Lic. No. 002189
11-13-15
LAND SURVEYOR



DKT Associates
LAND SURVEYORS
1100 GRANBY STREET
SUITE 100
NORFOLK, VIRGINIA 23510
(757) 588-5888 FAX: (757) 588-5880

SITE PLAN OF

LOT 40, BLOCK 3
FAIRMOUNT PARK

NORFOLK, VIRGINIA M.B.6 P.34 & 35 (CHESAPEAKE)

FOR: **CFF PROPERTIES**

DRAWN	ACV	SCALE	1" = 20'
CHECK	DT	JOB	11141
DATE	11-13-15	REVISED	-
FIELD BOOK	160-15	SHEET	1 OF 1

THE CITY OF NORFOLK
CITY PLANNING

Inter Departmental Memorandum

TO:	City Council
THROUGH:	Marcus D. Jones, City Manager
FROM:	George M. Homewood, AICP, CFM, Planning Director
COPIES TO:	City Attorney, City Clerk
SUBJECT:	Pending Land Use Actions
DATE:	January 8, 2016

Attached for your review is the Pending Land Use Report, identifying applications received from December 9, 2015 through January 5, 2016. The report reflects items that are tentatively scheduled to be heard at the January 11, 2016 Architectural Review Board and the January 28, 2016 City Planning Commission meeting. In an effort to provide advance notice, this report is prepared prior to City Council meetings. No action is required on this report.

If you have any questions about these items, please contact me.

Architectural Review Board – January 11, 2016

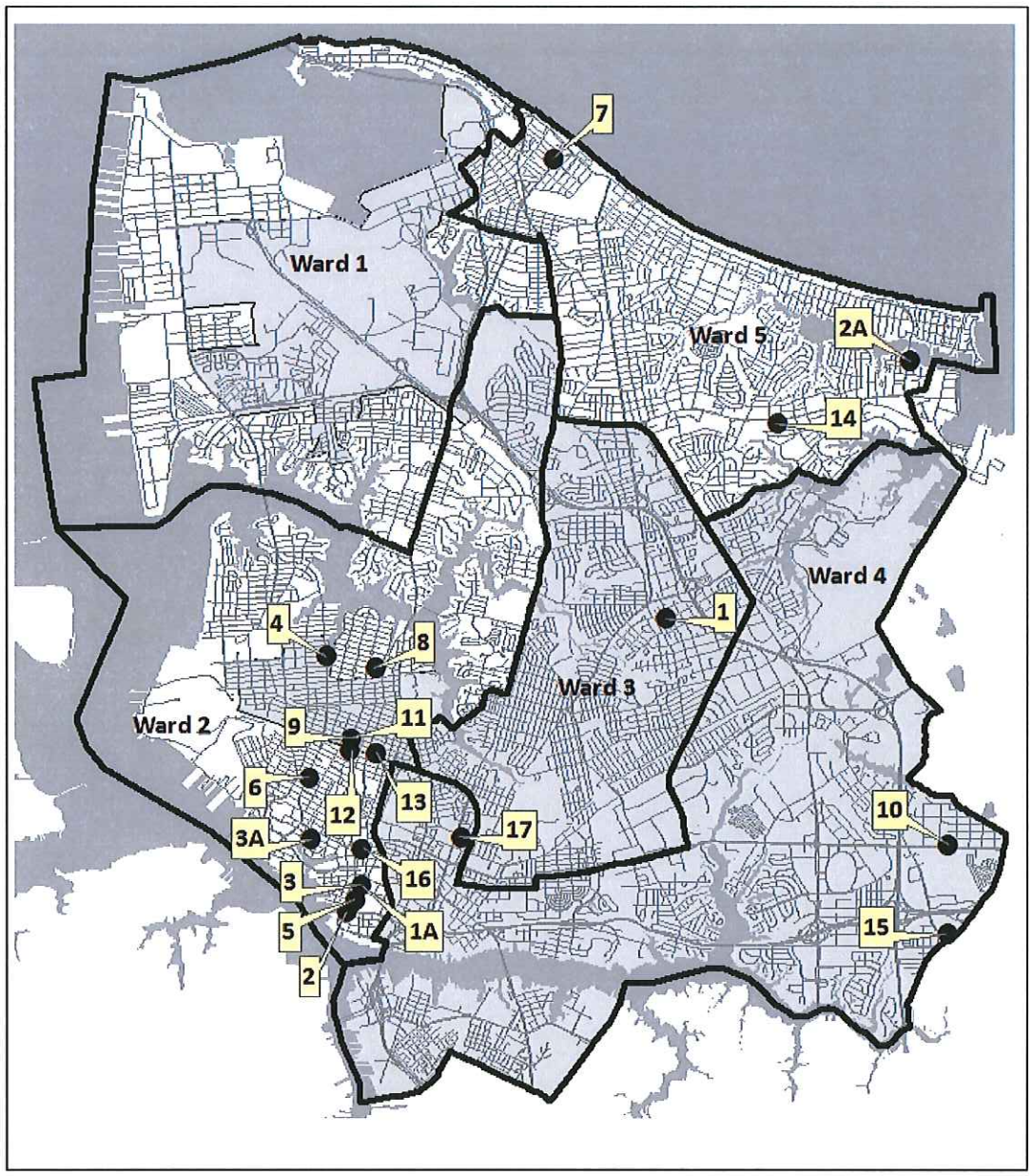
Number	Applicant	Location	Action	Ward	SW	Neighborhood
1A	Robyn Thomas	400 Granby Street	Install a door where there is a window & add an awning	2	6	Downtown
2A	John Weigand	8142-58 Shore Drive	Multi-family new construction with amenities	5	6	East Ocean View
3A	Paul Amodio	530 Pembroke Avenue	Replace concrete drive with pavers	2	6	Ghent

City Planning Commission – January 28, 2016

Number	Applicant	Location	Action	Ward	SW	Neighborhood
1	Bettina's Blissful Home Daycare	3611 Bell Street	Special exception to operate a day care home	3	7	Brandon Place
2	Starbucks	145 Granby Street	Special exception to operate an eating and drinking establishment	2	6	Downtown
3	Lamia's Crepes	401 Granby Street, Suite B	• Special exception to operate an eating and drinking establishment • Special exception for the sale of alcoholic beverages for off-premises consumption.	2	6	Downtown
4	Mack's Barge	4300 Colley Avenue	• Special exception to operate an entertainment establishment with alcoholic beverages. • Special exception for the sale of alcohol for off-premises consumption.	2	7	Highland Park

5	Tap It Local	244 Granby Street	• Special exception to operate an entertainment establishment with alcoholic beverages • Special exception for the sale of alcoholic beverages for off-premises consumption.	2	6	Downtown
6	Peck N Pour, World Class Wings and Beer	1310 Colley Avenue	Special exception to operate an eating and drinking establishment	2	6	Ghent
7	Elegant Occasions By Krista	9605 Granby Street	Special exception to operate an entertainment establishment with alcoholic beverages	5	6	Ocean View
8	Brock Ventures, Inc.	435 Virginia Avenue	Change of zoning from IN-1 (Institutional) district to R-13 (Moderately High Density Multi-Family) district	2	6	Colonial Place / Riverview
9	Philomena, LLC	2410-2414 Colonial Avenue	Change of zoning from I-2 (Light Industrial) district to conditional C-2 (Corridor Commercial) district	2	7	Park Place
10	Auto Connection	6336-6352 E Virginia Beach Boulevard	• Change of zoning from R-8 (Single-Family) district to conditional C-2 (Corridor Commercial) district on an approximately 80-foot by 125-foot portion of the property; located to the northwest of the site. • Special exception to operate an automobile sales and service facility.	4	7	Hollywood Homes / Maple Hall
11	Mea Culpa	2410 Colonial Avenue	• Special exception to operate an entertainment establishment with alcoholic beverages. • Special exception for mixed uses.	2	7	Park Place

12	The Muse Writers Center	2200 Colonial Avenue	Special exception to operate an entertainment establishment without alcoholic beverages	2	6	Ghent
13	O'Conner Brewing Co.	211 W 24th Street	• Special exception to operate an entertainment establishment with alcoholic beverages. • Special exception to operate a microbrewery.	2	7	Park Place
14	Steak N' Shake	2437 E Little Creek Road	Special exception to operate a commercial drive-through	5	6	East Lynne / Saratoga
15	Chartway Federal Credit Union	132 Kempsville Road	Special exception to operate a commercial drive-through	4	7	Easton Forest
16	Glass Wheel Studio, LLC	128 W Olney Road	Special exception to operate an entertainment establishment with alcoholic beverages	2	6	Downtown
17	The Woda Group, Inc.	975-979 Goff Street	• Change of zoning from I-2 (Light Industrial) district to C-2 (Corridor Commercial) district. • Special exception to construct a mixed use building.	4	7	Bruces Park



Pending Land Use Actions
DECEMBER 9 - JANUARY 5

0 4,000 8,000 16,000 Feet

Superwards
6
7

N

This map is for graphic purposes only.

Map compiled, designed and produced by the Department of City Planning.

THE CITY OF NORFOLK
CITY PLANNING

Inter Departmental Memorandum

TO:	The Honorable City Council
REVIEWED:	Ronald H. Williams, Jr. Deputy City Manager
FROM:	George M. Homewood, AICP, CFM, Director, Department of City Planning
COPIES TO:	Leonard M. Newcomb III, CFM, Assistant Director, Department of City Planning Susan Pollock, CFM, Principal Planner, Department of City Planning
SUBJECT:	Rezoning from R-8 (Single-Family) to Conditional R-9 (Single-Family) – 1510 Colon Avenue - DT Builders
DATE:	January 8, 2016

On the January 26, 2016 public hearing agenda, City Council will be reviewing a request to rezone the property located at 1510 Colon Avenue from R-8 (Single-Family) to Conditional R-9 (Single-Family). This site is located within the Campostella neighborhood on Colon Avenue between Campostella Road and Wilson Road on land that has recently had a single-family home constructed on the western half of the property. The applicant acquired the property, demolished the existing house, and commenced construction of a new house on the western half of the site prior to seeking a rezoning in order to erect an additional house on the remaining eastern half of the site.

The site is currently zoned R-8 which requires a minimum lot width of 50 feet and a minimum lot size of 5,000 square feet. Approval of the rezoning to R-9 would allow the applicant to resubdivide the existing 87.5 foot wide lot into two lots, each with approximately 44 feet in width with less than 5,000 square feet in lot area per lot. While the direct impact – 6-foot narrower lots – may seem minimal, it begins to change the character of an area as well as sets a precedent for future requests.

There are several existing single-family houses along this block which could be acquired and demolished, and also rezoned to R-9 in order to permit two new houses on sites that currently only have one house. This type of development would further disrupt the existing character along Colon Avenue. Currently, the Campostella neighborhood is not considered a neighborhood in transition for which this type of character-changing development would be appropriate.

Planning staff recommended **denial** of the application because the rezoning request is inappropriate for this area given that the lot pattern consists predominately of lots that are larger and wider than lots permitted within the R-9 district.

The proposed development will result in two new lots being smaller than the majority of lots in the neighborhood, which could have a negative visual impact on the neighborhood. While the development of the new home will be required to go through the administrative design process, the home on the western portion of the parcel did not because of the manner in which the rezoning application was timed. The purpose of the "narrow lot" administrative design process is to help ensure that homes proposed on lots that are narrower than the predominate character are compatible with the surrounding architectural character of the neighborhood. This request is atypical of previous rezoning requests which normally include a proffer that both new homes will be required to obtain the zoning certificate.

Approval of a rezoning which is out of character with the existing lot pattern may establish an undesirable precedent for future inappropriate rezoning requests. A Lot-Pattern Analysis shows the following range of similar residential lots and their percentages within the area.

Lot Pattern Analysis (R-8 to R-9)

Lot-Size Range	Within 1,000 feet radius		Along same block (Colon Avenue)	
	Number	Percentage	Number	Percentage
Lots in character with the proposal or smaller (Less than 50 ft. in width, or less than 5,000 sq. ft.)	39	**34%**	15	**45%**
Lots in character with the existing R-8 zoning (Greater than or equal to 50 ft. in width, and greater than or equal to 5,000 sq. ft. of lot area)	75	**66%**	18	**55%**

The applicant appeared before the Campostella Civic League on November 9th to present the proposal to the community. A letter was received from the civic league which expressed that the civic league voted to **deny** the rezoning application.

After conducting a duly advertised public hearing on December 10, 2015, at which the applicant provided comments, the City Planning Commission voted **5 to 1** to recommend **denial** of the application. The majority voted for denial based on staff recommendation of denial, neighborhood opposition and the incompatibility of the proposal with the existing character of the neighborhood. The minority voted for approval based on the desire to allow more development to occur within the neighborhood.

Staff contact: Matthew Simons at (757) 664-4750, matthew.simons@norfolk.gov

NORFOLK

Office of the City Manager

January 6, 2016

Jennifer Mitchell
Director
Virginia Department of Rail and Public Transportation
600 E. Main Street
Richmond, Virginia 23219

Ms. Emily Stock
Manager of Rail Planning
Virginia Department of Rail and Public Transportation
600 E. Main Street
Richmond, Virginia 23219

Re: Washington, DC to Richmond Southeast High Speed Rail Project Tier II EIS – Norfolk Comments

Dear Ms. Mitchell and Ms. Stock,

The City of Norfolk appreciates the opportunity to comment on the Richmond to Washington DC Tier II EIS. Norfolk fully supports the efforts that the Department of Rail and Public Transportation (DRPT) has undertaken to complete the Tier II EIS and its desire to construct faster, more efficient and reliable service from DC to Richmond as funding becomes available. This corridor is critical to the movement of passengers and freight through Virginia. These are exciting times for rail service in the Commonwealth.

Norfolk is expressing our interest in DRPT's commitment to advancing the Tier II EIS from Richmond to Norfolk. The Tier I for this service was completed in 2012 and the delivery of the additional conventional intercity passenger rail service utilizing existing Commonwealth investments. There are conventional intercity passenger rail frequencies attached to the paid improvements that are still waiting to be completed with two additional daily round trip trains Richmond to Norfolk. There is also one additional intercity passenger train to Newport News to come with later investment. I would like to express the necessity of providing this rail service Richmond to Norfolk and to Newport News prior to the commencement of any new service from Petersburg to North Carolina. It is imperative that the Tier II for the Norfolk connection coincide with the Washington to Richmond Tier II in order to prove seamless and equal service all the way from Washington to Norfolk and eventually into North Carolina. These services are an essential part of the Southeast High Speed Rail Corridor and a vital link for passenger service in our region, the largest urbanized area outside of Northern Virginia.

810 Union Street, #1101 • Norfolk, VA 23510
Phone: 757-664-4242 • Fax: 757-664-4239

Thank you for all your efforts to expand rail service in Virginia. Please let me know if there is anything that Norfolk can do to support your work. I look forward to working with you to support the endeavor of additional passenger rail service in Virginia.

Sincerely,

Marcus D. Jones
City Manager

cc: Norfolk City Council
Bob Crum, HRTPO Executive Director

810 Union Street, #1101 • Norfolk, VA 23510
Phone: 757-664-4242 • Fax: 757-664-4239

KPMG LLP
Suite 1900
440 Monticello Avenue
Norfolk, VA 23510

December 23, 2015

The Honorable Members of City Council
City of Norfolk, Virginia

Ladies and Gentlemen:

We have audited the financial statements of the City of Norfolk, Virginia (the City) as of June 30, 2015, and have issued our report thereon under date of December 23, 2015. Under our professional standards, we are providing you with the accompanying information related to the conduct of our audit.

Our Responsibility under Professional Standards

We are responsible for forming and expressing an opinion about whether the financial statements, which have been prepared by management with the oversight of City Council, are presented fairly, in all material respects, in conformity with U.S. generally accepted accounting principles. We have a responsibility to perform our audit of the financial statements in accordance with auditing standards generally accepted in the United States of America. In carrying out this responsibility, we planned and performed the audit to obtain reasonable assurance about whether the financial statements as a whole are free of material misstatement, whether caused by error or fraud. Because of the nature of audit evidence and the characteristics of fraud, we are to obtain reasonable, not absolute, assurance that material misstatements are detected. We have no responsibility to plan and perform the audit to obtain reasonable assurance that misstatements, whether caused by error or fraud, that are not material to the financial statements are detected. Our audit does not relieve management or City Council of their responsibilities.

In addition, in planning and performing our audit of the financial statements, we considered internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

We also have a responsibility to communicate significant matters related to the financial statement audit that are, in our professional judgment, relevant to the responsibilities of City Council in overseeing the financial reporting process. We are not required to design procedures for the purpose of identifying other matters to communicate to you.

KPMG LLP is a Delaware limited liability partnership, the U.S. member firm of KPMG International Cooperative ("KPMG International"), a Swiss entity.

Other Information in Documents Containing Audited Financial Statements

The City's management included our audit report in the City's Comprehensive Annual Financial Report (CAFR). The CAFR contains various other financial and statistical information that we were not engaged to audit, and accordingly, is not covered in our opinion. Our responsibility for other information in documents containing the City's financial statements and our auditors' report thereon does not extend beyond the financial information identified in our auditors' report, and we have no obligation to perform any procedures to corroborate other information contained in these documents. We have, however, read the other information included in the City's CAFR, and no matters came to our attention that cause us to believe that such information, or its manner of presentation, is materially inconsistent with the information, or manner of its presentation, appearing in the financial statements.

Accounting Practices and Alternative Treatments

Significant Accounting Policies

The significant accounting policies used by the City are described in note 1 to the financial statements. As described in the financial statements, in order to comply with the requirements of U.S. generally accepted accounting principles, the City adopted GASB 68, *Financial Reporting for Pensions*, and GASB 71, *Pension Transition for Contributions Made Subsequent to the Measurement Date*.

Qualitative Aspects of Accounting Practices

We have discussed with the City Council and management our judgments about the quality, not just the acceptability, of the City's accounting principles as applied in its financial reporting. The discussions generally included such matters as the consistency of the City's accounting policies and their application, and the understandability and completeness of the City's financial statements, which include related disclosures.

Management Judgments and Accounting Estimates

The preparation of the financial statements requires management of the City to make a number of estimates and assumptions relating to the reported amounts of assets and liabilities and the disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenue and expenses during the period.

Self-Insurance Liabilities

Management's estimates of self-insurance liabilities of workers' compensation claims, general liabilities, and employer sponsored healthcare benefits are based upon reviews of claims listing, actuarial analyses of external actuaries, and historical trends.

Retirement Obligations

Management's estimates of pension liabilities and other postemployment obligations are based upon current and retiree payroll, demographic information, and actuarial analyses of external actuaries.

We have evaluated key factors or assumptions used to develop significant accounting estimates, including possible management bias in developing the estimates, and determined that they were reasonable in relation to the financial statements taken as a whole.

Corrected Misstatements

During the course of our audit, we identified and discussed with management immaterial financial statement misstatement that were corrected by the City. Attached is a copy of the corrected misstatements that have been discussed with management and corrected by the City.

Disagreements with Management

There were no disagreements with management on financial accounting and reporting matters that would have caused a modification of our auditors' reports on the City's financial statements, except as follows.

Management's Consultation with Other Accountants

To the best of our knowledge, management has not consulted with or obtained opinions, written or oral, from other independent accountants during the year ended June 30, 2015.

Significant Issues Discussed, or Subject to Correspondence, with Management

Major Issues Discussed with Management prior to Retention

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to our retention by City Council as the City's auditors. However, these discussions occurred in the normal course of our professional relationship, and our responses were not a condition to our retention.

Material Written Communications

Attached to this letter please find copies of the following material written communications between management and us:

1. Original engagement contract
2. Agreement for renewal #3 for the fiscal year 2015 audit fees
3. Management representation letters

Significant Difficulties Encountered during the Audit

We encountered no significant difficulties in dealing with management in performing our audits. We appreciate the cooperation and assistance we received from management in performing the audits.

Independence

Our professional standards and other regulatory requirements specify that we communicate to you in writing, at least annually, all relationships between our firm and the City and persons in a financial reporting oversight role at the City and provide confirmation that we are independent accountants with respect to the City as of December 23, 2015.

We are not aware of any relationships between our firm and the City and persons in a financial oversight role at the City.

With respect to the City, we are independent accountants within the meaning of Rule 101 of the American Institute of Certified Public Accountants Code of Professional Ethics and related interpretation and *Government Auditing Standards*, issued by the U.S. government Accountability Office.

* * * * * * *

This letter to the City Council is intended solely for the information and use of the City Council and management, and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

KPMG LLP

AGREEMENT WITH KPMG LLP
FOR THE PERFORMANCE OF ANNUAL AUDIT SERVICES

This **AGREEMENT** made this 6 day of July 2012, between the **CITY OF NORFOLK, VIRGINIA,** a municipal corporation chartered by the Commonwealth of Virginia, hereinafter referred to as the **"City"** and **KPMG LLP, 440 Monticello Avenue, Suite 1900, Norfolk, Virginia 23510,** hereinafter referred to as the **"Auditor."**

WITNESSETH:

That for and in consideration of the services to be rendered and the sums of money to be paid hereinafter set forth, said parties do hereby and agree as follows:

FIRST: The City and Auditor agree that the Auditor shall perform audits in accordance with generally accepted auditing standards of the financial statements of the entities enumerated below, in accordance with the City's Request for Proposals No. 4063-0-2012/ARB, issued March 28, 2012 (Exhibit 1) and the Auditor's Proposal dated April 20, 2012 (Exhibit 2), copies of which are attached hereto and incorporated by reference. In the event of conflict between this Agreement and the Exhibits, this Agreement shall govern.

The services shall be provided pursuant to Sections 66 and 99 of the Norfolk Charter of 1918, and shall cover the fiscal year from July 1, 2011 to, and including, June 30, 2012 for:

1. City of Norfolk:
   - General Fund
   - Special Revenue Funds
   - Debt Service Fund
   - Capital Projects Fund
   - Enterprise Funds (Water Utility, Wastewater Utility, and Parking Facilities)
   - Internal Service Funds
   - Fiduciary Funds
   - Constitutional Officers

2. School Board of the City of Norfolk
   - School Operating Fund
   - School Child Nutrition Fund
   - School Special Revenue Funds
   - School Capital Projects Fund
   - School Agency Fund

3. (ERS) Employees' Retirement System of the City of Norfolk

4. (EDA) Economic Development Authority of the City of Norfolk

5. (NCSB) Norfolk Community Services Board

6. Waterside Associates Limited Partnership

7. Agreed upon procedures for the Norfolk Sheriff's Office Jail Canteen Fund, as required by the Auditor of Public Accounts (APA), Commonwealth of Virginia, specifications for Counties, Cities and Towns

8. Agreed upon procedures with respect to selected records and transactions pertaining to the Campostella Landfill to comply with the Local Government Financial Test, financial component section of Va. Admin. Code §9 VAC20-70-210. Va.

The City and the Auditor agree that this Agreement shall not cover the audit of the following related organizations:

- Norfolk Redevelopment and Housing Authority;
- Norfolk Airport Authority; and
- The Chrysler Museum, Inc.

The Auditor is responsible for the issuance of separate, individual auditor's reports due no later than December 28, 2012 for the City's Water Utility Fund, the City's Wastewater Utility Fund, the City's Parking Facilities Fund, the School Board of the City of Norfolk, the Employees' Retirement System of the City of Norfolk, the Economic Development Authority of the City of Norfolk, and the Norfolk Community Services Board.

The objective of an audit is the expression of the Auditor's opinion as to whether the financial statements fairly present, in all material respects, the financial position, results of operations and cash flows of the proprietary and similar trust funds of the City, the School Board of the City of Norfolk, the Employees' Retirement System of the City of Norfolk, the Economic Development Authority of the City of Norfolk, and Norfolk Community Services Board.

The objective of an audit is the expression of the Auditor's opinion as to whether the financial statements, that have been prepared by management with the oversight of those charged with governance, fairly present, in all material respects, the financial position, results of operations and cash flows of the proprietary and similar trust funds of the City, the School Board of the City of Norfolk, the Employees' Retirement System of the City of Norfolk, the Economic Development Authority of the City of Norfolk, and Norfolk Community Services Board. Should the City wish to include or incorporate by reference the financial statements and the Auditor's report(s) thereon into an offering of exempt securities, prior to the Auditor consenting to include or incorporate by reference the Auditor's report(s) on the financial statements, the Auditor would consider consenting to the inclusion of the Auditor's report(s) and the terms thereof at that time. The Auditor will be required to perform procedures as required by the standards of the American Institute of Certified Public Accountants, including, but not limited to, reading other information incorporated by reference in the offering document and performing subsequent event procedures. The Auditor reading of the other information included or incorporated by reference in the offering document will consider whether such information, or the manner of its presentation, is materially inconsistent with information, or the manner of its presentation, appearing in the financial statements. However, the Auditor will not perform procedures to corroborate such other information (including forward-looking statements). The specific terms of future services with respect to future offering documents will be determined at the time the services are to be performed.

Should the City wish to include or incorporate by reference financial statements and the Auditor's report(s) thereon into an offering of exempt securities without obtaining consent to include or incorporate by reference the Auditor's report(s) on financial statements, and the Auditor is not otherwise associated with the offering document, then the City agrees to include the following language in the offering document:

> "KPMG LLP, our independent auditor, has not been engaged to perform and has not performed, since the date of its report included herein, any procedures on the financial statements addressed in that report. KPMG LLP also has not performed any procedures relating to this official statement."

Additionally, if and when the City, the School Board of the City of Norfolk, the Employees' Retirement System of the City of Norfolk, Economic Development Authority of the City of Norfolk, and the Norfolk Community Services Board intend to publish or otherwise reproduce the aforementioned financial statements and make reference to the name of the Auditor's firm or to its audit, the City agrees to provide the Auditor with printer's proofs or masters for the Auditor's review and consent before printing. The City, the School Board of the City of Norfolk, the Employees' Retirement System of the City of Norfolk, Economic Development Authority of the City of Norfolk, and the Norfolk Community Services Board also agrees to provide the Auditor with a copy of the final reproduced material when distributed. The fee structure for these additional services is described in the **NINETEENTH** section of this Agreement

The Auditor also will read the other information included in the Comprehensive Annual Financial Report (CAFR) of the City, the School Board of the City of Norfolk, and the Employees' Retirement System of the City of Norfolk in which the financial statements are presented and consider whether such information, including the manner of its presentation, is materially consistent with information appearing in the financial statements. However, the Auditor will not provide an opinion on the Introductory Section, Management's Discussion and Analysis or Statistical sections of the CAFR for the City, the School Board of the City of Norfolk, or the Employees' Retirement System of the City of Norfolk. (Note: This paragraph also applies to official statements, which include the audited financial statements.)

We cannot provide assurance that unqualified opinions will be rendered. If, during the performance of our audit procedures, circumstances arise which make it necessary to modify our report or withdraw from the engagement, we will communicate to the City Council and related Audit Committee our reasons for withdrawal.

The audits shall be conducted and the audit reports shall be prepared and issued pursuant to the following requirements:

1. Governmental Accounting Standards Board;

2. Auditing standards generally accepted in the United States of America;

3. Government Auditing Standards issued by the U.S. Comptroller General;

4. The provisions of the Office of Management and Budget (OMB) *Compliance Supplement for Single Audits of State and Local Governments*;

5. Guidelines set forth in OMB Circular A-133, Audits of State, Local Governments and Non-Profit Organizations;

6. Single Audit Act, as amended;

7. The Auditor of Public Accounts (APA), Commonwealth of Virginia, Uniform Financial Reporting Manual;

8. The Auditor of Public Accounts (APA), Commonwealth of Virginia, Specifications for Audits of Counties, Cities and Towns;

9. The Auditor of Public Accounts (APA), Commonwealth of Virginia, Specifications for audits of Counties, Cities and Towns;

10. AICPA Audit and Accounting Guide for Health Care Organizations, and the Specifications for Audits of Authorities, Boards and Commissions issued by the APA, Commonwealth of Virginia;

11. Financial Management Standards Guide issued by Virginia Department of Mental Health, Mental;

12. Virginia Administrative Code § 9 VAC20-70-210.

Those standards, circulars, supplements or guides require that the Auditor plan and perform the audit to obtain reasonable, but not absolute, assurance about whether the financial statements are free of material misstatement whether caused by error, fraud or misappropriation of assets. Absolute assurance is not attainable because of the nature of audit evidence and the characteristics of fraud. Therefore, there is a risk that material errors, fraud (including fraud that may be an illegal act), and other illegal acts may exist and not be detected by an audit of financial statements performed in accordance with the auditing standards generally accepted in the United States of America. Also, an audit is not designed to detect matters that are immaterial to the financial statements, and because the determination of abuse is subjective, *Government Auditing Standards* does not expect auditors to provide reasonable assurance of detecting abuse. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. The Auditor believes that the audit will provide a reasonable basis for the Auditor's reports.

In planning and performing our audit of the financial statements, the Auditor will consider the City's internal control over financial reporting as a basis for designing audit procedures for the purpose of expressing an opinion on the financial statements and not to provide an opinion on the effectiveness of the City's internal control over financial reporting. In accordance with *Government Auditing Standards*, the Auditor is required to communicate that the limited purpose of our consideration of internal control may not meet the needs of some users who require additional information about internal control.

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, the Auditor will perform tests of the City's compliance with certain

provisions of laws, regulations, contracts and grant agreements, violations of which could have a direct and material effect on the financial statements. However, our objective is not to provide an opinion on compliance with such provisions.

In accordance with *Government Auditing Standards*, the Auditor will prepare a written report, *Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards* (GAGAS report), on our consideration of internal control over financial reporting and tests of compliance made as part of our audit of the financial statements. While the objective of our audit of the financial statements is not to report on the City's internal control over financial reporting and the Auditor is not obligated to search for significant deficiencies or material weaknesses as part of our audit of the financial statements, this report will include any significant deficiencies and material weaknesses to the extent they come to our attention. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the financial statements will not be prevented or detected on a timely basis. This report will also include illegal acts and fraud, unless clearly inconsequential, and material violations of abuse and provisions of contracts and grant agreements. It will indicate that it is intended solely for the information and use of the audit committee and management of the City and federal awarding agencies and pass-through entities and that it is not intended to be and should not be used by anyone other than these specified parties.

In accordance with *Government Auditing Standards*, the Auditor will also issue a management letter to communicate violations of provisions of contracts or grant agreements or abuse that has an effect on the financial statements that is less than material but more than inconsequential that comes to our attention.

In accordance with *Government Auditing Standards*, the Auditor is also required in certain circumstances to report fraud or illegal acts directly to parties outside the City. The Auditor will report to the City Auditor, the City Director of Finance, and the Norfolk Public Schools Associate Superintendent of Finance immediately any material errors, fraud or violations that comes to its attention during the course of the audits.

In accordance with *Government Auditing Standards*, as part of our planning of the audit the Auditor will evaluate whether the City has taken appropriate corrective action to address findings and recommendations from previous engagements that could have a material effect on the financial statements. To assist us, management agrees to identify previous audits, attestation engagements, or other studies that relate to the objectives of the audit, including whether related recommendations have been implemented, prior to June 30, 2012.

The above audits shall include an audit of the records maintained for federal financial assistance programs, including all funds received from the Commonwealth of Virginia, in accordance with the Single Audit Act, and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. With respect to the federal and state financial assistance programs in which the City participates, the City will prepare the Schedule of Expenditures of Federal Awards.

The City's audits shall also include, if material, the accounts and records of the constitutional officers, with the exception of the Clerk of the Circuit Court's revenues and the constitutional officers' collection of state funds for the Commonwealth of Virginia.

The Auditor will perform agreed-upon procedures relative to the financial component, financial ratios and other requirements of the below mentioned regulation and issue a report regarding the City of Norfolk's statement of its compliance with Department of Environmental Quality regulations related to the Local Government Financial Test requirements for municipal landfills, as specified in Va. Admin. Code §9 VAC20-70-210 for the year ended June 30, 2005. Thereby, the Auditor shall perform specific procedures for the City of Norfolk with respect to selected records and transactions that will be reviewed on the Campostella Landfill to comply with the Local Government Financial Test, financial component section of Va. Admin. Code §9 VAC20-70-210.

The agreed-upon procedures projects included in this contract will be performed in accordance with standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of the specified users (e.g., the City and the Commonwealth of Virginia) of the reports. Consequently, the Auditor makes no representation regarding the sufficiency of the procedures either for the purpose for which our report is being prepared or for any other purpose.

Because the agreed-upon procedures referred to above do not constitute an audit, the Auditor will not express an opinion on any of the items. The reports will include a statement to that effect. In addition, the Auditor has no obligation to perform any procedures beyond those referred to in the reports.

The reports will include a list of the procedures performed and the related findings. The reports will also contain a paragraph indicating that had the Auditor performed additional procedures, other matters might have come to its attention that would have been reported to you. The Auditor has no responsibility to update the reports for events and circumstances occurring after the date of such report.

The reports are intended solely for the use of the specified users, and are not intended for use by those who have not agreed to the procedures and taken responsibility for the sufficiency of the procedures for their purposes. If the City requests that additional specified users of the report be added, the Auditor will require that they acknowledge, in writing, their agreement with the procedures and their responsibility for the sufficiency of the procedures for their purposes.

If the Auditor is unable to complete the agreed-upon procedures projects referred to above, we will discuss the matter with the City during the engagement. In such circumstances, the Auditor may conclude that cannot issue a report as a result of the engagement.

Because of the importance of management's representations to the effective performance of our services, the City hereby releases KPMG and its personnel from and against any claims, liabilities, costs, and expenses relating to our services under this agreement attributable to any misrepresentations in the representation letter. In accordance with the foregoing release, KPMG shall not be responsible for any damages suffered or incurred by the City that are attributable to any misrepresentations in the representation letter or any damages that are punitive in nature, or

that are not measured by the City's actual damages. The provisions of this paragraph shall apply regardless of the form of action, damage, claim, liability, cost, expense, or loss asserted, whether in contract, statute, tort (including but not limited to negligence) or otherwise.

To the extent permitted by law, the City will indemnify, defend, and hold KPMG and its personnel harmless from and against any and all claims, liabilities, costs, and expenses asserted against KPMG by any third party to the extent resulting from or attributable to that party's use or possession of, or reliance upon, KPMG's report or other reference to KPMG's services hereunder as a result of City's disclosure of such report or reference thereto other than to the specified user(s). The foregoing indemnification obligation shall apply regardless of whether the third party claim alleges a breach of contract, violation of statute or tort (including without limitation negligence) by KPMG.

KPMG-controlled entities and KPMG member firms located outside the United States operating under the Auditor's supervision may also participate in providing the services described in this agreement, and the Auditor uses administrative services operating at our direction, including third parties inside and outside the U.S., that may access your information to perform administrative and clerical procedures. The Auditor is satisfied that they have appropriate procedures in place, including confidentiality agreements, to prevent the unauthorized release of the City's confidential information to others.

The Auditor is a limited liability partnership comprising both certified public accountants and certain principals who are not licensed as certified public accountants. Such principals may participate in the engagements to provide the services described in this letter.

The management of the City of Norfolk, the School Board of the City of Norfolk, the Employees' Retirement System of the City of Norfolk, the Economic Development Authority of the City of Norfolk, the Norfolk Community Services Board, and the Norfolk Sheriff are responsible for:

1) the preparation of their respective financial statements and supporting working papers, the schedule of federal awards, and jail canteen fund activity report, except as indicated otherwise in this Agreement;

2) establishing and maintaining effective internal control over financial reporting and compliance and safeguarding assets, and for informing the Auditor of all significant deficiencies in the design or operation of such controls of which they have knowledge, and internal control over compliance;

3) properly recording transactions in the records;

4) identifying and ensuring compliance with the laws and regulations applicable to their activities, and for informing the Auditor about all known material violations of such laws or regulations;

5) the design and implementation of programs and controls to prevent and detect fraud, and for informing the Auditor about all known or suspected fraud affecting the entity

involving management, employees who have significant roles in the internal control and others where the fraud could have a material effect on the financial statements;

6) informing the Auditor of their knowledge of any allegations of fraud or suspected fraud affecting their respective entities received in communications from employees, former employees, regulators, or others;

7) making all financial records and related information available to the Auditor;

8) adjusting the financial statements to correct material misstatements;

9) following up and taking corrective action on audit findings including the preparation of a summary schedule of prior audit findings and a corrective action plan;

10) submitting the reporting package, and

11) preparing the Comprehensive Annual Financial Report in accordance with GAAP as applicable.

The completion of items 1-11 above and the assistance described in the **FIFTH** section of this Agreement completely and accurately and in accordance with the deadlines established throughout this Agreement is essential to the ability of the auditor to complete the audit in accordance with the Agreement and failure to do so may result in additional billings related to such delays as discussed in the **TWELFTH** section of this Agreement.

SECOND: The Auditor will also perform audit procedures with respect to the City's major federal programs in accordance with the provisions of OMB Circular A-133 *Audits of States, Local Governments, and Non-Profit Organizations* (OMB Circular A-133). OMB Circular A-133 includes specific audit requirements, mainly in the areas of internal control and compliance with laws, regulations, contracts, and grant agreements that exceed those required by *Government Auditing Standards*.

As part of the audit procedures performed in accordance with the provisions of OMB Circular A-133, the Auditor will perform tests to evaluate the effectiveness of the design and operation of internal controls that it considers relevant to preventing or detecting material noncompliance with laws, regulations, contracts, and grant agreements applicable to each of the City's major programs. The tests of internal control performed in accordance with OMB Circular A-133 are less in scope than would be necessary to render an opinion on internal control.

Compliance with laws, regulations, contracts, and grant agreements applicable to federal programs is the responsibility of management. The Auditor will perform tests of the City's compliance with certain provisions of laws, regulations, contracts, and grant agreements THE AUDITOR determines to be necessary based on the *OMB Circular A-133 Compliance Supplement (Compliance Supplement)*. The procedures outlined in the *Compliance Supplement* are those suggested by each federal agency and do not cover all areas of regulations governing each program. Program reviews by federal agencies may identify additional instances of noncompliance.

As required by OMB Circular A-133, the Auditor will prepare a written report which provides an opinion on the schedule of expenditures of federal awards in relation to the City's financial statements. In addition, THE AUDITOR will prepare a written report (A-133 report) which 1) provides our opinion on compliance with laws, regulations, contracts, and grant agreements that could have a direct and material effect on a major federal program and 2) communicates our consideration of internal control over major federal programs. The A-133 report will indicate that it is intended solely for the information and use of the audit committee and management of the City and federal awarding agencies and pass-through entities and that it is not intended to be and should not be used by anyone other than these specified parties.

In compliance with OMB Circular A-133, the City shall prepare the summary schedule of prior audit findings and corrective action plan for inclusion in the CAFR, and the Data Collection Form for submittal to the federal clearinghouse designated as prescribed by OMB. This form states that the audit was completed in accordance with this circular, and provides information about the City, its federal programs, and the results of the audit. The Auditor shall review and complete applicable sections of the Data Collection Form, and certify the auditor submission

THIRD: The books and records of all of the funds of the City of Norfolk, the School Board of the City of Norfolk, the Employees' Retirement System of the City of Norfolk, the Economic Development Authority of the City of Norfolk, and the Norfolk Community Services Board shall be closed by August 20, 2012.

Preliminary exhibits, schedules, statements and tables for the accounts of all the funds and note disclosures of the City of Norfolk, the School Board of the City of Norfolk and the Employees' Retirement System of the City of Norfolk, the Economic Development Authority of the City of Norfolk, and the Norfolk Community Services board shall be compiled by personnel of the entities being audited. The Auditor shall also prepare such preliminary exhibits, schedules and statements, based upon the workpapers prepared by the City, as may be required by the Auditor of Public Accounts, Commonwealth of Virginia.

The work papers prepared by the City of Norfolk, the School Board of the City of Norfolk the Employees' Retirement System of the City of Norfolk, the Economic Development Authority of the City of Norfolk, and the Norfolk Community Services Board shall be prepared in accordance with a mutually agreed upon schedule with the Auditor. All such workpapers and schedules shall be provided to the auditor no later than the first day of fieldwork for each entity unless notification is given to the auditor a minimum of 5 business days in advance of the first day of fieldwork and the parties agree to an extension of time. A complete set of financial statements for each entity that prepares its own statements (with the exception of the retirement system as discussed below) will be provided no later than the beginning of the second week of fieldwork unless the parties agree to an extension of time. For the Employees' Retirement System, the financial statements will be provided based on an agreed upon schedule depending on the receipt of actuarial and other information required to complete the statements. The Auditor of Public Accounts, Commonwealth of Virginia requires final audited financial statements of Boards, Authorities and Commissions to be submitted to them no later than ninety (90) days following the fiscal year end.

The work papers for this engagement are the property of KPMG. In the event KPMG is requested pursuant to subpoena or other legal process to produce its documents and/or testimony

relating to this engagement for the City in judicial or administrative proceedings to which KPMG is not a party, the City shall reimburse KPMG at standard billing rates for its professional time and expenses, including reasonable attorney's fees, incurred in responding to such requests. The City Auditor will be informed of any subpoena or legal requests for access to the audit workpapers prior to making them available to requesting parties, unless such notification is prohibited by law or regulation.

The Comparative Cost Report Transmittal Forms and supporting workpapers shall be prepared by the City of Norfolk and shall be provided to the Auditor on a timely basis for review by November 30, 2012. The Auditor shall also provide an accompanying letter on agreed upon procedures to help the City assess whether the transmittal forms are in conformity, in all material respects, with specified requirements as set forth in the Auditor of Public Accounts, Commonwealth of Virginia's Uniform Financial Reporting Manual.

Clerical (typing and proofreading) and reproduction (copying) services shall be provided by the Auditor to prepare one copy of each Independent Auditor's Report to be delivered to the City, the School Board of the City of Norfolk, the Norfolk Community Services Board, the Employees' Retirement System of the City of Norfolk and the Economic Development Authority of the City of Norfolk. Preliminary drafts of the Independent Auditor's Report shall be delivered to each entity for review prior to final production. The completed Independent Auditor's Reports shall be delivered and issued to each entity, the City Auditor and the Director of Finance under separate covers. Clerical and reproduction services of all exhibits, schedules, statements and tables for inclusion in the City's CAFR will be performed by the City, the School Board of the City of Norfolk's and the Employees' Retirement System of the City of Norfolk.

FOURTH: The period of performance for this Agreement shall be in effect from July 1, 2012 through June 30, 2013, unless sooner terminated due to breach, failure to perform or default. In the event of breach, default or failure to perform, this Agreement may be terminated if twenty (20) days written notice is given to the other party identifying the alleged breach, default, or failure to perform giving rise to the intent to terminate and the specified breach, default or failure to perform is not cured within the twenty-day period. This Agreement may be renewed by the City for up to three (3) additional one (1) year terms by written notice by the City to the Auditor under the same terms and conditions unless otherwise agreed upon in writing by the parties; however, annual fee increases are not to exceed four percent (4%) or the Consumer Price Index plus one percent (1%), whichever is lower, of sums contained in the **TWELFTH** paragraph may be agreed to in writing by the parties. The Auditor shall begin preliminary planning and fieldwork in connection with the performance of annual audit services at a mutually convenient time, with adequate working space to be made available to the Auditor during fieldwork.

FIFTH: The personnel of the City of Norfolk, the School Board of the City of Norfolk, the Employees' Retirement System of the City of Norfolk, the Economic Development Authority of the City of Norfolk, the Norfolk Community Services Board, and the Norfolk Sheriff shall provide reasonable assistance to the Auditor which will include, but not be limited to: (1) the preparation and proofing of drafts of the financial statements, schedules, working papers, account analyses and any other client assistance schedules as are currently being provided (except as specified herein); (2) such schedules, working papers, account analyses and any other client assistance schedules shall be provided on a computer disk file which can be converted to

Excel; (3) any consultation relating to systems, procedures, regulations, internal accounting controls, individual transactions, balances, etc.; (4) any clerical assistance for preparing and typing confirmation requests and other correspondence, pulling and refiling invoices, vouchers and other documents; and (5) the use of photocopying equipment.

SIXTH: That, so long as the City of Norfolk personnel meet the deadlines specified in the **THIRD** section above, the Auditor shall endeavor to complete all essential fieldwork and workpaper review required in connection with the audits of the financial statements of the City of Norfolk by November 30, 2012. One camera-ready copy of the City's CAFR shall be prepared by the City Controller, and submitted for print by November 30, 2012, time being of the essence in this Agreement. Should City personnel not comply with the deadlines specified in the **THIRD** section above, or otherwise not provide cooperation necessary for the Auditor to perform its services, the Auditor shall be permitted an extension of the deadline for completion of the fieldwork and workpaper review required in connection with the audits of the financial statements included in the CAFR. The length of the extension shall be subject to the written approval of the City Auditor, based on periodic consultation with the Director of Finance and the City Auditor on the status and progress of the audits, and shall be for a period of time commensurate with the time by which City personnel missed specific deadlines or otherwise caused the delay in the performance of services by the Auditor. The Auditor's Report on Agreed-Upon Procedures pertaining to the confirmation of compliance with the Department of Environment Quality Financial Assurance regulations for local governments who own or operate municipal solid waste landfills for the year ended June 30, 2012, will be provided to the Director of Finance and City Auditor no later than December 12, 2012 and will outline the procedures performed and findings and observations resulting from the procedures performed.

SEVENTH: As long as the personnel of the School Board of the City of Norfolk, the Economic Development Authority of the City of Norfolk, the Norfolk Community Services Board, and the Employees' Retirement System of the City of Norfolk, meet the deadlines specified in the **THIRD** section above, the Auditor shall endeavor to complete all essential fieldwork and workpaper review required in connection with the audits of the financial statements of the Economic Development Authority of the City of Norfolk and the Norfolk Community Services Board on or before October 24, 2012; the School Board of the City of Norfolk on or before November 30, 2012; the Employees' Retirement System of the City of Norfolk on or before December 12, 2012; and audit of the Norfolk Sheriff's Office Jail Canteen Fund on or before November 12, 2012. The final reports on the audited financial statements of the School Board of the City of Norfolk, the Economic Development Authority of the City of Norfolk, the Norfolk Community Services Board, and the Norfolk Sheriff's Office Jail Canteen Fund shall be delivered to these entities, the Director of Finance and the City Auditor on or before November 30, 2012. The final reports on the audited financial statements of the Employees' Retirement System of the City of Norfolk shall be delivered to this entity, the Director of Finance and the City Auditor on or before December 17, 2012. One camera-ready copy of the School Board of the City of Norfolk and the Employees' Retirement System of the City of Norfolk's CAFR shall be prepared by those entities and submitted for print by November 30, 2012, time being of the essence in this Agreement. Should personnel not comply with the deadlines specified in the **THIRD** section above, or otherwise not provide cooperation necessary for the Auditor to perform its services, the Auditor shall be permitted an extension of the deadline for completion of the fieldwork and workpaper review required in connection with the audits of the financial statements included in the CAFR. The length of the extension shall be

subject to the written approval of the City Auditor, based on periodic consultation with the responsible personnel of applicable entities and the Auditor on the status and progress of the audits, and shall be for a period of time commensurate with the time by which personnel missed specific deadlines or otherwise caused the delay in the performance of services by the Auditor.

EIGHTH: The City shall prepare its own CAFR, and separately issued Water Utility, Wastewater Utility and Parking Funds reports, including the schedule of federal financial assistance programs, suitable for reproduction. The Auditor shall deliver to the Director of Finance and City Auditor, under separate covers, all audit opinions related to the City of Norfolk's annual audit, including the individual reports for the Water Utility, Wastewater Utility and the Parking Funds. The Auditor shall also deliver all audit opinions related to the annual audits of the School Board of the City of Norfolk and the Norfolk Employees' Retirement System of the City of Norfolk to the respective entities. The Auditor shall deliver bound audit reports for the Norfolk Community Services Board and the Economic Development Authority of the City of Norfolk. The Auditor's opinions and reports shall be addressed and delivered, as follow:

Agency	Addressed to
1. City of Norfolk	The Honorable City Council Norfolk, Virginia
2. School Board of the City	The Chairman and Members of the School Board, Norfolk, Virginia
3. Employees' Retirement System	The Board of Trustees of the Employees' Retirement System of the City of Norfolk Norfolk, Virginia
4. Economic Development Authority	Board of Trustees of the Economic Development Authority of Norfolk Norfolk, Virginia
5. Norfolk Community Services Board	Norfolk Community Services Board, Norfolk, Virginia

At the conclusion of the engagement, management of the City, the School Board of the City of Norfolk, the Economic Development Authority of the City of Norfolk, the Norfolk Community Services Board, and the Employees' Retirement System of the City of Norfolk will provide to the Auditor a representation letter that, among other things, will confirm management's responsibility for the preparation of the basic financial statements in conformity with accounting principles generally accepted in the United States of America, the availability of all financial records and related data, the completeness and availability of all minutes of the Council, management's responsibility for the entity's compliance with laws and regulations, the identification and disclosure to the Auditor of all laws and regulations that have a direct and material effect on the determination of financial statement amounts, and to the best of its

knowledge and belief, the absence of irregularities involving management or those employees who have significant roles in the internal control process and management's responsibility for State agreed upon requirements by confirming management's responsibility for the sufficiency of the agreed-upon procedures for its purposes and the fair presentation of the specified elements, accounts, or items. Also, management is to affirm to the Auditor that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole. Additionally, representations will be made as to the financial reporting entity's basic financial statements to be audited; the inclusion of all component units and the disclosure of all joint ventures and other related organizations; the proper classification of funds and account groups; the proper approval of reserves or designations of fund equities; compliance with laws and regulations, including budget laws or ordinances; compliance with any tax or debt limits, including any related debt covenants; representations relative to GASB-required supplementary information; and identification of all federal assistance programs, if applicable, and compliance with all related grant requirements.

To the extent permitted by law, the City hereby indemnifies the Auditor and its partners, principals and employees, and holds them harmless from all claims, liabilities, losses, and costs arising in circumstances where there has been a knowing misrepresentation by a member of the City's management, regardless of whether such person was acting in the City's interest.

As part of this engagement, the Auditor will ensure that certain additional matters are communicated to the Director of Finance, the City Manager, the City Auditor, the Audit Committee, and the City Council. Also, applicable matters should be reported to the School Board of the City of Norfolk, the Economic Development Authority of the City of Norfolk, the Norfolk Community Services Board, the Employees' Retirement System of the City of Norfolk, and the Norfolk Sheriff and their respective management. Certain additional matters include (1) the initial selection of and changes in significant accounting policies and their application; (2) the methods used by management to account for significant unusual transactions; (3) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus; (4) the process used by management in formulating particularly sensitive accounting estimates and the basis for their conclusions regarding the reasonableness of those estimates; (5) audit adjustments and/or uncorrected misstatements that could, in the Auditor's judgment, either individually or in the aggregate, have a significant effect on the Auditor's financial reporting process; (6) any disagreements with management, whether or not satisfactorily resolved, about matters that individually or in the aggregate could be significant to the financial statements or Auditor's report; (7) the Auditor's views about matters that were the subject of management's consultation with other accountants about auditing and accounting matters; (8) major issues that were discussed with management in connection with the retention of Auditor's services, including, among other matters, any discussions regarding the application of accounting principles and auditing standards; and (9) serious difficulties that the Auditor encountered in dealing with management related to the performance of the audits.

The Auditor will also read minutes, if any, of audit committee meetings for consistency with our understanding of the communications made to the audit committee and determine that the audit committee has received copies of all material written communications between the Auditor and management.

NINTH: The Auditor shall present the CAFR to the Audit Committee and City Council based upon an agreed date. The Auditor shall prepare and submit to the Director of Finance and the City Auditor, under separate covers, a preliminary draft of the management letter report. The Auditor shall complete the final management letter report, which will include comments resulting from evaluating the City's internal control framework and assessing control risks, and shall deliver it by December 19, 2012 to the Director of Finance and the City Auditor, under separate covers, for submission to the City Manager and acceptance by City Council.

Similarly, the CAFR for the School Board of the City of Norfolk and the Employees' Retirement System of the City of Norfolk shall have presented to their respective boards based upon an agreed upon date.

TENTH: The foregoing Auditor deadlines shall be subject to the Auditor's receipt of City data in usable form and the Auditor's access to knowledgeable City personnel in accordance with deadlines established throughout this Agreement

ELEVENTH: The Auditor shall formally communicate weekly during the engagement with the Director of Finance, Chief Finance Officer of the Norfolk Public Schools, and the City Auditor through meetings or telephone conference, the status of the audit engagement. The Auditor is to communicate with the City Director of Finance and the City Auditor on every Monday and with the Norfolk Public Schools Associate Superintendent of Finance and the City Auditor every Tuesday or at and alternative agreed upon time. As a minimum, the nature of the communication should address any issues or problems requiring immediate attention and action, delays, outstanding documentation requests, foreseen expanded services or scope adjustments (subject to provisions set forth in the **TWELFTH** paragraph), needed deadline changes (subject to provisions set forth in the **TWELFTH** paragraph), and status of the audit process to include partners' review. Other entities covered by this Agreement may mutually agree with the Auditor as to details of any communication requirements.

TWELFTH: That for the services performed by the Auditor in making the aforementioned audits of the various funds of the City of Norfolk to include Waterside Associates Limited Partnership, the Norfolk Community Services Board, the School Board of the City of Norfolk, the Economic Development Authority of the City of Norfolk, the Employees' Retirement System of the City of Norfolk, federal awards (single audit, including the review and completion of the Data Collection Form), agreed upon procedures for the Norfolk Sheriff's Office Jail Canteen Fund, and Agreed upon procedures with respect to selected records and transactions pertaining to the Campostella Landfill, including the preparation and issuance of their separate individual reports, plus the agreed upon procedures report relating to the Comparative Cost Report Transmittal Forms, including the preparation and issuance of an independent accountant's report, the City shall pay a sum not to exceed Five Hundred Eight Thousand Dollars ($508,000), except as noted in paragraphs three and four of this Twelfth section related to additional single audit programs.

The Auditor shall bill the City separately for the services performed in the aforementioned audit, including the preparation and issuance of its separate, Independent Auditor's Report. The City shall pay a sum not to exceed One Hundred Forty Three Thousand Four Hundred Dollars ($143,400); this amount is exclusive of the fees for the single audit.

The Auditor shall bill the City and School Board of the City of Norfolk separately for the services performed in the aforementioned audit of federal financial assistance programs as required by OMB Circular A-133 (single audit), including the preparation and issuance of its Independent Auditor's Report. The City and School Board of the City of Norfolk shall pay a sum for these services not to exceed Seventy Five Thousand Six Hundred Dollars ($75,600) and Fifty Thousand Four Hundred Dollars ($50,400), respectively. Twelve programs are included in these fees. For each additional audit program, the City and School Board of the City of Norfolk shall pay a sum not to exceed Ten Thousand Five Hundred Dollars ($10,500).

The Auditor shall bill the City separately for the services performed in the aforementioned audit in conjunction with the Employees' Retirement System of the City of Norfolk, including the preparation and issuance of its Independent Auditor's Report. The City shall pay a sum not to exceed Twenty Five Thousand Dollars ($25,000).

The Auditor shall bill the School Board of the City of Norfolk separately for the services performed in the aforementioned audit, including the preparation and issuance of its Independent Auditor's Report, which includes the audit of the CAFR level Student Activity Fund balance. The School Board of the City of Norfolk shall pay a sum not to exceed Eighty Six Thousand Six Hundred Dollars ($86,600), and Fifteen Thousand Two Hundred Dollars ($15,200), respectively; these amounts are exclusive of the fees for the single audit.

The Auditor shall bill the Economic Development Authority of the City of Norfolk separately for the services performed in the aforementioned audit, including the preparation and issuance of its Independent Auditor's Report. The Economic Development Authority of the City of Norfolk shall pay a sum not to exceed Eleven Thousand Dollars ($11,000).

The Auditor shall bill the Norfolk Community Services Board separately for the services performed in the aforementioned audit, including the preparation and issuance of its Independent Auditor's Report. The Norfolk Community Services Board shall pay a sum not to exceed Twenty Five Thousand Dollars ($25,000).

The Auditor shall bill the City separately for the services performed in the aforementioned audit as required by the Auditor of Public Accounts (APA), Commonwealth of Virginia, specifications for Counties, Cities and Towns. The City shall pay a sum not to exceed Ten Thousand Dollars ($10,000).

The Auditor shall provide separate billings for the services performed in the audits of the City's Water Utility, Wastewater Utility and Parking Facilities Enterprise Funds. The City shall pay the sums not to exceed Twenty Six Thousand Dollars ($26,000), Sixteen Thousand Dollars ($16,000), and Twenty Thousand Dollars ($20,000), respectively.

For the services performed by the Auditor in the preparation and issuance of the Comparative Cost Letter, the City shall pay a sum not to exceed Two Thousand Dollars ($2,000).

For the services performed by the Auditor in the preparation and issuance of the Debt Compliance Opinions (debt terms, covenants, provisions, or conditions compliance opinions) based on and upon completion of the audits of the City's Water Utility and Parking Facilities

Enterprise funds, and the Virginia Resources Authority - Virginia Water Facilities Revolving Funds, the City shall pay a sum not to exceed Twenty Thousand Dollars ($20,000) for each consent or at a negotiated lower amount if such services are not material.

For the services performed by the Auditor pertaining to specific agreed-upon procedures for the City of Norfolk with respect to the financial component, financial ratios and other requirements of the Department of Environment Quality Financial Assurance regulations for local governments who own or operate Municipal Solid Waste landfills for the year ended June 30, 2012, the City shall pay a sum not to exceed One Thousand Eight Hundred Dollars ($1,800).

Should the scope of services expand for the work performed by the Auditor beyond provisions set forth in the FIRST section of this Agreement or the City and its entities do not meet the established deadlines related to preparation of workpapers and financial statements, additional compensation will be allowed in accordance with a mutually agreed upon written amendment to this Agreement, and subject to the authorization of the City Auditor, based on consultation with the City Director of Finance of the City of Norfolk or the Norfolk Public Schools Associate Superintendent of Finance of the Norfolk Public Schools, as applicable. The Auditor shall report all proposed expanded services or scope adjustments, with a reasonable estimate of billable hours priced at a negotiated hourly rate or fee not to exceed One Hundred Twenty Dollars ($120) per hour and not less than One Hundred Dollars ($100) per hour, on a weekly basis as the work progresses with respect to overages resulting from delays or missed deadlines and prior to the commencement of work for any other scope changes. Any billings for extended or expanded services or scope adjustments will be submitted to the City Auditor for written approval prior to payment. It is not anticipated that significant overages will occur.

THIRTEENTH: By January 31, 2013, upon completion of all annual audit services, the Auditor shall provide to the City Auditor and Director of Finance, under separate covers, a detailed report of employee hours utilized during the conduct of each entity's audit.

FOURTEENTH: That progress payments shall be made monthly, with total progress payments not to exceed Eighty percent (80%) of the amount set forth in the **TWELFTH** section above. Eighteen percent (18%) will be retained until the Auditor of Public Accounts, Commonwealth of Virginia, approves the City's CAFR or the expiration of thirty (30) days after the completed audit report has been delivered to the Auditor of Public Accounts, Commonwealth of Virginia, with the remaining Two percent (2%) balance paid upon completion of the continuing professional education seminar(s) as stated in the **EIGHTEENTH** section below.

FIFTEENTH: In the event the Auditor shall fail to properly perform each and every material provision of this Agreement, the City shall have the right to terminate this Agreement, in accordance with the procedure in the **FOURTH** section, above, or may cause said audits, or any of them, to be made and/or completed by another (other) certified public accountant(s) at the cost and expense of the Auditor, but only to the extent of any fees paid to the Auditor, and the City shall further have the right to apply any sum that may be due to the Auditor toward the payment of the cost and expense for making and/or completing the audits. Under such circumstance, the Auditor shall make available its working papers to the new auditor consistently with applicable professional standards. It is provided, however, that nothing contained in this Agreement will preclude the City from availing itself of any legal or equitable remedy in this event of a breach.

SIXTEENTH: The audit workpapers for this engagement are the property of the Auditor and constitute confidential information. The City Auditor will be informed of any subpoena or legal requests for access to the audit workpapers prior to making them available to requesting parties, unless such notification is prohibited by law or regulation.

The Auditor, as well as all other major accounting firms, participates in a "peer review" program, covering audit and accounting practices. This program requires that once every three years the Auditor subjects its quality assurance practices to an examination by another accounting firm. As part of the process, the other firm will review a sample of the Auditor's work. It is possible that the work the Auditor performs for the City may be selected by the other firm for review. If it is, they are bound by professional standards to keep all information confidential. The City does not object to having the work the Auditor performs being reviewed by the peer reviewer.

In the event the Auditor is requested pursuant to subpoena or other legal process to produce its documents relating to this engagement for the City in judicial or administrative proceedings to which the Auditor is not a party, the City shall reimburse the Auditor at the billing rates included in Section Twelve for its professional time and expenses, including reasonable attorney's fees, incurred in responding to such requests. The Auditor shall retain the audit workpapers and copies of the audit reports for a minimum of three years from the date of the audit reports unless the Auditor is notified in writing by the cognizant federal agency of the need to extend the retention period. The completed audit workpapers shall be made available pursuant to authority given to it by law or regulation upon request from the cognizant federal agency (Department of Housing and Urban Development) or its designees, the U. S. General Accounting Office or its designees, the Auditor of Public Accounts, Commonwealth of Virginia or the City Auditor. If requested, access to such working papers will be provided under the supervision of the Auditor's personnel. Furthermore, upon request, the Auditor may provide photocopies of selected working papers to the above-mentioned agencies. The agencies may intend, or decide, to distribute the photocopies or information contained therein to others, including other governmental agencies.

Should the Auditor not be hired to perform the audit for the next year, the Auditor is to make available audit workpapers to the successor auditor hired by the City consistently with applicable professional standards.

During the course of the engagement, the Auditor may accumulate records, i.e., account analysis, schedules, bank reconciliations, etc., containing data which should be reflected in the City's books and records. The City will determine that all such data, if necessary, will be so reflected. Accordingly, the City does not expect the Auditor to maintain copies of such records in the Auditor's possession.

The Auditor shall deliver to the Director of Finance and the City Auditor, prior to delivery of the CAFR, for all funds, a copy of all of the audit adjustments, which were generated by the Auditor in the preparation of the audited financial statements.

SEVENTEENTH: Government Auditing Standards require that the Auditor communicate the results of its most recent external quality control review to the City. The

Auditor's most recent review was for the year ended March 31, 2011, report dated December 2, 2011. That report resulted in an unqualified opinion on the Auditor's system of quality control. A copy of said report will be provided to the City Auditor upon execution of this Agreement.

EIGHTEENTH: That the Auditor shall make available to all City employed certified public accountants and responsible financial personnel in-house governmental auditing and accounting seminar(s) or course(s) to be conducted within the boundaries of the City, tuition-free, with the accumulative equivalent of eight (8) continuing professional education (CPE) hours, in compliance with the Virginia Board for Accountancy's CPE requirements. It is hereby agreed that the course(s) shall be conducted by the Auditor or one of their contracted agents no later than June 28, 2013 with consideration given to suggestions by the City of possible topic areas.

NINETEENTH: In the event that the City requests additional services, this Agreement may be further amended upon written agreement of the Auditor and the City, such additional services may include bond offering services for statements or opinions required to facilitate issuance of bonds, financial advisory services or consulting services that draw upon the Auditor's knowledge of the City's accounting records and finances. It is hereby agreed that such additional services, if deemed necessary, shall be priced according to terms set forth in the **TWELFTH** section or at an agreed upon amount in advance of the services to be rendered.

TWENTIETH: It is agreed by the City and the Auditor or any successors in interest that no claim by or on behalf of either party arising out of services rendered pursuant to this Agreement shall be asserted more than five (5) years after the date of the audit report or termination of Agreement.

TWENTY-FIRST: If circumstances relating to the condition of the City's records and/or the availability of sufficient, competent, evidential matter were to arise during the course of the Auditor's work, which in the Auditor's professional judgment, prevents it from completing the audit, the Auditor will notify the City Auditor immediately in writing for resolution. If no mutually agreed-upon resolution can be obtained, the Auditor retains the unilateral right to take any course of action permitted by professional standards, including withdrawal from the engagement.

TWENTY-SECOND: In connection with required compliance with the Health Insurance Portability and Accountability Act (HIPAA), the Auditor agrees to sign an appropriate Business Associate Agreement to provide certain assurances concerning the safeguarding of protected health information that may be obtained during the course of the audit.

TWENTY-THIRD: Ethics in Public Contracting. The Auditor hereby certifies that it has familiarized itself with Sections 33.1-86 through 33.1-93 of the Code of the City of Norfolk, Virginia, 1979, as amended, entitled "Ethics in Public Contracting," and further that all amounts received by the Auditor pursuant to this Agreement are proper and in accordance therewith.

TWENTY-FOURTH: Non-discrimination. The Auditor agrees that its work under this Agreement shall comply with Section 33.1-53 of the Code of the City of Norfolk, Virginia, 1979, as amended, entitled "Employment Discrimination by Contractor Prohibited."

TWENTY-FIFTH: Insurance. The Auditor agrees to maintain professional liability insurance and commercial general liability and workers' compensation insurance in compliance with the Auditors' Proposal dated April 20, 2012.

[remainder of page intentionally left blank]

WITNESS the following signatures:

CITY OF NORFOLK

By: _____
City Manager

Date: 7/6/12

ATTEST:

for _____ 7-6-12
City Clerk Date

KPMG LLP

By: _____

Title: Partner

Date: 6/29/12

CONTENTS APPROVED:

_____ 6/21/12
City Auditor Date

_____ 6/29/12
Director of Finance Date

FORM AND CORRECTNESS APPROVED:

_____ 6/28/12
Deputy City Attorney Date

NORFOLK

Office of the City Manager

May 15, 2015

KPMG LLP
Attn: Ms. Cheryl Xystros, Partner
440 Monticello Ave
Suite 1900
Norfolk, Virginia 23510

Re: Agreement of Renewal #3 – Contract 13372, dated July 6, 2012.
Our File No.: 2014-163210-CSP-CT

Dear Ms. Xystros:

This letter is to inform you that the City of Norfolk ("City") hereby exercises its option to renew Contract 13372 ("Agreement") with KPMG LLP. The term of this renewal ("Agreement of Renewal #3) shall be from July 1, 2015 until June 30, 2016. As you are aware, there are no more renewal options available under the Agreement following this Agreement of Renewal #3.

In accordance with the terms of paragraphs FOURTH and TWELFTH of the Agreement, the City shall provide compensation, for services under this Agreement of Renewal #3, which shall not exceed the total of sums described in the following table:

City of Norfolk	$ 294,294
City of Norfolk-Single Audit	81,969
School Board	129,962
School Board-Single Audit	54,646
Economic Development Authority	11,927
Employees' Retirement System	30,706
Renewal #3 Total Compensation	**$ 603,504**

The last paragraph of the **TWELFTH** section of the Agreement is hereby amended and shall read as follows:

"If services for the audit extend beyond November 30, 2015, then the Auditor's fee for service provided after that date shall be increased by $50 per hour and if services extend beyond December 31, 2015 then the rate shall increase by $100 per hour for services rendered after that date. Should the scope of services expand for the work performed by the Auditor beyond provisions set forth in the FIRST section of this Agreement, additional compensation will be

810 Union Street, #1101 • Norfolk, VA 23510
Phone: 757-664-4242 • Fax: 757-664-4239

allowed in accordance with a mutually agreed upon written amendment to this Agreement, and subject to the authorization of the City Auditor, based on consultation with the City Director of Finance of the City of Norfolk or the Norfolk Public Schools Associate Superintendent of Finance of the Norfolk Public Schools, as applicable. The Auditor shall report all proposed expanded services or scope adjustments, with a reasonable estimate of billable hours priced at a negotiated hourly rate or fee not to exceed One Hundred Twenty Dollars ($120) per hour and not less than One Hundred Dollars ($100) per hour, on a weekly basis as the work progresses with respect to overages resulting from delays or missed deadlines and prior to the commencement of work for any other scope changes. Any billings for extended or expanded services or scope adjustments will be submitted to the City Auditor for written approval prior to payment. It is not anticipated that significant overages will occur. However, the $50 rate increase for hours incurred after November 30, 2015 and the $100 rate increase for hours incurred after December 31, 2015 will also be applied to any overages incurred after those dates. In addition, if the audit is not completed by January 20, 2016, due to City delays, KPMG may not have available personnel to complete the audit until after April 1, 2016. KPMG will make every effort to complete the audit as soon as possible."

All of the terms and conditions of the Agreement that are consistent with this Agreement of Renewal #3 and all attachments, if any, to the Agreement shall remain the same and are herein incorporated by reference. However, the last paragraph of the **TWELFTH** section of the Agreement is hereby amended and shall read as follows:

In performance under this Agreement of Renewal #3, KPMG LLP shall comply with all applicable federal, state and local laws and regulations.

The execution of this Agreement of Renewal #3 shall indicate acceptance of its terms and conditions. Please sign this letter where indicated below and return it. A fully endorsed copy will be returned for your record.

Sincerely,

CITY OF NORFOLK

By: _____
Marcus D. Jones
City Manager

ATTEST:

_____ 6/1/15
City Clerk Date

KPMG LLP

By: _____
Print Name: Cheryl L. Xystris
Print Title: Partner

CONTENT APPROVED:

Norfolk City Auditor

Director of Finance

FORM AND CORRECTNESS APPROVED:

Deputy City Attorney

CERTIFICATE OF FUNDING

I hereby certify that the money required for this Agreement of Renewal #3 is in the City Treasury to the credit of the fund from which it is to be drawn and not appropriated for any other purpose.

AMOUNT: $_____
ACCOUNT NO: _____
CONTRACT NO: _____
VENDOR NO: _____
BUSINESS LICENSE NO: _____

see page 4

Director of Finance Date

CERTIFICATE OF FUNDING

I hereby certify that the money required for this Agreement is in the City Treasury to the credit of the fund from which it is to be drawn and not appropriated for any other purpose.

GENERAL FUND	
AMOUNT:	$302,705
ACCOUNT NO:	1000 -4-070-178-5307
HEALTH CARE FUND	
AMOUNT:	$5,000
ACCOUNT NO:	6700-67-670-5307- ACT 669
RETIREMENT	
AMOUNT:	$30,706
ACCOUNT NO:	1000 -4-050-168-5307
WATER UTILITY FUND	
AMOUNT:	$28,191
ACCOUNT NO:	5300-33-010-676-5307
WASTEWATER UNTILITY FUND	
AMOUNT:	$17,348
ACCOUNT NO:	5200-34-100-706-5307
PARKING FUND	
AMOUNT:	$21,685
ACCOUNT NO:	5100-38-001-728-5307
STORM WATER FUND	
AMOUNT:	$1,334
ACCOUNT NO:	2300-35-010-712-5307
CONTRACT NO:	13372H
VENDOR NO:	KPMG, LLC

Total City Amount: $406,969

Contract Number: 13372H

Vendor Code: KPMG, LLP

Alice M. Kelly 5/19/15

Director of Finance Date

* As part of the audit contract the School Board and Economic Development Authority are paid for by these entities:

School Board	$184,608
EDA	$11,927

Total Contract Amount: $603,504

THE CITY OF NORFOLK

December 23, 2015

KPMG LLP
440 Monticello Avenue
Suite 1900
Norfolk, VA, 23510

Ladies and Gentlemen:

We are providing this letter in connection with your audit of the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, the aggregate remaining fund information, and the related notes to the financial statements, of the City of Norfolk, Virginia, (the City) as of and for the year ended June 30, 2015, for the purpose of expressing opinions as to whether these financial statements present fairly, in all material respects, the respective financial positions, changes in financial positions, and, where applicable, cash flows thereof in accordance with U.S. generally accepted accounting principles. We are also providing this letter to confirm our understanding that the purpose of your testing of transactions and records relating to the City's federal programs (A-133 audit) was to obtain reasonable assurance that the City had complied, in all material respects, with the requirements of laws, regulations, contracts and grants that could have a material effect on each of its major general programs to the year ended June 30, 2015.

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in the light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement.

We confirm, to the best of our knowledge and belief, having made such inquiries as we considered necessary for the purposes of appropriately informing ourselves, the following representations made to you during your audits:

1. We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter dated July 6, 2012, the Amendment for Renewal #1 dated May 6, 2013, the Amendment for Renewal #2 dated May 5, 2014, and the Amendment for Renewal #3 dated May 15, 2015, for the preparation and fair presentation of the financial statements in accordance with U.S. generally accepted accounting principles.

2. We have made available to you:

    a. All records, documentation, and information that is relevant to the preparation and fair presentation of the financial statements.

b. Unrestricted access and the full cooperation of personnel within the entity from whom you determined it necessary to obtain audit evidence.

c. All minutes of the meetings of the City Council, or summaries of actions of recent meetings for which minutes have not yet been prepared.

3. Except as disclosed to you in writing, there have been no:

a. Circumstances that have resulted in communications from the City's legal counsel to the City reporting evidence of a material violation of securities law or breach of fiduciary duty, or similar violation by the City or any agent thereof.

b. Communications from regulatory agencies, governmental representatives, employees, or others concerning investigations or allegations of noncompliance with laws and regulations in any jurisdiction, deficiencies in financial reporting practices, or other matters that could have a material adverse effect on the financial statements.

4. There are no:

a. Violations or possible violations of laws or regulations, whose effects should be considered for disclosure in the financial statements or as a basis for recording a loss contingency.

b. Unasserted claims or assessments that our lawyers have advised us are probable of assertion and must be disclosed in accordance with paragraphs 96 – 113 of Governmental Accounting Standards Board (GASB) Statement No. 62, *Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements.*

c. Other liabilities or gain or loss contingencies that are required to be accrued or disclosed by GASB Statement No. 62, paragraphs 96 – 113.

d. Material transactions, for example, grants and other contractual arrangements, that have not been properly recorded in the accounting records underlying the financial statements.

e. Events that have occurred subsequent to the date of the statement of net position and through the date of this letter that would require adjustment to or disclosure in the financial statements.

5. All known actual or possible litigation and claims have been accounted for and disclosed in accordance with GASB Statement No. 62, paragraphs 96 – 113.

6. There are no uncorrected financial statement misstatements to be included on a schedule of uncorrected financial statement misstatements.

7. We acknowledge our responsibility for the design, implementation and maintenance of programs and controls to prevent and detect fraud; for adopting sound accounting policies; and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the financial statements and to provide reasonable assurance against the possibility of misstatements that are material to the financial statements whether due to error or fraud. We understand that the term "fraud" includes misstatements arising from fraudulent financial reporting and misstatements arising from misappropriation of assets.

Misstatements arising from fraudulent financial reporting are intentional misstatements, or omissions of amounts or disclosures in financial statements to deceive financial statement users. Misstatements arising from misappropriation of assets involve the theft of an entity's assets where the effect of the theft causes the financial statements not to be presented in conformity with U.S. generally accepted accounting principles.

8. We have disclosed to you all deficiencies in the design or operation of internal control over financial reporting of which we are aware, which could adversely affect the City's ability to initiate, authorize, record, process, or report financial data. We have separately disclosed to you all such deficiencies that we believe to be significant deficiencies or material weaknesses in internal control over financial reporting, as those terms are defined in AU-C Section 265, *Communicating Internal Control Related Matters Identified in an Audit.*

9. We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.

10. We have no knowledge of any fraud or suspected fraud affecting the City's financial statements involving:

    a. Management;

    b. Employees who have significant roles in internal control over financial reporting; or

    c. Others where the fraud could have a material effect on the financial statements.

11. We have no knowledge of any allegations of fraud or suspected fraud affecting the City's financial statements received in communications from employees, former employees, analysts, regulators or others.

12. The City has no plans or intentions that may materially affect the carrying value or classification of assets, deferred outflows of resources, liabilities and deferred inflows of resources.

13. We have no knowledge of any officer or member of the City Council, or any other person acting under the direction thereof, having taken any action to fraudulently influence, coerce, manipulate or mislead you during your audit.

14. The following have been properly recorded or disclosed in the financial statements:

    a. Related party relationships and transactions of which we are aware in accordance with the requirements of U.S. generally accepted accounting principles, including sales, purchases, loans, transfers, leasing arrangements, guarantees, ongoing contractual commitments, and amounts receivable from or payable to related parties.

       The term "related party" refers to government's related organizations, joint ventures, and jointly governed organizations, as defined in GASB Statement No. 14, *The Financial Reporting Entity, as amended*; elected and appointed officials of the government; its management; members of the immediate families of elected or appointed officials of the government and its management; and other parties with which the government may deal if one party can significantly influence the management or operating policies of the other to an extent that one of the transacting parties might be prevented from fully pursuing its own separate interests. Another party also is a related party if it can significantly influence the

management or operating policies of the transacting parties or if it has an ownership interest in one of the transacting parties and can significantly influence the other to an extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests.

b. Guarantees, whether written or oral, under which the City is contingently liable.

c. Arrangements with financial institutions involving compensating balances or other arrangements involving restrictions on cash balances, lines of credit or similar arrangements.

d. Agreements to repurchase assets previously sold, including sales with recourse.

e. Changes in accounting principle affecting consistency.

f. The existence of and transactions with joint ventures and other related organizations.

15. The City has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets, nor has any asset been pledged as collateral, except as disclosed in the financial statements or notes to the financial statements.

16. The City has complied with all aspects of laws, regulations, contractual agreements, donor restrictions, and grants that may affect the financial statements, including noncompliance.

17. Management is responsible for compliance with the laws, regulations, donor restrictions, and provisions of contracts and grant agreements applicable to the City. Management has identified and disclosed to you all laws, regulations, donor restrictions, and provisions of contracts and grant agreements that have a direct and material effect on the determination of financial statement amounts.

18. The City's reporting entity includes all entities that are component units of the City. Such component units have been properly presented as either blended or discrete. Investments in joint ventures in which the City holds an equity interest have been properly recorded on the statement of net position. The financial statements disclose all other joint ventures and other related organizations.

19. The financial statements properly classify all funds and activities, including governmental funds, which are presented in accordance with the fund type definitions in GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*.

20. All funds that meet the quantitative criteria in GASB Statement No. 34, *Basic Financial Statements—and Management's Discussion and Analysis—for State and Local Governments*, for presentation as major are identified and presented as such, and all other funds that are presented as major are considered to be particularly important to financial statement users by management.

21. Interfund, internal, and intra-entity activity and balances have been appropriately classified and reported.

22. Amounts advanced to related entities represent valid receivables and are expected to be recovered at some future date in accordance with the terms of related agreements.

23. Receivables reported in the financial statements represent valid claims against debtors arising on or before the date of the statement of net position and have been appropriately reduced to their estimated net realizable value.

24. Deposits and investment securities are properly classified and reported.

25. The City is responsible for the fair value of certain investments as required by GASB Statement No. 31, *Accounting and Financial Reporting for Certain Investments and for External Investment Pools,* as amended. The amounts reported represent the City's best estimate of fair value of investments required to be reported under the Statement. The City also has disclosed the methods and significant assumptions used to estimate the fair value of its investments, and the nature of investments reported at amortized cost.

26. The City has identified and properly reported all of its derivative instruments and any related deferred outflows of resources or deferred inflows of resources related to hedging derivative instruments in accordance with GASB Statement No. 53, *Accounting and Financial Reporting for Derivative Instruments.* The City complied with the requirements of GASB Statement No. 53 related to the determination of hedging derivative instruments and the application of hedge accounting. Further, the City has disclosed all material information about its derivative and hedging arrangement in accordance with GASB Statement No. 53.

27. The following information about financial instruments with off-balance-sheet risk and financial instruments with concentrations of credit risk has been properly disclosed in the financial statements:

    a. The extent, nature, and terms of financial instruments with off-balance-sheet risk;

    b. The amount of credit risk of financial instruments with off-balance-sheet credit risk, and information about the collateral supporting such financial instruments; and

    c. Significant concentrations of credit risk arising from all financial instruments and information about the collateral supporting such financial instruments.

28. We believe that all material expenditures or expenses that have been deferred to future periods will be recoverable.

29. Capital assets, including infrastructure assets, are properly capitalized, reported and, if applicable, depreciated. All jointly owned assets are appropriately recorded as City and School Board assets.

30. The City and Schools have mutually agreed that all School's buildings improvements, irrespective of financing source, are recorded on the City's general ledger. Consequently, no School's buildings or building improvements are recorded within the School's general ledger.

31. The City has properly applied the requirements of GASB Statement No. 51, *Accounting and Financial Reporting for Intangible Assets,* including those related to the recognition of outlays associated with the development of internally generated computer software.

32. The City has no:

    a. Commitments for the purchase or sale of services or assets at prices involving material probable loss.

    b. Material amounts of obsolete, damaged, or unusable items included in the inventories at greater than salvage values.

    c. Loss to be sustained as a result of other-than-temporary declines in the fair value of investments.

33. For variable-rate demand bond obligations that are reported as general long-term debt or excluded from current liabilities of proprietary funds, we believe all of the conditions described in GASB Interpretation No. 1, *Demand Bonds Issued by State and Local Government Entities,* have been met.

34. The City has complied with all tax and debt limits and with all debt related covenants.

35. We have received opinions of counsel upon each issuance of tax-exempt bonds that the interest on such bonds is exempt from federal income taxes under section 103 of the Internal Revenue Code of 1986, as amended. There have been no changes in the use of property financed with the proceeds of tax-exempt bonds, or any other occurrences, subsequent to the issuance of such opinions, that would jeopardize the tax-exempt status of the bonds. Provision has been made, where material, for the amount of any required arbitrage rebate.

36. We believe the actuarial assumptions and methods used to measure financial statement liabilities and costs associated with other post-employment benefits and to determine information related to the City's funding progress related to such benefits for financial reporting purposes are appropriate in the City's circumstances and the related actuarial valuation was prepared in conformity with U.S. generally accepted accounting principles.

37. For each defined benefit pension plan in which the City is a participating employer:

    a. The net pension liability, related deferred outflows of resources, deferred inflows of resources, and pension expense has been properly measured and recorded as of the measurement date in accordance with the provisions of GASB Statement No. 68, *Accounting and Financial Reporting for Pensions*.

    b. All relevant plan provisions in force as of the measurement date have been properly reflected in the measurement of the net pension liability and pension expense.

    c. We believe the actuarial assumptions and methods used to measure the net pension liability and pension expense are appropriate in the circumstances and the related actuarial valuation was prepared in conformity with U.S. generally accepted accounting principles.

    d. The participants' data provided to the actuary for purpose of determining the net pension liability and pension expense is materially accurate and complete.

    e. The basis for our proportion of the collective pension amounts is appropriate and consistent with the manner in which contributions to the pension plan are determined.

    f. The net pension liability, deferred outflows of resources, deferred inflows of resources, and pension expense have been properly allocated to proprietary and fiduciary funds based on each fund's direct and indirect (for example, through a fringe benefit cost recovery rate) payment of employer contributions relative to total employer contributions of the City as a whole.

38. Provision has been made in the financial statements for the City's pollution remediation obligations. We believe that such estimate has been determined in accordance with the provisions of GASB Statement No. 49, *Accounting and Financial Reporting for Pollution Remediation Obligations* and is reasonable based on available information.

39. The City has identified and properly accounted for and presented all deferred outflows of resources and deferred inflows of resources.

40. Components of net position (net investment in capital assets; restricted; and unrestricted) and fund balance components (nonspendable; restricted; committed; assigned; and unassigned) are properly classified and, if applicable, approved.

41. Revenues are appropriately classified in the statement of activities within program revenues, general revenues, contributions to term or permanent endowments, or contributions to permanent fund principal.

42. The City has identified and properly accounted for all nonexchange transactions.

43. Expenses have been appropriately classified in or allocated to functions and programs in the statement of activities, and allocations have been made on a reasonable basis.

44. Special and extraordinary items are appropriately classified and reported.

45. The financial statements disclose all of the matters of which we are aware that are relevant to the entity's ability to continue as a going concern, including significant conditions and events, and our plans.

46. We have disclosed to you all accounting policies and practices we have adopted that, if applied to significant items or transactions, would not be in accordance with U.S. generally accepted accounting principles. We have evaluated the impact of the application of each such policy and practice, both individually and in the aggregate, on the City's current period financial statements and our assessment of internal control over financial reporting, and the expected impact of each such policy and practice on future periods' financial reporting. We believe the effect of these policies and practices on the financial statements and our assessment of internal control over financial reporting is not material. Furthermore, we do not believe the impact of the application of these policies and practices will be material to the financial statements in future periods.

47. We agree with the findings of specialists in evaluating the self-insurance and pension other post-employment obligations and have adequately considered the qualifications of the specialist in determining the amounts and disclosures used in the financial statements and underlying accounting records. We did not give or cause any instructions to be given to specialists with respect to the values or amounts derived in an attempt to bias their work, and we are not otherwise aware of any matters that have had an impact on the independence or objectivity of the specialists. We believe that the actuarial assumptions and methods used to measure pension liabilities and costs for financial accounting disclosure purposes provided by Virginia Retirement System in conjunction with their actuaries are appropriate.

48. We acknowledge our responsibility for the presentation of the supplementary information in accordance with the applicable criteria and/or prescribed guidelines and:

    a. Believe the supplementary information, including its form and content, is fairly presented in accordance with the applicable criteria.

    b. The methods of measurement or presentation of the supplementary information have not changed from those used in the prior period.

c. The significant assumptions or interpretations underlying the measurement or presentation of the supplementary information are reasonable and appropriate in the circumstances.

49. In accordance with *Government Auditing Standards*, we have identified to you all previous audits, attestation engagements, and other studies that relate to the objectives of this audit, including whether related recommendations have been implemented.

50. KPMG assisted management in drafting the financial statements and notes. In accordance with *Government Auditing Standards*, we confirm that we have reviewed, approved, and accept responsibility for the financial statements and notes.

51. We are responsible for establishing and maintaining effective internal control over compliance for federal programs that provides reasonable assurance that federal awards are administered in compliance with laws, regulations, and the provisions of contracts or grant agreements.

52. We are responsible for understanding and complying with the requirements of laws and regulations and the provisions of contracts and grant agreements related to each of the City's federal programs.

53. We are responsible for taking corrective action on audit findings of the compliance audit.

54. We are responsible for the design and implementation of programs and controls to prevent and detect fraud in the administration of federal programs. We have no knowledge of any fraud or suspected fraud affecting the entity's federal programs involving:

    a. Management, including management involved in the administration of federal programs.

    b. Employees who have significant roles in internal control over the administration of federal programs.

    c. Others where the fraud could have a material effect on compliance with laws and regulations, and provisions of contract and grant agreements related to its federal programs.

55. We are responsible for the presentation of the schedule of expenditures of federal awards (SEFA) in accordance with OMB Circular A-133 and:

    a. The methods of measurement or presentation of the supplementary information have not changed from those used in the prior period.

    b. The significant assumptions or interpretations underlying the measurement or presentation of the supplementary information are reasonable and appropriate in the circumstances.

Additionally, we confirm, to the best of our knowledge and belief, as of December 23, 2015, the following representations made to you during your A-133 audit:

56. The City is responsible for complying, and has complied, with the requirements of OMB Circular A-133.

57. The City has prepared the SEFA in accordance with the requirements of OMB Circular A- 133 and:

    a. Has included all expenditures made during the year ended June 30, 2015, for all awards provided by federal agencies in the form of grants, American Recovery and Reinvestment Act

(ARRA) awards, federal cost-reimbursement contracts, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other assistance.

b. Appropriately identified and separated all ARRA awards, if any, within the SEFA.

58. The City has complied with requirements of laws and regulations, and the provisions of contracts and grant agreements related to each of its federal programs.

59. We have disclosed to you any interpretations of any compliance requirements that have varying interpretations.

60. The City has established and maintained effective internal control over compliance for federal programs that provides reasonable assurance that federal awards are administered in compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a material effect on a federal program.

61. We have communicated to you all significant deficiencies and material weaknesses in the design or operation of internal control over compliance that we have identified, which could adversely affect the City's ability to administer a major federal program in accordance with the applicable requirements of laws, regulations, and the provisions of contracts and grant agreements. Under standards established by the American Institute of Certified Public Accountants, a deficiency in internal control over compliance exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and collect on a timely basis, noncompliance with a type of compliance requirement of a federal program. A "material weakness" is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a compliance requirement will not be prevented, or detected and corrected on a timely basis. A "significant deficiency" is a deficiency, or a combination of deficiencies, in internal control over compliance with a compliance requirement that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

62. We have identified and disclosed to you the requirements of laws, regulations, and the provisions of contracts and grant agreements that are considered to have a direct and material effect on each major federal program.

63. We have made available all contracts and grant agreements (including amendments, if any) and any other correspondence with federal agencies or pass-through entities related to major federal programs.

64. We have made available all documentation related to the compliance requirements, including information related to federal financial reports and claims for advances and reimbursements for major federal programs.

65. We have identified and disclosed to you all questioned costs and any known noncompliance with the requirements of federal awards, including the results of other audits or program reviews.

66. We have disclosed to you any communications from grantors and pass-through entities concerning possible noncompliance with the applicable compliance requirements, including communications received from the end of the period covered by the compliance audit to the date of the auditor's report.

67. We have disclosed to you the findings received and related corrective actions taken for previous audits, attestation engagements, and internal or external monitoring that directly relate to the objectives of the compliance audit, including findings received and collective actions taken from the end of the period covered by the compliance audit to the date of the auditor's report.

68. The City is in compliance with documentation requirements contained in OMB Circular A- 87, "Cost Principles for State, Local and Tribal Governments" for all costs charged to federal awards, including both direct costs and indirect costs charged through cost allocation plans or indirect cost proposals. Costs charged to federal awards are considered allowable under the applicable cost principles contained in OMB Circular A-87.

69. Federal financial reports and claims for advances and reimbursements are supported by the accounting records from which the financial statements have been prepared.

70. The copies of federal financial reports provided to you are true copies of the reports submitted, or electronically transmitted, to the federal agency or pass-through entity, as applicable.

71. We have monitored subrecipients to determine that they have expended pass-through assistance in accordance with applicable laws and regulations and have met the requirements of OMB Circular A-133. If applicable, the City has issued management decisions on a timely basis after receipt of subrecipient audit reports that identified noncompliance with laws, regulations, or the provisions of contracts or grant agreements and has ensured that subrecipients have taken appropriate and timely corrective action on such findings.

72. If applicable, we have considered the results of subrecipient audits and have made any necessary adjustments to the City accounting records.

73. We are responsible for, and have accurately prepared, the summary schedule of prior audit findings to include all findings required to be included by OMB Circular A-133.

74. If applicable, we have provided you with all information on the status of the follow-up on prior audit findings by federal awarding agencies and pass-through entities, including all management decisions.

75. We have advised you of all contracts or other agreements with service organizations.

76. If applicable, the City has disclosed to you all communications from its service organizations.

77. We have disclosed any known noncompliance occurring subsequent to the period for which compliance is audited.

78. We have disclosed whether any changes in internal control over compliance or other factors that might significantly affect internal control, including any corrective action taken by management with regard to significant deficiencies (including material weaknesses), have occurred subsequent to the date as to which compliance is audited.

Further, we confirm that we are responsible for the fair presentation in the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City, and the related notes to the financial statements, in conformity with U.S. generally accepted accounting principles. We are also responsible for establishing and maintaining effective internal control over financial reporting.

Very truly yours,

City of Norfolk, Virginia

Marcus D. Jones

City Manager

Christine Garczynski

Acting Director of Finance

Company FY15 City of Norfolk - Go

Summary of Corrected Audit Misstatements

For Year Ended 6/30/2015

Amounts in Millions

Method Used to Quantity Audit Misstatements Income Statement Method (Roll Over)

KPMG notes the corrected audit misstatement impacts only the Governmental Activties balances

Detailed instructions on automatically populating the audit misstatements from the Tracker are provided in the "Instructions" tab.

							Income Statement Effect - Debit (Credit)	Balance Sheet Effect - Debit (Credit)					Cash Flow Effect - Increase (Decrease)			Statement of Comprehensive Income - Debit (Credit)
ID	Description of misstatement	Type of misstatement	Identified During	Accounts	Debit	(Credit)	Income Effect Debit (Credit)	Equity	Current Assets	Noncurrent Assets	Current Liabilities	Noncurrent Liabilities	Operating Activities	Investing Activities	Financing Activities	Comprehensive Income
				Total income effect of corrected audit misstatements – interim			**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
AM-1	KPMG notes these FY15 fixed asset additions have not been entered into the fixed asset system and therefore deprecation has not commenced. Per discussion with Bea Ebner, Senior Accounting Manager, it is the City's policy not to enter additions in to the fixed asset system until after KPMG's audit has been completed. Due to the large amount of additions, specifically the Courthouse and Slover Library, in addition to other items, KPMG performed an analysis to determine the effect on depreciation expense that could be understated utilizing the most aggressive depreciation life per the City's policy for each item not included in the depreciation system at year-end (i.e., CIP Projects transferred to FA, equipment purchased with bond proceeds). The City of Norfolk booked an entry for depreciation related to Slover Library, Courthouse, and other improvements.	Factual	Final	Depreciable capital assets, net - Governmental activities	0	(2,644,400)	0	2,644,400	0	(2,644,400)	0	0	0	0	0	0
				Expenses -Governmental activities	2,644,400	0	2,644,400	0	0	0	0	0	0	0	0	2,644,400
				Total income effect of corrected audit misstatements – final			**2,644,400**	**2,644,400**	**0**	**(2,644,400)**	**0**	**0**	**0**	**0**	**0**	**2,644,400**

CITY OF NORFOLK
OFFICE OF THE MAYOR

PAUL D. FRAIM
MAYOR

January 8, 2016

The Honorable Angelia Williams Graves
The Honorable Mamie B. Johnson
The Honorable Andrew A. Protogyrou
The Honorable Paul R. Riddick
The Honorable Thomas R. Smigiel, Jr.
The Honorable Theresa W. Whibley
The Honorable Barclay C. Winn

Ladies and Gentlemen:

Pursuant to Section 12 of the City Charter, I hereby call a special meeting of the Council to meet at 4:00 P.M., January 12, 2016, in the 10th floor conference room at City Hall for a Business Meeting.

Thank you,

Paul D. Fraim
Mayor

cc: Mr. Marcus Jones, City Manager
Mr. Bernard A. Pishko, City Attorney
Mr. R. Breckenridge Daughtrey, City Clerk

810 Union Street • Suite 1001 • Norfolk, Virginia 23510 • (757) 664-4679 • (757) 441-2909 • paul.fraim@norfolk.gov

CITY OF NORFOLK
OFFICE OF THE MAYOR

Paul D. Fraim
Mayor

January 8, 2016

The following meetings will take place on Tuesday, January 12, 2016:

1. 4:00 P.M. Finance, Administration and Economic Development (FAED) Committee Meeting with the Retirement Board, 10th floor conference room at City Hall.

2. 5:00 P.M. Council to assemble in the 10th floor conference room at City Hall for a Business Meeting.

3. 7:00 P.M. Regular Council Meeting.

810 Union Street • Suite 1001 • Norfolk, Virginia 23510 • (757) 664-4679 • (757) 441-2909 • paul.fraim@norfolk.gov

NORFOLK, VIRGINIA

DOCKET FOR THE COUNCIL

TUESDAYJANUARY 12, 2016 – 7:00 P.M.

Prayer to be offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

PUBLIC HEARINGS

PH-1 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Lease Agreement** between the City of Norfolk and **Tidewater Utility Construction, Inc.**, for the **Lease** of certain city owned property located at **1000 Monticello Avenue, 830 Holt Street, and 317 Chapel Street.**

PH-2 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving the release of a **Utility and Drainage Easement** over a portion of the former right-of-way of **South Cape Henry Avenue**.

REGULAR AGENDA

R-1 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named **'Jessy's Taco Bistro'** on property located at **328 West 20th Street**," will be introduced in writing and read by its title.

R-2 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named **'The Pancake House and Grill'** on property located at **7633 Granby Street**," will be introduced in writing and read by its title.

R-3 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as **'Mambo Room Latin Dance Studio'** on property located at **419 West 22nd Street**," will be introduced in writing and read by its title.

R-4 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment, not yet named, on property located at **428 and 430 West 24th Street, Suite A**," will be introduced in writing and read by its title.

R-5 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as **'Grace O' Malley's Irish Pub and Restaurant'** on property located at **207 Granby Street, Suites 211 and 213**," will be introduced in writing and read by its title.

R-6 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as **'Toast'** on property located at **2406 Colonial Avenue, Unit A**," will be introduced in writing and read by its title.

R-7 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the resumption of a nonconforming use in accordance with the provisions of **Section 12-9** of the **Zoning Ordinance of the City of Norfolk, 1992**, as amended on property located at **517 Warren Crescent and 533 Mill Street**," will be introduced in writing and read by its title.

R-8 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known **as 'Starving Artist Café'** on property located at **4408 Colley Avenue**," will be introduced in writing and read by its title.

R-9 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of an **Automobile and Truck Repair** facility named **'J M & M Automotive'** on property located at **5633 East Virginia Beach Boulevard**," will be introduced in writing and read by its title.

R-10 Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as **'Mermaid Vineyard and Winery'** on property located at **330 West 22nd Street, Suites 104, 105 and 106**," will be introduced in writing and read by its title.

R-10A An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as **'Mermaid Vineyard and Winery'** on property located at **330 West 22nd Street, Suites 104, 105 and 106**," will be introduced in writing and read by its title.

R-11 Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend and reordain **Chapter 5, Article II** of the **Norfolk City Code, 1979**, is hereby amended and reordained **SO AS TO** remove the mandatory minimum seating requirements and the prohibition of minors whenever alcoholic beverages are served or sold at public dance halls," will be introduced in writing and read by its title.

R-12 Letter from the City Manager and an Ordinance entitled, "An Ordinance finding a public necessity for the acquisition in fee simple of certain property located at **107 North Shore Road** for the purpose of construction of a new wastewater pump station; approving the acquisition of the property by **Purchase Agreement** or condemnation; and authorizing the expenditure of a sum of up to $195,000.00 from funds heretofore appropriated for acquisition of the property and all related transactional costs," will be introduced in writing and read by its title.

R-13 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a $32,516 **Commonwealth of Virginia, Department of Environmental Quality Grant for Litter Prevention, Recycling and Environmental Educational Programs** and appropriating and authorizing the expenditure of the grant funds for the programs," will be introduced in writing and read by its title.

R-14 Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting the **Colonial Place/Riverview Civic League** to encroach into the right of way at the traffic circle at the corner of **Colonial Avenue and Delaware Avenue** with the placement of a mermaid sculpture," will be introduced in writing and read by its title.

R-15 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a $32,600.00 grant award from the **U.S. Department of Homeland Security Federal Emergency Management Agency** through the **Virginia Department of Emergency Management**, appropriating and authorizing the expenditures of the funds for the **FY15 State Homeland Security Program** and authorizing the expenditure for the purchase of hazardous materials team equipment for the **Department of Fire-Rescue**," will be introduced in writing and read by its title.

R-16 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting an additional grant award in the amount of $137,327.00 from the **Federal Emergency Management Agency** through **the Hazard Mitigation Grant Program** which includes $27,465.40 from the **Commonwealth of Virginia** and $6,866.35 as a cash match from the property owners through the **Hazard Mitigation Grant Program** for the City of Norfolk elevation of four (4) residential structures project and appropriating and authorizing the expenditure of the funds for the project," will be introduced in writing and read by its title.

R-17 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting the sum of $126,522.00 to the **D 'Art Center**, appropriating the grant funds, authorizing their expenditure, and authorizing the City Manager to enter into a **Grant Agreement** with the **D 'Art Center**," will be introduced in writing and read by its title.

City of NORFOLK

C: Dir., Department of General Services

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: David S. Freeman, AICP
Director of General Services

Subject: Lease of city-owned properties to Tidewater Utility Construction, Inc.

Reviewed: _____
Sabrina Joy-Hogg, Deputy City Manager

Ward/Superward: 2/6

Approved: _____
Marcus D. Jones, City Manager

Item Number: **PH-1**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Tidewater Utility Construction, Inc.

III. **Description:**
This agenda item is an ordinance to lease parcels of land, owned by the City of Norfolk ("city"), to Tidewater Utility Construction, Inc. ("TUC"). TUC will be utilizing these "laydown areas" for the temporary storage of their construction equipment, as TUC will be installing, removing, and relocating sanitary sewer lines for the City. These parcels are located at 1000 Monticello Avenue, 830 Holt Street, and 317 Chapel Street. The city will be an insured party throughout TUC's use of the property.

IV. **Analysis**
TUC will need these temporary particular laydown areas for the storage of their construction equipment, which will be utilized during the sanitary sewer lines work that is being conducted for the city, and the proposed term for TUC's use of these areas is 20 months.

V. **Financial Impact**

Cost for Lease (Monticello Ave.)	$1,500.00 per month during course of lease
Cost for Lease (Holt/Chapel St.)	$1,125.00 per month during course of lease

VI. **Environmental**
There are no known environmental issues associated with this property.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This ordinance has been coordinated with the Department of General Services – Office of Real Estate and the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance
- Exhibit A – Proposed Lease Agreement

12/21/2015-wld

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF NORFOLK AND TIDEWATER UTILITY CONSTRUCTION, INC., FOR THE LEASE OF CERTAIN CITY OWNED PROPERTY LOCATED AT 1000 MONTICELLO AVENUE, 830 HOLT STREET, AND 317 CHAPEL STREET; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE AGREEMENT ON BEHALF OF THE CITY.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the Lease Agreement between the City of Norfolk and Tidewater Utility Construction, Inc. for the lease of certain City owned property located at 1000 Monticello Avenue, 830 Holt Street and 317 Chapel Street, a copy of which is attached here to as Exhibit A, is hereby approved.

Section 2:- That the City Manager and other proper officers of the City are authorized to execute the Lease Agreement for and on behalf of the City, and to do all things necessary and proper to carry out its terms.

Section 3:- That the City Manager is further authorized to correct, amend or revise the Lease Agreement as may be necessary in order to carry out the intent of the Council as expressed in this ordinance.

Section 4:- That this ordinance shall be in effect from and after 30 days from the date of its adoption.

EXHIBIT A TO ORDINANCE

Prepared by: Office of the Norfolk City Attorney
Nathaniel Beaman IV, Deputy City Attorney (VSB#18486)
Return to: Office of the Norfolk City Attorney
Tax Map Reference Nos.: 7971-4210, 8291-1000 and 8291-4600

LEASE AGREEMENT

THIS LEASE AGREEMENT, ("Lease") made this _____day of _____, 2016, by and between the **CITY OF NORFOLK,** a municipal corporation of the Commonwealth of Virginia, ("**Lessor"**), and **TIDEWATER UTILITY CONSTRUCTION, INC.**, a Virginia corporation, (**"Lessee"**).

WITNESSETH:

WHEREAS, the City owns certain properties located at 1000 Monticello Avenue, also known as Cedar Grove parking lot ("Monticello Avenue Property"), 830 Holt Street ("Holt Street Property"), and 317 Chapel Street ("Chapel Street Property"), said properties being shown on Exhibit A and Exhibit B attached hereto (collectively referred to as the "Properties"); and

WHEREAS, TUC is currently under contract with the City for the construction and improvement of City sewers (the "Project"); and

WHEREAS, in order to safely store equipment needed for the Project, TUC is in need of an appropriate storage area in which to store its equipment; and

WHEREAS, TUC has requested permission to utilize the Properties for such purpose, to which the City is agreeable upon certain terms and conditions.

NOW, THEREFORE, in consideration of the premises and the mutual convenants contained herein, the parties hereby agree as follows:

1. PROPERTIES: Lessor does hereby demise and lease unto Lessee, and Lessee does hereby lease from Lessor, the Properties described above and shown on Exhibit A and Exhibit B attached hereto.

2. USE: Lessee covenants and agrees to use and occupy the Properties as a "lay down area" for the storage of construction equipment related to the installation, removal and/or relocation of sanitary sewer lines in the City of Norfolk.

3. LEASE TERM: The term of this Lease shall be 20 months ("Term"), commencing on the date the ordinance approving this Lease becomes effective ("Effective Date") and terminating 20 months thereafter, without notice or demand.

4. RENT: Rent shall be made payable to the Norfolk City Treasurer. The rent amount shall be as follows:

Monticello Avenue Property: $1,500.00 per month.
Holt Street Property and Chapel Street Property: $1,125.00 per month.

The rent shall be paid in advance in monthly installments made promptly on the first day of each month during the term of this Lease without demand and without offset or deduction. No payment by Lessee or receipt by Lessor of a lesser amount than the total installment due shall be deemed other than on account of the earliest stipulated rent, nor shall any endorsement or statement on any check or payment, or any writing accompanying any check or payment of such rent, be deemed an accord and satisfaction, and Lessor may accept such check or payment without prejudice to Lessor's right to recover the balance of such rent or pursue any other remedy provided in this Lease.

5. PRO-RATED RENT: Upon execution of this Lease, Lessee shall pay to Lessor pro-rated rent for the perod of time Lessee occupied the Properties under the Right of Entry Agreement dated December 15, 2015, such period of time to be calculated from the date the Right of Entry Agreement was fully executed to the last day of the month in which this Lease became effective.

The rent for the last month of the Lease Term shall be pro-rated as may be appropriate.

6. PAST DUE RENT AND LATE CHARGES: Lessee hereby acknowledges that late payment by Lessee to Lessor of rent or other sums due hereunder will cause Lessor to incur costs not contemplated by this Lease, the exact amount of which will be extremely difficult to ascertain. Such costs include, but are not limited to, processing and accounting charges. In the event Lessee shall fail to pay, when the same is due and payable, any Rent, charges or adjustments, and if said sums have not been paid within five (5) days of their due date, then Lessee shall pay to Lessor a "Late Charge" of five percent (5%) of the amount due on all rents. Lessee further covenants and agrees to pay Lessor as a "bad check" or returned check charge the amount of Fifty Dollars ($50.00) per bad check.

7. NO JOINT VENTURE: It is hereby agreed that nothing contained in this Lease shall be deemed or construed as creating a partnership or joint venture between Lessor and Lessee, or between Lessor and any other party, or cause either party to be responsible in any way for the debts or obligations of the other party.

8. NO ASSIGNMENT OR SUBLEASE: Lessee covenants not to assign, mortgage or encumber this Lease nor sublet or suffer or permit the Properties or any portion thereof to be used by others. The transfer of fifty percent (50%) or more of Lessee's stock, if Lessee is a corporation, or the transfer of twenty-five percent (25%) or more partnership interest in Lessee, if Lessee is a partnership, or the dissolution of Lessee as a corporation or partnership, is regarded as an assignment of the Lease, and the same is not permitted without the prior written consent of the Lessor. Lessee and any guarantors shall remain liable for this Lease, its terms and covenants in such event that the Lessor does grant consent to an assignment or sublease, and shall guarantee the performance of the assignee or sublessee without the need for guarantor's signature or consent thereto.

9. INDEMNIFICATION AND LESSEE'S INSURANCE:

9.1 Lessee, at its own cost and expense, shall obtain and maintain General Liability Insurance, insuring and naming the Lessor as an additional insured, for the joint and separate benefit of Lessor and Lessee in an amount not less than $2,000,000 for injury to or death of any person or persons, $4,000,000 for any one occurrence, and $1,000,000 for property damage, or in such higher limits as shall be reasonably required by Lessor.

9.2 Lessee agrees to look solely to the proceeds of Lessee's own insurer for indemnity against exposure for casualty losses of property or business interruption. Lessee warrants that its liability, property and business interruption insurers shall have no rights against Lessor by virtue of assignment loan agreement or otherwise.

9.3 Lessor shall not be responsible or liable for injuries to persons, including death or damage to Properties, when such injuries or damages are caused by or result from Lessee's use of the Properties under the terms of this Agreement, and Lessee agrees to indemnify and hold harmless Lessor from and against any and all claims, demands, suits, actions and judgments of any kind or nature whatsoever, including costs and expenses, for any personal injury or Properties damage to any person, or Properties, arising or resulting, directly or indirectly, from Lessee's use of the Properties under this Agreement.

10. ACCEPTANCE OF PROPERTIES: Lessee hereby agrees to accept the Properties from the Lessor as they are found by Lessee in "as is and where is" condition.

11. MAINTENANCE BY LESSEE: Lessee covenants that it will, during the Term hereof, and at its own cost and expense, be responsible for the following:

With respect to the Monticello Avenue Property:

a. A chain link fence with a lock must be installed.
b. The grass must be kept properly mowed within and around the fenced areas.
c. The property must be planted and re-seeded upon termination of the Lease.
d. Potholes and depressions, whenever identified within the property or within entry or exit paths, must be fixed.
e. Asphalt areas and accesses must by milled and re-paved, if necessary, upon termination of the Lease.

With respect to the Holt Street Property and the Chapel Street Property:

a. A chain link fence with a lock must be installed.
b. The grass must be kept properly mowed within and around the fenced areas.
c. The property and accesses must be planted and re-seeded upon termination of the Lease.
d. A construction entrance on Mariner Street and/or a replacement driveway apron on Chapel Street must be installed.
e. Lights may be required on the fence at the City's discretion.

12. ADDITIONAL COVENANTS BY LESSEE:

(a) Lessee shall not make alterations, additions or improvements to the Properties without first obtaining Lessor's written approval and consent.

(b) Lessee will not use nor permit the Properties to be used for any illegal or immoral purpose. Lessee hereby agrees to comply with all Federal, State and Municipal laws, ordinances and regulations as they relate to Lessee's business and/or to the Properties in which the Lessee's business is located, and the use, storage and disposal of hazardous substances.

(c) Lessee shall notify Lessor in writing of all accidents or security-related incidents, (i.e. crimes against person(s) and property), which occur in or about the Properties.

13. LESSOR'S INSPECTION AND ACCESS: Lessor or its agents, employees and/or contractors shall have the right to enter the Properties at any reasonable time to examine the same; to show the Properties to prospective purchasers, lenders, or prospective Lessees of the Properties; and to make such repairs, alterations, improvements or additions as Lessor may deem necessary or desirable. If Lessee is not personally present to permit entry and an entry is necessary, Lessor or its agents may, in the case of emergency, or if the Properties are unsecured and temporarily unoccupied, forcibly enter or secure the same, or take such other steps to address the emergency that Lessor deems appropriate, without rendering Lessor or its agents liable therefore. Otherwise, all such work and installation shall be done, so far as practical, so as not to unreasonably interfere with Lessee's use of the Properties. The exercise of any of these reserved rights by Lessor shall not be deemed as an eviction or disturbance of Lessee's use, possession and quiet enjoyment of the Properties, and shall never render Lessor liable in any manner to Lessee or any other person.

14. WAIVER OF SUBROGATION: Lessor and Lessee waive all right of recovery against each other for any loss in or about the Properties, from perils insured against and under the fire insurance contract, including any all risk endorsements thereof, whether due to negligence or any other cause. This release of liability shall be operative only as long as waiver of subrogation clauses are available on insurance policies, in the amounts, form, kinds and with a company satisfactory to Lessor.

15. INDEMNITY AGAINST LIENS: Lessee agrees that it will, at all times during the Term of this Lease, take any and all steps necessary to prevent the filing of mechanics liens against the Properties. Lessee further agrees to indemnify and save the Lessor harmless from and against any and all liabilities incurred by Lessee or claimed or charged against the Properties. Lessee shall promptly pay, or otherwise discharge, any and all such claims, expenses and liens, including the mechanic's materialmen's and other laborer's liens asserted or claimed against the Properties or any part thereof. In no event shall Lessor or any of the Lessor's property be liable for or chargeable with any expense or lien for work, labor or materials used for and in the Properties; or for any improvements thereof or changes made upon the order of Lessee, or to discharge the obligations of the Lessee.

16. FORCE MAJEURE: In the event that either party hereto shall be delayed or hindered in, or prevented from, the performance of any act required hereunder by reason of strikes, lock-outs, labor troubles, inability to procure materials, failure of power, restrictive governmental laws or regulations, riots, insurrection, war or other reason of a like nature, not the fault of the party delayed in performing the work or doing acts required under the terms of this Lease, then performance of such acts shall be excused for the period of the delay; and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay; provided, however, that the provisions of this Lease Article shall not operate to release Lessee from this Lease nor to excuse Lessee, nor shall Lessee in any event be excused from prompt payment of Base Rent, Percentage Rent, Additional Rent, Additional Rent adjustments and all other charges due Lessor by Lessee.

17. EMINENT DOMAIN: If all the Properties are condemned or taken by the power of eminent domain exercised by any governmental or quasi-governmental authority, this Lease shall terminate as of the date that the Lessee is required to vacate the Properties and all Rent shall be paid up to and until same date of termination. If only part of the Properties shall be taken and the size of the Properties are proportionately reduced, then the Lessee is entitled to an equal and proportionate reduction in Rent.

18. LESSEE'S DEFAULT: The occurrence of any one of the following events constitutes a default by the Lessee and a breach of this Lease and its covenants by the Lessee, if such default, breach or non performance is continued and not cured within ten (10) days after written notice from Lessor: (a) The vacating or abandonment of the Properties by Lessee, (b) The failure by Lessee to make any payment of Base Rent and/or Additional Rent Charges and adjustments on or before the due date thereof, (c) The failure by Lessee to perform any covenants herein or the breach by Lessee of any Lease covenants herein, and the further failure by Lessee to cure such covenant breach or non-performance, or to commence to cure and diligently pursue the cure of the covenant breach or non-performance which cannot be fully remedied within ten (10) days, (d) Petition by Lessee for bankruptcy, insolvency, or general assignment for the benefit of its creditors, or receiver appointment for Lessee for the substantial part of its assets and properties and such receiver is not removed with ten (10) days after its appointment, (e) If the Lessee shall default as described herein, or in the performance of any covenant contained in this Lease, and if such default is repeated once within the next twelve months then, notwithstanding that such defaults shall have been cured within the period after notice as herein provided, any further similar default within such twelve month period shall be deemed a Lessee Default which cannot be cured, notwithstanding provisions for cure provided in this Lease. Upon such default, the Lessor may proceed, with five days notice but no opportunity for cure, to exercise its remedies upon default.

19. LESSOR'S REMEDIES: In the event of Lessee's default, including Lessee's abandonment or vacating the Properties, Lessor shall have the right, in addition to all other rights and remedies provided by the law, to terminate this Lease, and/or to re-enter and take possession of the Properties, peaceably or by force, without liability to Lessee for damage arising therefrom and without obligation to Lessee to store any property. Any costs of removal and storage of Lessee's fixtures, inventory, equipment or any other personal property shall be the expense of Lessee and shall be added to all sums owed by Lessee to Lessor. Further, Lessor is under no obligation to Lessee, after default or abandonment, to relet the Properties in the name of Lessee or

for the benefit of the Lessor. Lessor may, at its option and without subsequent notice to Lessee, re-let the Properties for such term and on such covenants and purposes as Lessor, in its sole discretion, may determine are in the best interest of the Lessor. Lessor may collect and receive all rents derived therefrom and apply the same, after deduction of appropriate expenses, to the payment of the rent overdue and payable hereunder from the Lessee in default. The Lessee in default shall remain liable for any deficiency. Further, Lessor shall not be responsible for or liable for any failure to re-let the Properties or any part hereof, or for any failure to collect any rent connected therewith. The Lessor's recovery of possession of the Properties by any means shall not relieve the Lessee of its obligation to pay Base Rent, Additional Rent or Additional Rent Adjustments through the term of the Lease, including any extensions in effect at the time of default under which Lessee then occupies the Properties.

Acceptance by Lessor of delinquent rent from Lessee after Lessee default shall not cure such default or entitle Lessee to possession of the Properties. Lessee hereby expressly waives any and all rights of redemption, if any, granted by and under any present or future law, in the event that Lessee shall be evicted or dispossessed for any cause in default or in the event that the Lessor obtains possession of the Properties by virtue of the remedies outlined in this Lease, or otherwise. The receipt by Lessor or its agents of rent with knowledge of the breach of any covenant hereof shall not be deemed a waiver of such breach, and no waiver by Lessor of any covenant hereof shall be deemed to have been agreed upon, unless explicitly reduced to written agreement and signed by Lessor and Lessee.

All remedies of Lessor shall be cumulative.

20. ATTORNEYS' FEES: Lessee hereby agrees to pay all costs incurred by the Lessor on account of the Lessee's default, including but not limited to collection costs, court costs and attorney fees in an amount equal to twenty-five percent (25%) of any money owed to Lessor by Lessee at the time and accruing after Lessor requests the assistance of an attorney. If Lessee's default is a non-monetary default, lessee shall pay the greater of Two Hundred Fifty Dollars ($250.00) or Lessor's actual attorney's fees.

21. HOLDOVER AND SUCCESSIVE LESSEE: If Lessee shall be in possession of the Properties after the established Termination Date of the Lease, and in the absence of any written agreement extending the term hereof, the tenancy of this Lease shall become one from month-to-month, to be terminated by either Lessee or Lessor on thirty (30) days written notice. Lessee shall pay the rent for the thirty (30) days following notice.

Lessee acknowledges that possession of the Properties must be surrendered to Lessor on the Termination Date or sooner. Lessee agrees to indemnify and save Lessor harmless from any and all costs, claims, loss or liability resulting from delay by Lessee in so surrendering the Properties, including, without limitation, any claims made by a succeeding Lessee founded on such delay. The parties hereto recognize and agree that the damage to the Lessor resulting from any failure to timely surrender possession will be extremely substantial, will exceed the Base Rent, Additional Rent charges and Percentage Rent payable hereunder, and will be impossible to measure accurately. Lessee therefore agrees that if possession of the Lease Properties is not surrendered to Lessor within twenty-four (24) hours after the Termination Date or sooner, then the

Lessee shall pay to Lessor for each month and for any portion of a month during which the Lessee holds over in the Properties a sum equal to two (2) times the aggregate of Base Rent plus Additional Rent charges which are payable under this Lease during the last month of the term hereof, in addition to the Lessor's actual damage incurred by Lessee's failure to surrender which exceeds such rent. Nothing herein contained shall be deemed to permit Lessee to retain possession of the Properties after the termination of the Lease Term, unless specifically agreed to in writing. The provisions of this Article shall survive the expiration or said sooner termination of Lease Term.

22. TERMINATION AND SURRENDER: Upon the expiration or termination of this Lease, Lessee shall surrender the Properties to Lessor in as good as condition as they were found upon the Lessee taking possession of the Properties; except for ordinary wear and tear, reduction of the Properties by condemnation. Lessee shall remove all its personal property, merchandise and trade fixtures and make such necessary repairs or reimbursement. After Lessee vacation or abandonment, Lessor may elect to retain or dispose of, in any manner, Lessee alterations and improvements or Lessee's personal property that Lessee does not remove from the Properties before or after the Termination Date of the Term. Title to any such Lessee alterations or Lessee's personal property, that Lessor elects to retain or dispose of after the Term, shall vest to and in the Lessor. Lessee waives all claims against Lessor for any damage to Lessee resulting from Lessor's retention or disposition of any such alterations or personal property. Lessee is further liable to Lessor for Lessor's expenses and costs for removing and disposing of any Lessee alterations or Lessee personal property, which Lessor does not elect to acquire.

23. WAIVERS: The failure of Lessor to insist, in any one or more instances, to strict performance by Lessee as to any Lease covenants shall not be construed as a waiver by Lessor or relinquishment in the future of such covenants, but the same shall continue and remain in full force and effect. The receipt by Lessor or its Agent of rent with knowledge of a covenant breach hereof shall not be deemed a waiver of the same covenant breach, and no waiver by Lessor of any provision hereof shall be deemed to have been agreed upon unless expressed in writing and signed by the parties hereto.

Lessee hereby waives the benefit of the homestead exemption as to this Lease.

24. SUCCESSORS AND ASSIGNS: All the terms, covenants and agreements of this Lease shall extend to and be binding upon the Lessor and be binding upon the Lessee and its respective heirs, administrators, executors, successors, assignees, sublessees, concessionaires, marital communities, if any, and their respective assigns; and/or upon any person or persons coming into ownership or possession of any interest in the Properties by operation of law or otherwise.

25. NOTICES: Any notice herein provided for to be given to Lessor shall be deemed to be given if and when posted in United States registered or certified mail, postage prepaid, addressed to:

LESSOR'S NOTICE ADDRESS:
Marcus D. Jones, City Manager
City Manager's Office
810 Union Street, Suite 1100
Norfolk, Virginia 23510

Copy to:
Jim Resolute
Department of Real Estate
232 E Main Street, Suite 250
Norfolk, Virginia 23510

LESSEE'S NOTICE ADDRESS:
Tidewater Utility Construction
200 Lummis Road
Suffolk, VA 23434

Any notice herein provided for to be given to Lessee shall be deemed to be given if and when posted in United States registered or certified mail, postage prepaid.

Either party may, at any time, change its address for the purposes of notice hereof by sending a written notice to the other party stating the change and setting forth the new address.

26. BROKER: The Lessee is not represented by a Broker in this transaction.

27. GOVERNING LAW: In exercising the rights granted hereby and undertaking activity pursuant to this Agreement, TUC shall act in accordance with the applicable laws of the Commonwealth of Virginia and any other governmental body, State or Federal, having jurisdiction over such matters.

28. ENTIRE AGREEMENT: This Lease contains the entire agreement of the parties hereto. Any and all oral or written agreements understandings, representations and warranties, promises and statements of the parties hereto or from their respective officers and directors or from their partners, agents or brokers with respect to the subject matter of this Lease, and any matter not covered and mentioned in this Lease, shall be inferior and be merged in and by this Lease. No such prior oral or written agreement, understanding, representation or warranty, promise or statement shall be effective or binding for any reason or purpose, unless specifically set forth in this Lease. No provision of this Lease may be amended or added to except by an agreement in writing, signed by the parties hereto or their respective successors in interest. This Lease shall not be effective or binding on any party until fully executed by both parties hereto.

This Lease consists of ten (10) printed pages and exhibits marked Exhibit A and B.

29. SEVERABILITY: In the event that any provision herein is unlawful, or otherwise unenforceable, it shall be severed and deemed null and void ab initio and shall not impair the validity of the remaining provisions of this Lease.

IN WITNESS WHEREOF, the parties have caused this lease agreement to be executed by their duly authorized officers and their corporate seals to be hereunto affixed and attested, all as of the day and year first above written.

CITY OF NORFOLK

By:_____
City Manager

Attest:

_____
City Clerk

COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:

I, _____, a Notary Public in and for the City of Norfolk, in the State of Virginia, whose term of office expires on the ____ day of _____, _____, do hereby certify that Marcus D. Jones, City Manager and R. Breckenridge Daughtrey, City Clerk, respectively, of the City of Norfolk, whose names are signed to the foregoing Lease Agreement, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this _____ day of _____, 2016.

_____[SEAL]
Notary Public

Registration No._____

Approved as to Contents:

_____
Director of General Services

Approved as to Form and Correctness:

_____
Deputy City Attorney

TIDEWATER UTILITY CONSTRUCTION, INC.

_____
Name (Print): _____
Title: _____

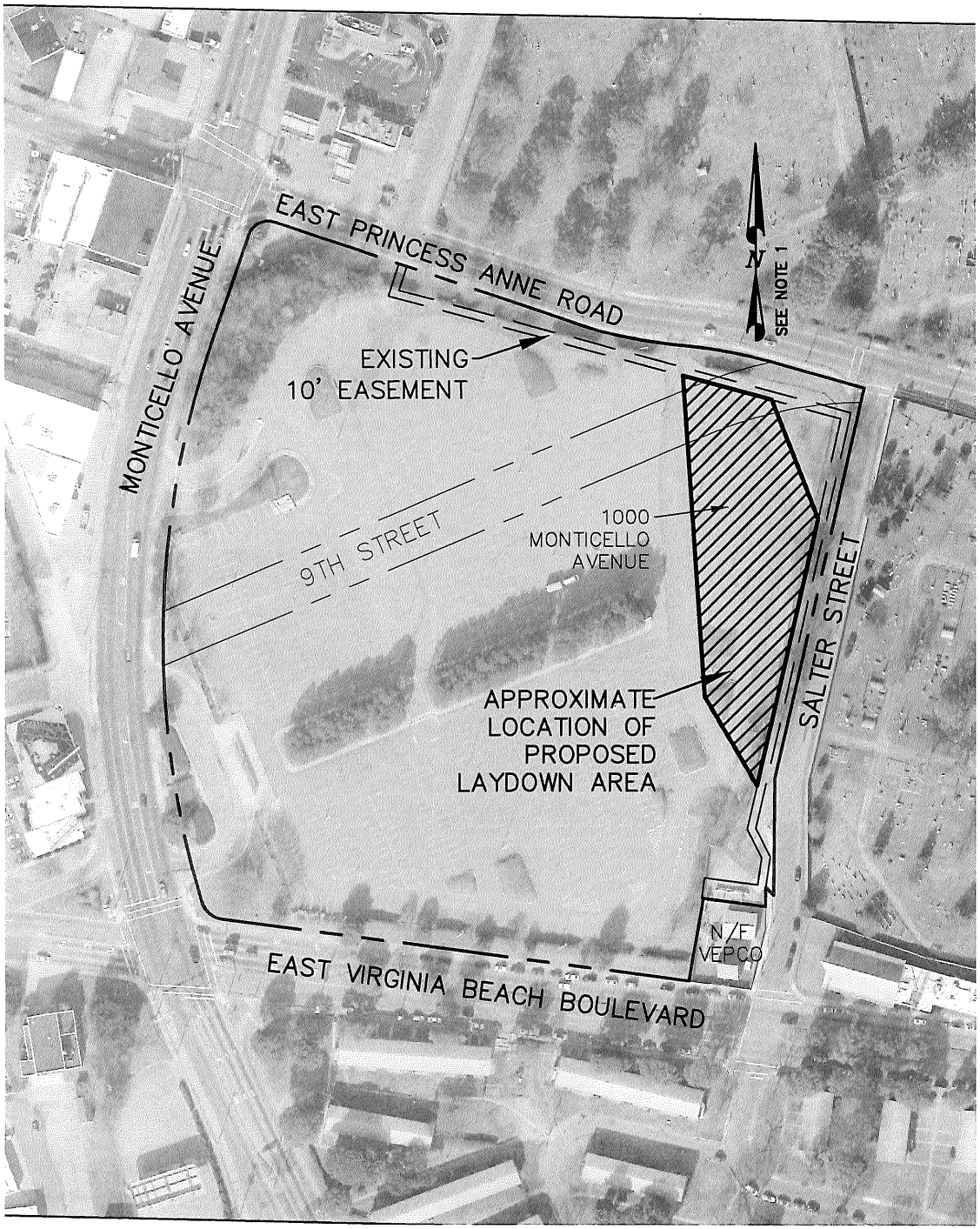
COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:

I, _____, a Notary Public in and for the City of Norfolk, in the State of Virginia, whose term of office expires on the ____ day of _____, _____, do hereby certify that _____, _____ of Tidewater Utility Construction, Inc., whose name is signed to the foregoing Lease Agreement, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this _____ day of _____, 2016.

_____[SEAL]
Notary Public

Registration No._____



NOTES:

1. MERIDIAN SOURCE AND COORDINATES SHOWN HEREON ARE BASED ON THE CITY OF NORFOLK DIVISION OF SURVEYS PLAT (#4776) ENTITLED "PHYSICAL SURVEY OF BLOCK BOUNDED BY VIRGINIA BEACH BOULEVARD, MONTICELLO AVENUE, PRINCESS ANNE ROAD, AND SALTER STREET, NORFOLK, VIRGINIA" DATED JUNE 18, 1986.
2. PROPOSED LAYDOWN AREA = 49,480 SQUARE FEET OR 1.136 ACRES.

EXHIBIT A

EXHIBIT FOR TIDEWATER UTILITY CONSTRUCTION RIGHT OF ENTRY NORFOLK, VIRGINIA

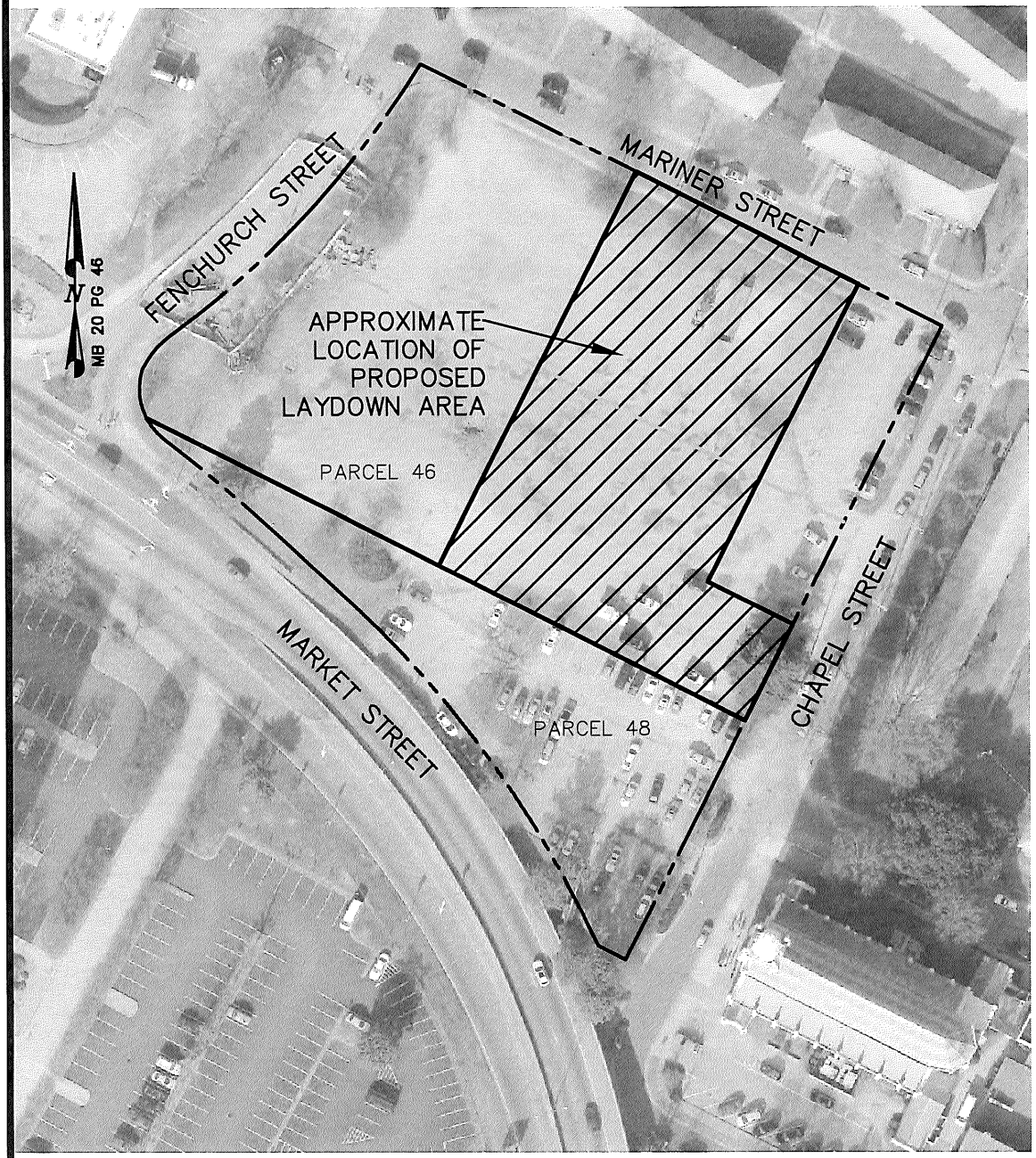
200 0 200 400

DRAWING SCALE 1"=200'

#151210 LAYDOWN EXHIBIT

DATE	SCALE	DRAWN BY	CHECKED BY
12-10-2015	1" = 200'	QMW	KCM

DIVISION OF SURVEYS
DEPARTMENT OF PUBLIC WORKS
NORFOLK, VIRGINIA



NOTES:
1. MERIDIAN SOURCE AND COORDINATES SHOWN HEREON ARE BASED ON M.B. 20, PG. 46.
2. PROPOSED LAYDOWN AREA = 43,560 SQUARE FEET OR 1.000 ACRE.

EXHIBIT B

EXHIBIT FOR TIDEWATER UTILITY CONSTRUCTION RIGHT OF ENTRY NORFOLK, VIRGINIA

100 0 100 200

DRAWING SCALE 1"=100'

#151209 LAYDOWN EXHIBIT

DATE	SCALE	DRAWN BY	CHECKED BY
12-10-2015	1" = 100'	QMW	KCM

DIVISION OF SURVEYS
DEPARTMENT OF PUBLIC WORKS
NORFOLK, VIRGINIA

C: Dir., Department of Utilities

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: Kristen M. Lentz, P.E., Director of Utilities

Subject: Release of Drainage and Utility Easement in former S. Cape Henry Avenue right-of-way

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/6

Approved: _____
Marcus D. Jones, City Manager

Item Number: **PH-2**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk, Department of Utilities

III. **Description:**
This agenda item is an Ordinance approving the release of a City of Norfolk ("City") drainage and utility easement (the "easement") over a portion of the former S. Cape Henry Avenue right-of-way that is no longer needed for municipal purposes.

IV. **Analysis**
The Economic Development Authority ("EDA") has requested the release of the easement in order to facilitate development in the former right-of-way of S. Cape Henry Avenue.

V. **Financial Impact**
There is no financial impact.

VI. **Environmental**
N/A.

VII. **Community Outreach/Notification**
No other parties, rights or usage are affected. Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. **Board/Commission Action**
N/A

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the City Attorney's Office, the Department of Utilities, and the Department of Public Works.

Supporting Material from the City Attorney's Office:

- Ordinance
- Exhibit A
- Exhibit B

9/17/2015 - wld

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Utilities

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE APPROVING THE RELEASE OF A UTILITY AND DRAINAGE EASEMENT OVER A PORTION OF THE FORMER RIGHT-OF-WAY OF SOUTH CAPE HENRY AVENUE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPROPRIATE DEED OF RELEASE ON BEHALF OF THE CITY.

- - -

WHEREAS, by ordinance numbered 45,751, duly adopted by the Council of the City of Norfolk at the regularly scheduled public meeting held on October 28, 2014, following the public hearing, the Council closed, vacated and discontinued a portion of South Cape Henry Avenue and approved the conveyance of the underlying fee of said portion of South Cape Henry Avenue to the Economic Development Authority of the City of Norfolk ("EDA"), subject to the reservation of a utility and drainage easement; and

WHEREAS, the EDA has requested the release of the said utility and drainage easement in order to facilitate development in that area; and

WHEREAS, the City's Department of Utilities and Department of Public Works have confirmed that the easement is not needed for municipal purposes; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the release of the permanent utility and drainage easement located on, over and under the portion of the former right-of-way of South Cape Henry Avenue as described in Exhibit A and shown on Exhibit B, is hereby approved.

Section 2:- That the City Manager and other proper officers of the City are authorized to execute and deliver to the EDA, or to the current owner of the former right-of-way of South Cape Henry Avenue, a deed of release, in form satisfactory to the City Attorney, and to do all other things necessary and proper to effect the release of the said easement.

Section 3:- That this ordinance shall be in effect from and after 30 days from the date of its adoption.

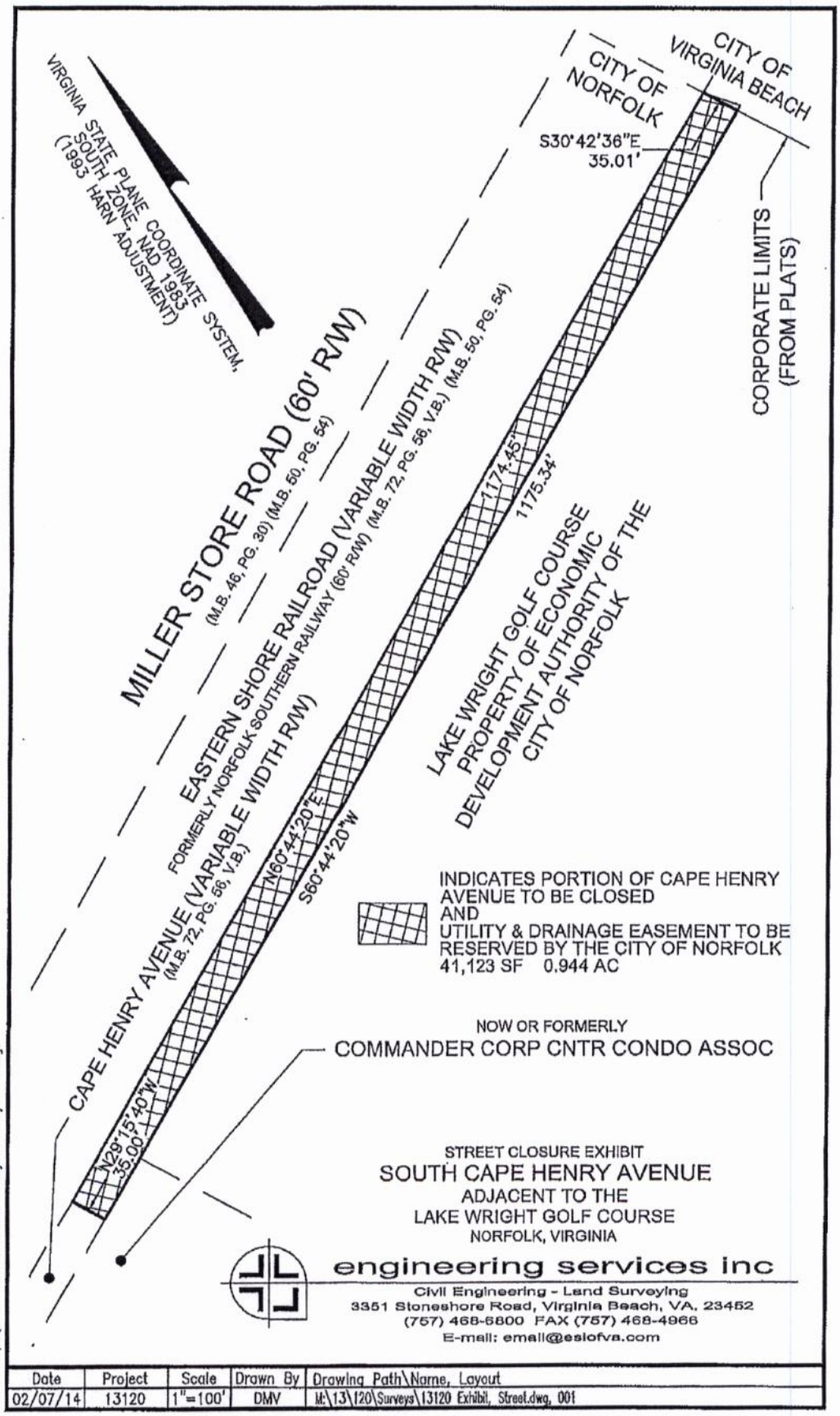
EXHIBIT A

Utility and Drainage Easement to be Released
in the Former Right-of-Way of South Cape Henry Avenue

That certain utility and drainage easement located in the former right-of-way of South Cape Henry Avenue, the northern boundary of which is the southern line of the Eastern Shore Railroad right-of-way and the southern boundary of which is the southern line of Cape Henry Avenue as shown on that certain plat entitled, "Camden Heights property of Homes Association of Norfolk Inc.," dated April 1918, and recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach in Map Book 3 at Page 37; thence, beginning at the line that forms the corporate limits of the cities of Norfolk and Virginia Beach ("Line of Beginning"), running southwesterly to the terminus of the closure, which terminus is 1175.34 feet along the said southern line of Cape Henry Avenue from the Line of Beginning and 1174.45 feet along the said southern line of the Eastern Shore right-of-way from the Line of Beginning.

September 14, 2015

EXHIBIT B



STREET CLOSURE EXHIBIT
SOUTH CAPE HENRY AVENUE
ADJACENT TO THE
LAKE WRIGHT GOLF COURSE
NORFOLK, VIRGINIA

engineering services inc
Civil Engineering - Land Surveying
3351 Stoneshore Road, Virginia Beach, VA. 23452
(757) 468-6800 FAX (757) 468-4966
E-mail: email@esiofva.com

Date	Project	Scale	Drawn By	Drawing Path\Name, Layout
02/07/14	13120	1"=100'	DMV	M:\13\120\Surveys\13120 Exhibit, Street.dwg, 001

REVISED: 09/29/2014 – Add Economic Authority and Utility & Drainage

M:\13\120\Surveys\13120 Exhibit, Street.dwg, 001, 9/29/2014 1:33:48 PM, dvertz, 1:1

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exception for an eating and drinking establishment – Jessy's Taco Bistro**

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: _____
Marcus D. Jones, City Manager

Item Number: R-1

I. **Staff Recommendation:** **Approval**.

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval.**

III. **Request:** Special Exception for an eating and drinking establishment

IV. **Applicant:** **Jessy's Taco Bistro**

V. **Description:**

- Granting this request will allow a new restaurant, Jessy's Taco Bistro, to open and serve alcoholic beverages to its patrons.
- The previous occupant of this space, 328 Tequila, was granted a special exception for an entertainment establishment in 2014.
- Jessy's proposes to operate using the same capacity as 328 Tequila, but will operate under different hours and will not provide entertainment.

Staff point of contact: Chris Blough at 664-6771, Christopher.blough@norfolk.gov

Attachments:

- Staff Report to CPC dated December 10, 2015 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: December 10, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Chris Blough

Staff Report	**Item No. 8**	
Address	**328 West 20th Street**	
Applicant	**Jessy's Taco Bistro**	
Request	**Special Exception**	**Eating and Drinking Establishment**
Property Owner	The Palace Shops South, LLC (Claus Ihleman)	
Site Characteristics	Building Area/Space	6,583 sq. ft./2,800 sq. ft.
	Zoning	C-2 (Corridor Commercial); Palace Shops Localized Alternative Sign Overlay 21st Street Pedestrian Commercial Overlay (PCO-21st)
	Neighborhood	N/A
	Character District	Suburban
Surrounding Area	North	C-2: Volcano Sushi and China Bistro
	East	C-2: Palace Shops Parking Lot
	South	IN-1: Maury High School Athletic Fields
	West	C-2: Sleepy's Norfolk

A. Summary of Request

- Granting this request will allow a new restaurant, Jessy's Taco Bistro, to open and serve alcoholic beverages to its patrons.
- The previous occupant of this space, 328 Tequila, was granted a special exception for an entertainment establishment in 2014.
- Jessy's proposes to operate using the same capacity as 328 Tequila, but will operate under different hours and will not provide entertainment.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

- The site is located in the C-2 district, which permits the proposed use by special exception.

	Previous (328 Tequila)	Proposed (Jessy's Taco Bistro)
Hours of Operation and Hours for the Sale of Alcoholic Beverages	11:00 a.m. until 2:00 a.m., Seven Days a Week	10:00 a.m. until 10:00 p.m., Monday through Wednesday 10:00 a.m. until 11:00 p.m., Thursday through Friday 10:00 a.m. until 11:00 p.m., Saturday 10:00 a.m. until 8:00 p.m., Sunday
Capacity	103 seats indoors 40 seats outdoors 154 total capacity	Same

- Special Exception history:

City Council Approval	Applicant	Request
2014	328 Tequila	Entertainment Establishment
Pending	Jessy's Taco Bistro	Eating and Drinking Establishment

ii. Parking

- The site is located in the Traditional Character District, which requires one parking space per 175 square feet of enclosed building area for an eating and drinking establishment.
- The applicant is taking over an existing restaurant site currently operating successfully with an existing shopping center parking lot for the Palace Shops.
  - On-street parking is also available on this portion of West 20th Street.
- The location has been in continuous operation with various restaurants and entertainment establishments.
  - The proposed establishment is not proposing an increase in occupancy or building floor area and no additional parking impacts are anticipated.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low -risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers figures calculate forecast travel for restaurants based upon the total seating of an establishment.
- Since no increase in indoor seating is being proposed for the site, no additional trips are projected.

E. Impact on the Environment

There are currently no opportunities for landscaping site improvements to this existing site.

F. Impact on Surrounding Area/Site

- There were two calls for service made for this property over the past year, with no arrests made.
- By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative effect on the surrounding neighborhood.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

The application was sent to Ghent Business Association, and the Ghent Neighborhood League on October 27.

I. Communication Outreach/Notification

- Legal notice was posted on the property on November 3.
- Letters were mailed to all property owners within 300 feet of the property on November 25.
- Legal notification was placed in *The Virginian-Pilot* on November 26 and December 3.

J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

(a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 10:00 a.m. until 10:00 p.m., Monday through Wednesday, 10:00 a.m. until 11:00 p.m., Thursday through Friday, 10:00 a.m. until 11:00 p.m., Saturday, and 10:00 a.m. until 8:00 p.m., Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not exceed 92 seats indoors, 40 seats outdoors, and the total occupant capacity, including employees, shall not exceed 154 people.

(c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

(d) The establishment shall maintain a current, active business license at all times while in operation.

(e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(i) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(k) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(l) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(m) There shall be no entertainment, no dancing, and no dance floor provided.

(n) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(o) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments
Application
Notice to the Ghent Business Association and the Ghent Neighborhood League
Letter of No Opposition from the Ghent Neighborhood League

Proponents and Opponents

Proponents
None

Opponents
None

12/04/2015 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "JESSY'S TACO BISTRO" ON PROPERTY LOCATED AT 328 WEST 20TH STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Romeritos, Inc. authorizing the operation of an eating and drinking establishment named "Jessy's Taco Bistro" on property located at 328 West 20th Street. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 102 feet, more or less, along the northern line of West 20th Street, and 110 feet, more or less, along the eastern line of Debree Avenue; premises numbered 328 West 20th Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be limited to 10:00 a.m. until 10:00 p.m. Monday through Wednesday, 10:00 a.m. until 11:00 p.m. Thursday through Saturday, and 10:00 a.m. until 8:00 p.m. on Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not exceed 92 seats indoors, 40 seats outdoors, and the total occupant capacity, including employees, shall not exceed 154 people.

(c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the

operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

(d) The establishment shall maintain a current, active business license at all times while in operation.

(e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(i) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in

"Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(k) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(l) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(m) There shall be no entertainment, no dancing, and no dance floor provided.

(n) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(o) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also

contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting an entertainment establishment on this property, adopted on April 8, 2014 (Ordinance No. 45,509). All provisions and conditions previously approved and applicable to this property are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (3 pages)

EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 10 | 15 | 2015

Trade name of business 328 Tequila

Address of business 328 W. 20th St Norfolk, VA 23517

Name(s) of business owner(s)* Jorge Romero-Fonseca / Romeritos Inc

Name(s) of property owner(s)* Claus Ihleman / PALACE SHOPS SOUTH, LLC

Daytime telephone number (757) 717-0792

*If business or property owner is partnership, all partners must be listed.
*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales		
Weekday (Mon - Wed.)	From 10 AM	To 10 PM	Weekday	From 10 AM	To 10 PM
Thursday - Friday	From 10 AM	To 11 PM	Thursday - Friday	From 10 AM	To 11 PM
Saturday	From 10 AM	To 11 PM	Saturday	From 10AM	To 11 PM
Sunday	From 10 AM	To 8 PM	Sunday	From 10AM	To 8 PM

2. Type of ABC license applied for (check all applicable boxes)
☑ On-Premises ☐ Off-Premises (additional application required)

3. Type of alcoholic beverage applied for
☑ Beer ☑ Wine ☑ Mixed Beverage

4. Will indoor or outdoor entertainment be provided?
(Entertainment consists of anything more than one, unamplified musician)
☐ Yes (Different application required) ☑ No

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

Exhibit A – Page 2
Eating and Drinking Establishment

5. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☑ No

5a. If yes, please describe type and number of each game to be provided

_____

_____

6. Will patrons ever be charged to enter the establishment?
☑ Yes ☒ No

6a. If yes, why _____

_____

6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday

Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?
☑ Yes ☐ No

7a. If yes, explain Birthdays, Weddings, Company Parties, retirement.

8. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☑ No

8a. If yes, explain

_____

_____

9. Will there ever be a minimum age limit?
☐ Yes ☑ No

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

Exhibit A – Page 3
Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:

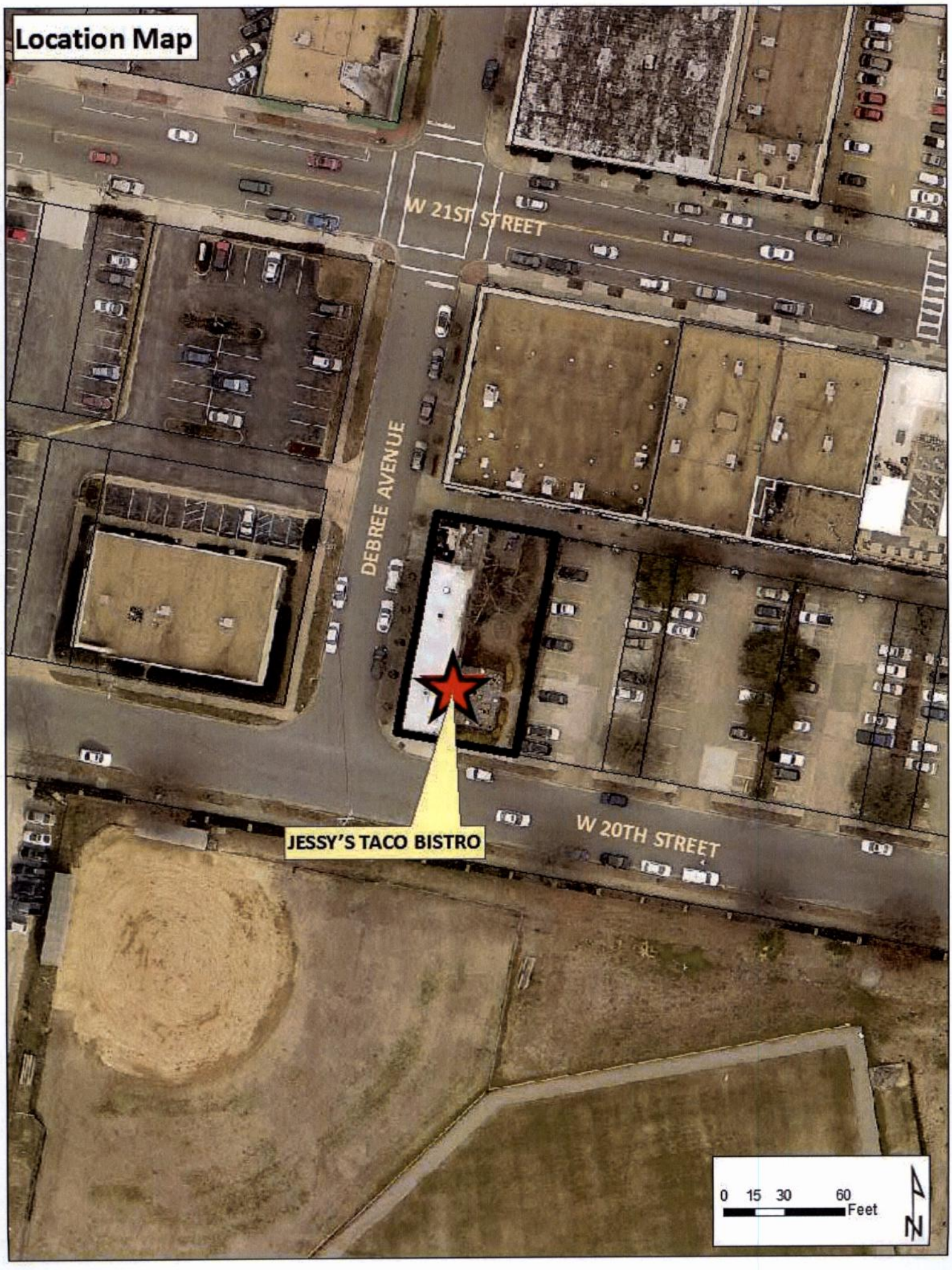
_____

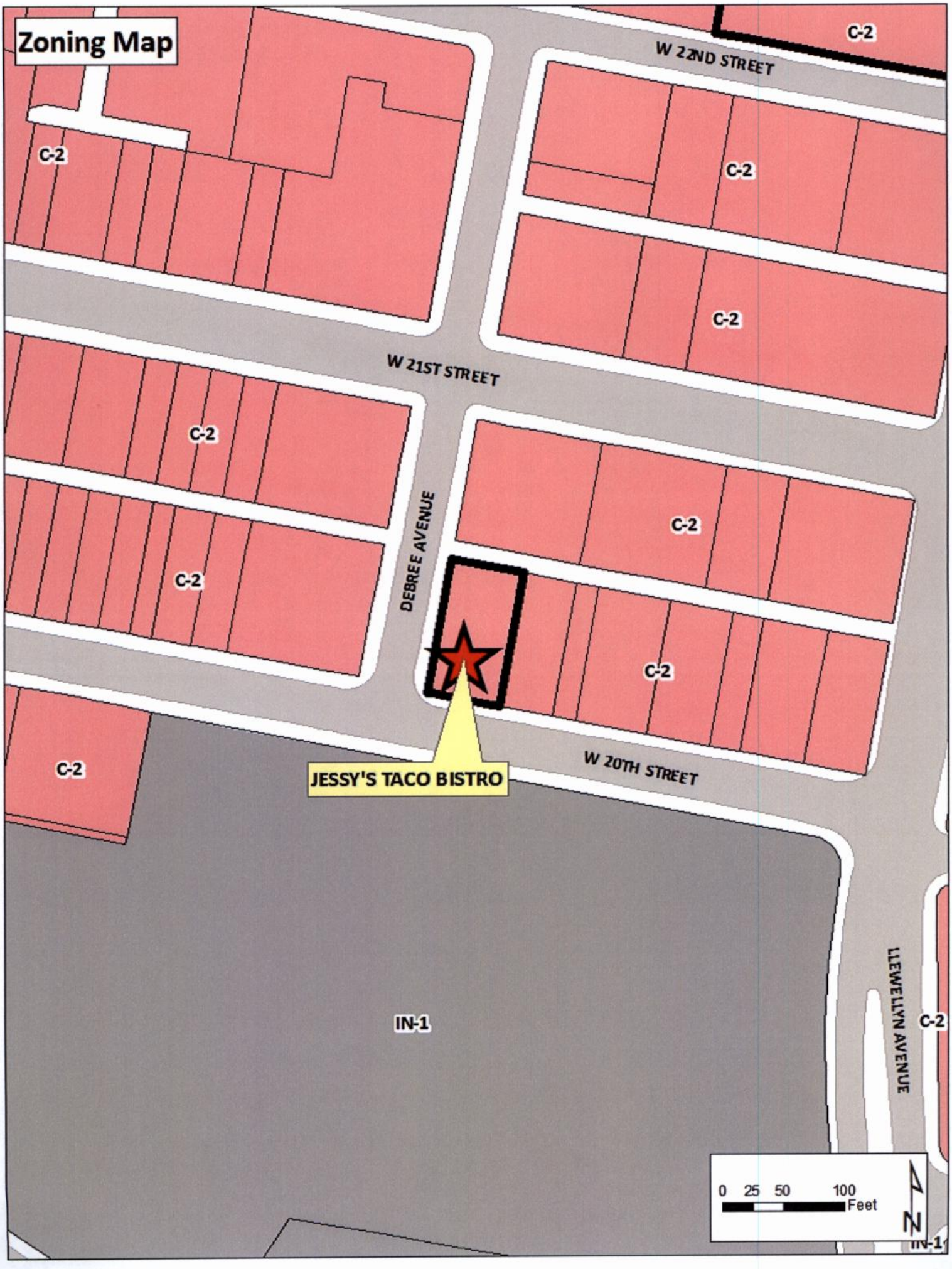
_____

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Signature of Applicant

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569


Location Map
W 21ST STREET
DEBREE AVENUE
JESSY'S TACO BISTRO
W 20TH STREET
0 15 30 60
Feet
N


Zoning Map
W 22ND STREET
C-2
W 21ST STREET
DEBREE AVENUE
JESSY'S TACO BISTRO
W 20TH STREET
IN-1
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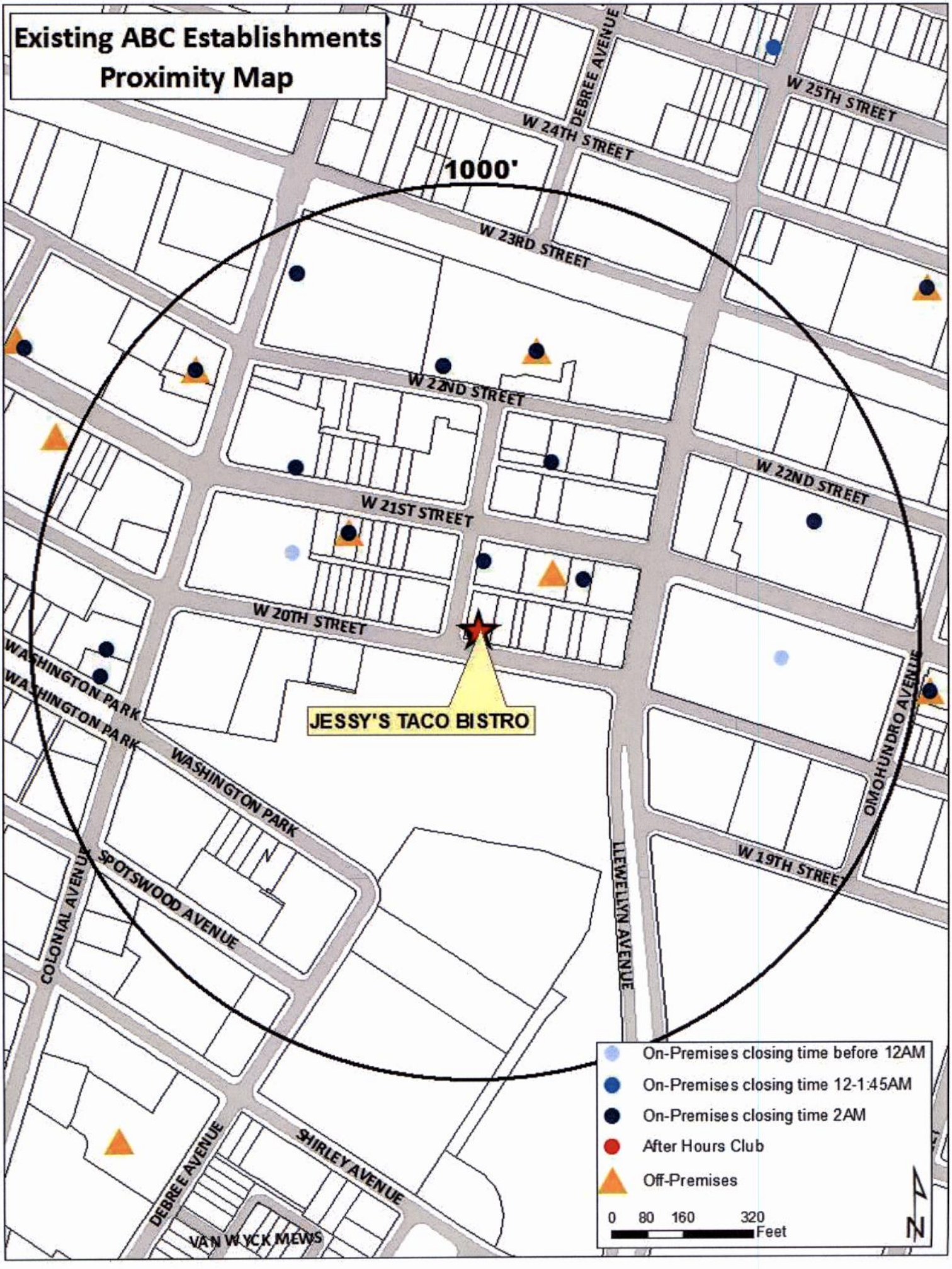

Existing ABC Establishments
Proximity Map
1000'
W 25TH STREET
W 24TH STREET
DEBREE AVENUE
W 23RD STREET
W 22ND STREET
W 22ND STREET
W 21ST STREET
W 20TH STREET
JESSY'S TACO BISTRO
WASHINGTON PARK
WASHINGTON PARK
WASHINGTON PARK
SPOTSWOOD AVENUE
COLONIAL AVENUE
LLEWELLYN AVENUE
OMOHUNDRO AVENUE
W 19TH STREET
SHIRLEY AVENUE
DEBREE AVENUE
VAN WYCK MEWS
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)

Date 10/15/2015

DESCRIPTION OF PROPERTY

Address 328 W. 20th St. Norfolk, VA 23517

Existing Use of Property RESTAURANT / Entertainment Establishment

Proposed Use RESTAURANT / Eating and Drinking Establishment

Current Building Square Footage 2,800 Ft²

Proposed Building Square Footage 2,800 Ft²

Trade Name of Business (if applicable) Jessy's Taco Bistro

APPLICANT
(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Romero Fonseca (First) Jorge (MI) ____

Mailing address of applicant (Street/P.O. Box): 3201 E. Ocean View Ave.

(City) Norfolk (State) VA (Zip Code) 23518

Daytime telephone number of applicant (757) 375-5969 Fax (757) 480-3033

E-mail address of applicant: jralsmith@gmail.com

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

AUTHORIZED AGENT (if applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) ROMERO (First) JORGE (MI) A

Mailing address of applicant (Street/P.O. Box): 328 W. 20TH ST

(City) NORFOLK (State) VA (Zip Code) 23517

Daytime telephone number of applicant (757) 375-5969 Fax ( )

E-mail address of applicant: jralsmith@gmail.com.

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

(The Palace Shops South, LLC)

3. Name of property owner: (Last) CLAUS (First) HILEMAN (MI)

Mailing address of property owner (Street/P.O. box): 301 W 21ST ST

(City) NORFOLK (State) VA (Zip Code) 23517

Daytime telephone number of owner ( ) email:

CIVIC LEAGUE INFORMATION

Civic League contact: GBA + GNL

Date(s) contacted: 10/16/15

Ward/Super Ward information:

REQUIRED ATTACHMENTS

- Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
    - Application fee includes a non-refundable $5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
    - Existing and proposed building structures
    - Driveways
    - Parking
    - Landscaping
    - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: CLAUS ILLEMANN PALACE SHOPS SOUTH, LLC (Property Owner) **Sign:** _____ (Date) 10/16/2015

Print name: JORGE ROMERO (Applicant) **Sign:** _____ (Date) 10/16/15

ONLY NEEDED IF APPLICABLE:

Print name: _____ (Authorized Agent Signature) **Sign:** _____ (Date) ____/____/____

, VEER MAG

APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)

Date 10/15/2015

DESCRIPTION OF PROPERTY

Address 328 W. 20th St. Norfolk, VA 23517

Existing Use of Property RESTAURANT / Entertainment Establishment

Proposed Use RESTAURANT / Eating and Drinking Establishment

Current Building Square Footage 2,800 ^{2}Ft

Proposed Building Square Footage 2,800 ^{2}Ft

Trade Name of Business (if applicable) 328 TEQUILA

APPLICANT
(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Romero Fonseca (First) Jorge (MI) ____

Mailing address of applicant (Street/P.O. Box): 3201 E. Ocean View Ave.

(City) Norfolk (State) VA (Zip Code) 23518

Daytime telephone number of applicant (757) 375-5969 Fax (757) 480-3033

E-mail address of applicant: jralsmith@gmail.com

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

AUTHORIZED AGENT (if applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) ROMERO (First) JORGE (MI) A

Mailing address of applicant (Street/P.O. Box): 328 W. 20TH ST

(City) NORFOLK (State) VA (Zip Code) 23517

Daytime telephone number of applicant (757) 375-5969 Fax ( )

E-mail address of applicant: jralsmith@gmail.com.

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) CLAUS (First) HILEMAN (MI)

Mailing address of property owner (Street/P.O. box): 301 W 21ST ST

(City) NORFOLK (State) VA (Zip Code) 23517

Daytime telephone number of owner ( ) email:

CIVIC LEAGUE INFORMATION

Civic League contact: GBA + GNL

Date(s) contacted: 10/16/15

Ward/Super Ward information:

REQUIRED ATTACHMENTS

- Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
    - Application fee includes a non-refundable $5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
    - Existing and proposed building structures
    - Driveways
    - Parking
    - Landscaping
    - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: CLAUS ILLEMANN PALACE SHOPS SOUTH, LLC (Property Owner) **Sign:** _____ (Date) 10/16/2015

Print name: JORGE ROMERO (Applicant) **Sign:** _____ (Date) 10/16/15

ONLY NEEDED IF APPLICABLE:

Print name: _____ (Authorized Agent Signature) **Sign:** _____ (Date) ____/____/____

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

   a. **Indoor**
   Number of seats (not including bar seats) 92
   Number of bar seats 11
   Standing room ____

   b. **Outdoor**
   Number of seats 40

   c. **Number of employees** 11

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 154

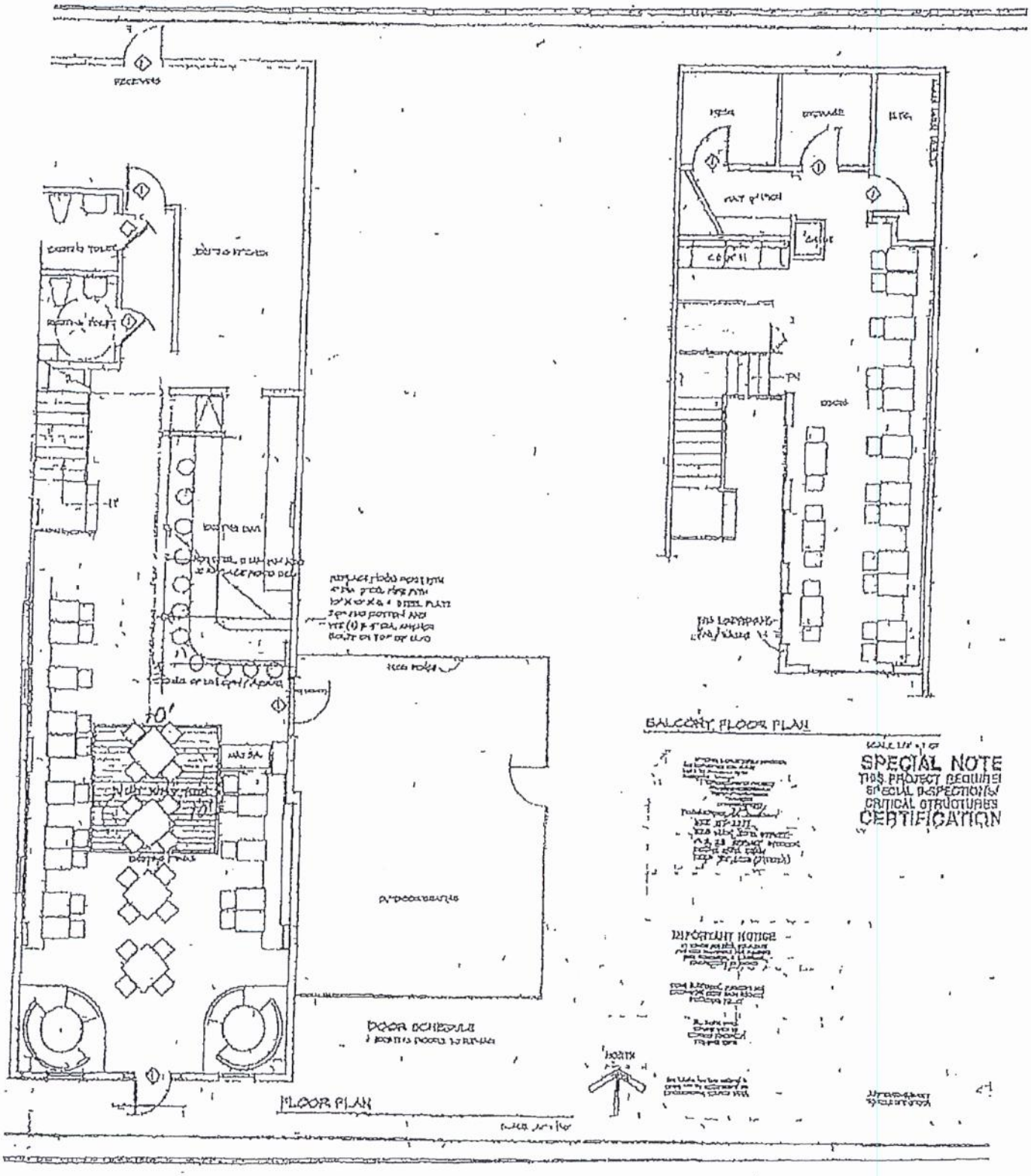
2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

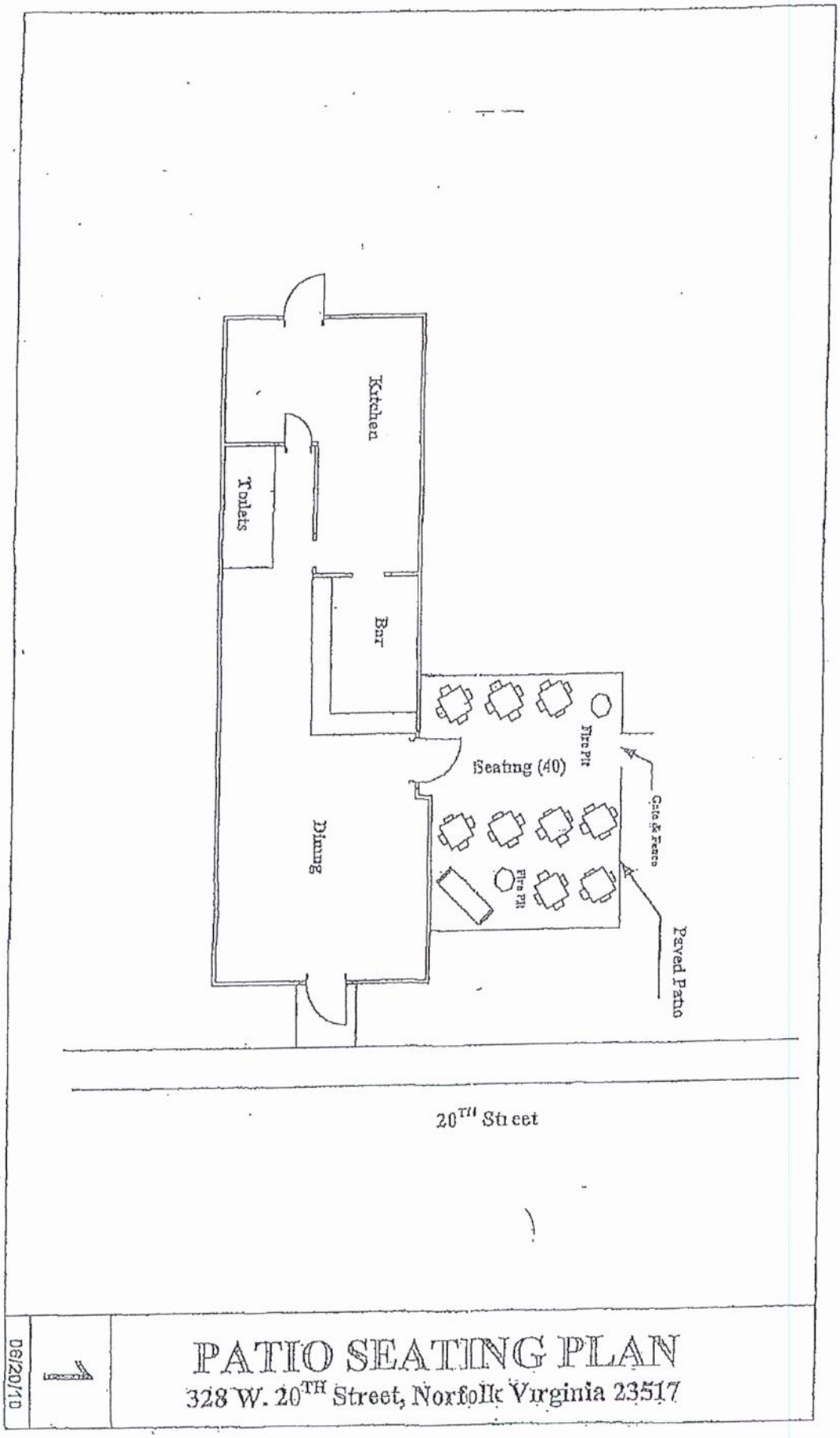
3. Will a dance floor be provided?
   ☐ Yes ☐ No

   3a. If yes,
   Square footage of establishment ____
   Square footage of dance floor ____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

Exhibit B


BALCONY FLOOR PLAN
SPECIAL NOTE
THIS PROJECT REQUIRES
SPECIAL INSPECTION/S
CRITICAL STRUCTURES
CERTIFICATION
DOOR SCHEDULE
FLOOR PLAN



06/20/10

PATIO SEATING PLAN

328 W. 20TH Street, Norfolk Virginia 23517

Blough, Christopher

From: Straley, Matthew
Sent: Tuesday, October 27, 2015 3:10 PM
To: 'info@ghentva.org'; 'Emily Birknes'; Ben Crumpler; 'Ian_holder@ml.com'
Cc: Whibley, Terry; Winn, Barclay; Wilson, Denise; Blough, Christopher
Subject: new Planning Commission application - 328 W 20th Street
Attachments: Jessy's Taco.pdf

Ms. Birknes and Mr. Holder,

Attached please find the application for a special exception to operate an eating and drinking establishment at 328 W. 20th Street.

The item is tentatively scheduled for the December 10, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Blough at (757) 664-6771, christopher.blough@norfolk.gov*

Thank you.

Matthew Straley
GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

Ghent Neighborhood League
P O Box 11431
Norfolk, VA 23517

December 4, 2015

Dear Norfolk Planning Commissioners:

The Ghent Neighborhood League recently received a copy of an application for Jessy's Taco Bistro for:

A special exception to operate an eating and drinking establishment at 328 W. 20th Street.

Jorge A Romero, the business owner and applicant, provided a brief overview of the pending application at our November 19, 2015 Monthly Ghent Neighborhood League Meeting. GNL Board Members and Members in attendance had **no objections to the above noted request.**

We thank the Commission for the opportunity to provide neighborhood input on this pending application.

With this, the Board of Ghent Neighborhood League wishes to extend to Commissioners and Planning Staff our appreciation and warm wishes during this holiday season!

Regards,

Joan McEnery
Commercial Review Committee Chairperson
Ghent Neighborhood League

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exception for an eating and drinking establishment – The Pancake House & Grill**

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 1/6

Approved: _____
Marcus D. Jones, City Manager

Item Number: R-2

I. **Staff Recommendation:** **Approval.**

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval.**

III. **Request:** Special Exception for an eating and drinking establishment

IV. **Applicant:** **The Pancake House & G rill**

V. **Description:**

- Granting this request will allow an existing restaurant, The Pancake House & Grill, to relocate to an adjacent bay in the same shopping center where the restaurant is currently located.
- The applicant was granted a special exception for an eating and drinking establishment with alcoholic beverages at their current location.

Staff point of contact: Chris Blough at 664-6771, Christopher.blough@norfolk.gov

Attachments:

- Staff Report to CPC dated December 10, 2015 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: December 10, 2015
Executive Secretary: George M. Homewood, AICP, CFM
Planner: Chris Blough CB

Staff Report	**Item No. 9**	
Address	**7633 Granby Street**	
Applicant	**The Pancake House & Grill**	
Request	**Special Exception**	**Eating and Drinking Establishment**
Property Owner	Nkr Enterprises II, LLC (Nicholas B. Renesis)	
Site Characteristics	Building Area/Space	14,640 sq. ft./1,600 sq. ft.
	Zoning	C-3 (Retail Center District)
	Neighborhoods	Wards Corner
	Character District	Suburban
Surrounding Area	North	C-3: Vacant Retail Space / Dollar Tree
	East	C-3: Midtown Shopping Center
	South	C-3: Soaps N Suds Laundry Center
	West	R-12 (Medium Density Multi-Family): Apartments

A. Summary of Request

- Granting this request will allow an existing restaurant, The Pancake House & Grill, to relocate to an adjacent bay in the same shopping center where the restaurant is currently located.
- The applicant was granted a special exception for an eating and drinking establishment with alcoholic beverages at their current location.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

- The site is located in the C-3 district, which permits the proposed use by special exception.

	Previous 7631 Granby Street	Proposed 7633 Granby Street
Hours of Operation	6:00 a.m. until 3:00 p.m., Seven Days a Week	6:00 a.m. until 10:00 p.m., Monday through Saturday 7:00 a.m. until 3:00 p.m., Sunday
Hours for the Sale of Alcoholic Beverages	11:00 a.m. until 3:00 p.m., Seven Days a Week	7:00 a.m. until 10:00 p.m., Monday through Saturday 7:00 a.m. until 3:00 p.m., Sunday
Capacity	55 seats indoors 0 seats outdoors 67 total capacity	83 seats indoors seats indoors 0 seats outdoors 99 total capacity

- Special Exception history:

City Council Approval	Applicant	Request
2012	The Pancake House	Eating and Drinking Establishment
Pending	The Pancake House & Grill	• Relocation • Increase Seating • Modify Hours of Operation and for the Sale of Alcoholic Beverages

ii. Parking

- The site is located in the Suburban Character District, which requires one parking space per 150 square feet of enclosed building area for an eating and drinking establishment.
- The 1,600 square-foot proposed space must provide 10 parking spaces.
- Parking spaces located in the front of the property and adjacent properties provide parking for multiple businesses in this shopping center.
- The site complies with current parking requirements.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 343 new vehicle trips per day.
- Based upon ITE data, the prior medical office use on this site would be expected to generate 58 weekday trips while the proposed new restaurant operation would be expected to generate 401 trips on weekdays.
- The site is near transit services with Hampton Roads Transit bus routes 1 (Granby) and 21 (Little Creek) operating at the transfer center adjacent to the site.

E. Impact on the Environment

- The existing shopping center consists of 9 properties under different ownership.
- Cross-easements in the front and rear of the property prohibit opportunities for additional landscaping, stormwater, or infiltration improvements to this site.

F. Impact on Surrounding Area/Site

- There were 22 calls for service made for this property over the past year, with no arrests made.
- By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative effect on the surrounding neighborhood.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

The application was sent to the Wards Corner Civic League, the Suburban Acres Civic League, and the Greater Wards Corner Business Association on October 27.

I. Communication Outreach/Notification

- Legal notice was posted on the property on November 3.
- Letters were mailed to all property owners within 300 feet of the property on November 25.
- Legal notification was placed in *The Virginian-Pilot* on November 26 and December 3.

J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

(a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 6:00 a.m. until 10:00 p.m., Monday through Saturday, and 7:00 a.m. until 3:00 p.m. Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours for the sale of alcoholic beverages shall be from 7:00 a.m. until 10:00 p.m. Monday through Saturday, and 7:00 a.m. until 3:00 p.m. Sunday.

(c) The seating for the establishment shall not exceed 83 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 99 people.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

(e) The establishment shall maintain a current, active business license at all times while in operation.

(f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(j) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(l) There shall be no entertainment, no dancing, and no dance floor provided.

(m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments
Application
Notice to the Wards Corner Civic League, Suburban Acres Civic League, and Greater Wards Corner Business Association
Letter of Support from the Greater Wards Corner Business Association
Letter of Support from the Wards Corner Civic League

Proponents and Opponents

Proponents
None

Opponents
None

12/09/2015 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "THE PANCAKE HOUSE AND GRILL" ON PROPERTY LOCATED AT 7633 GRANBY STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Nicholas B. Renesis authorizing the operation of an eating and drinking establishment named "The Pancake House & Grill" on property located at 7633 Granby Street. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronting 46 feet, more or less, along the western line of Granby Street, beginning 336 feet, more or less, from the northern line of West Little Creek Road and extending northwardly; property also fronts 46 feet, more or less, along the eastern line of Lankford Avenue; premises numbered 7633 Granby Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The hours of operation for the establishment shall be limited to 6:00 a.m. until 10:00 p.m. Monday through Saturday and 7:00 a.m. until 3:00 p.m. on Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours for the sale of alcoholic beverages shall be limited to 7:00 a.m. until 10:00 p.m. Monday through Saturday and 7:00 a.m. until 3:00 p.m. on Sunday. No sale of alcoholic beverages outside the hours listed herein shall be permitted.

(c) The seating for the establishment shall not exceed

83 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 99 people.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

(e) The establishment shall maintain a current, active business license at all times while in operation.

(f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(j) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners,

operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(l) There shall be no entertainment, no dancing, and no dance floor provided.

(m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony

with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect

of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting an eating and drinking establishment on this property, adopted on September 11, 2012 (Ordinance No. 44,845). All provisions and conditions previously approved and applicable to this property are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (3 pages)

City of Norfolk

EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date of Application 9-30-15

Trade name of business: THE PANCAKE HOUSE & GRILL

Address of business: 7631-7633 GRANBY ST

Name(s) of business owner(s)* NICHOLAS B. RENESIS

Name(s) of property owner(s):* KAREN B. RENESIS - Lilly Inc of Va

Name(s) of business manager(s)/operator(s): NICHOLAS & KAREEN RENESIS

Daytime telephone number: (757) 489-1060

* If business or property owner is an LLC or Corporation, all partners must be listed.

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales		
Weekday	From 6:00 AM	To 10:00 PM	Weekday	From 7:00 AM	To 10:00 PM
Friday	From 6:00 AM	To 10:00 PM	Friday	From 7:00 AM	To 10:00 PM
Saturday	From 6:00 AM	To 10:00 PM	Saturday	From 7:00 AM	To 10:00 PM
Sunday	From 7:00 AM	To 3:00 PM	Sunday	From 7:00 AM	To 3:00 PM

2. Seating (Approved floor plan must be attached)

   a. **Indoor**
   Number of seats 75 (not including bar seats) Number of bar seats 8
   Number of tables 24

   b. **Outdoor**
   Number of seats 0 Number of tables 0

   c. **Number of employees** 16

Total Occupancy (Indoor and Outdoor and employees) 99

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

3. Describe type tables and booth (i.e., rounds of 4, booth seats 6, etc.)

   8 2-Tops 9 4-Tops 1 6 Tops

   Other: _____

4. Will indoor or outdoor entertainment be provided?
   (Entertainment consists of anything more than one, unamplified musician)
   ☐ Yes (Different application required) ☑ No

5. Type of alcoholic beverage applied for:
   ☑ Beer ☑ Wine ☑ Mixed Beverage

6. Will video games, pool tables, game boards or other types of entertainment be provided?
   ☐ Yes ☑ No

   6a. If yes, please describe type and number of each game to be provided:

   _____

   _____

7. Will patrons ever be charged to enter the establishment?
   ☐ Yes ☑ No

   7a. If yes, why:

   _____

   _____

   7b. Which days of the week will there be a cover charge (circle all applicable days):

   Monday Tuesday Wednesday Thursday Friday

   Saturday Sunday

8. Will the facility or a portion of the facility be available for private parties?
   ☐ Yes ☑ No

   8a. If yes, explain:

   _____

   _____

   _____

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

9. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☑ No

9a. If yes, explain:

_____

_____

_____

10. Type of ABC license applied for (check all applicable boxes):
☑ On-Premises ☐ Off-Premises (second application required)

11. Will there ever be a minimum age limit?
☐ Yes ☑ No

12. Additional comments/description/operational characteristics:

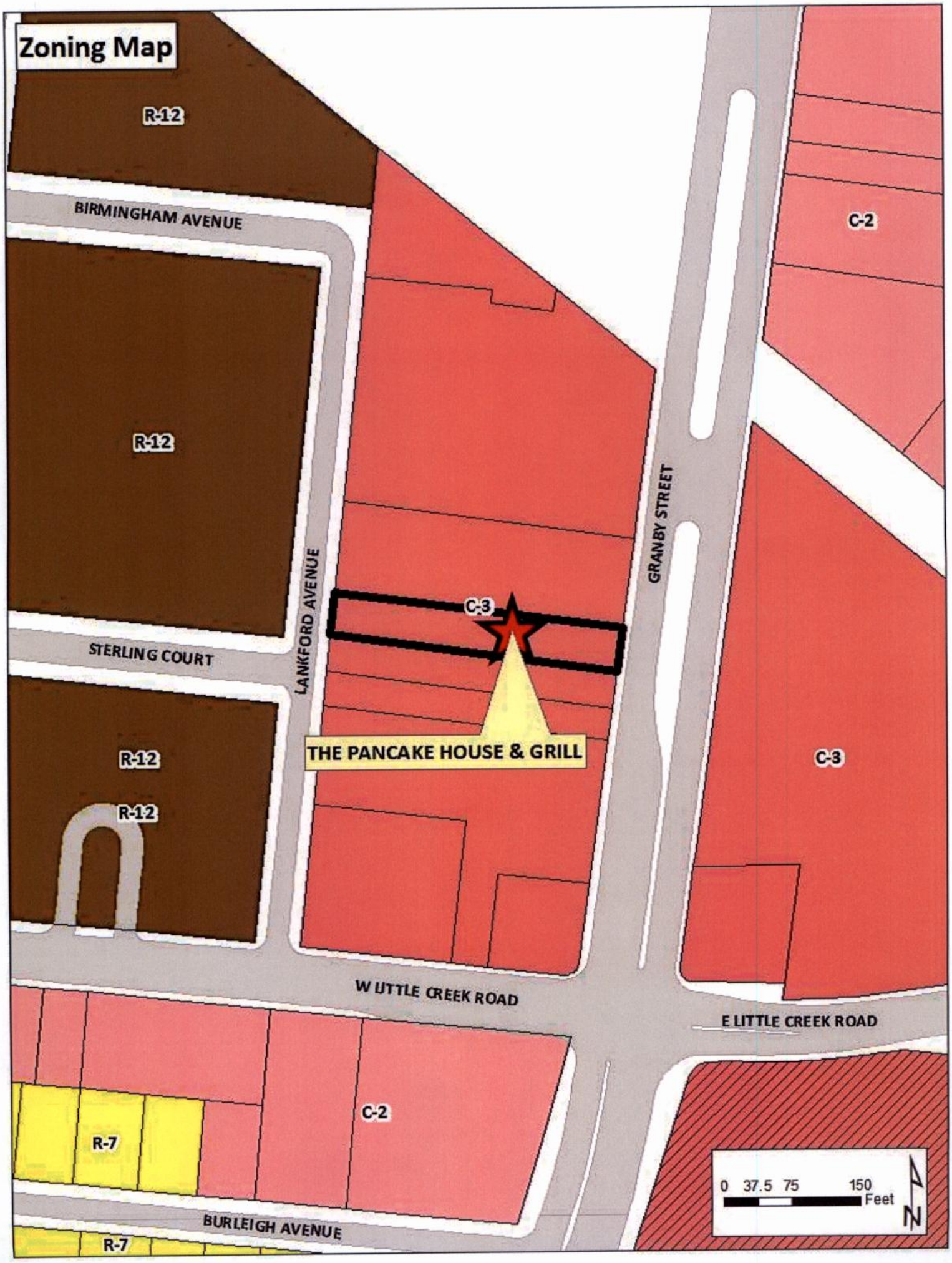
_____

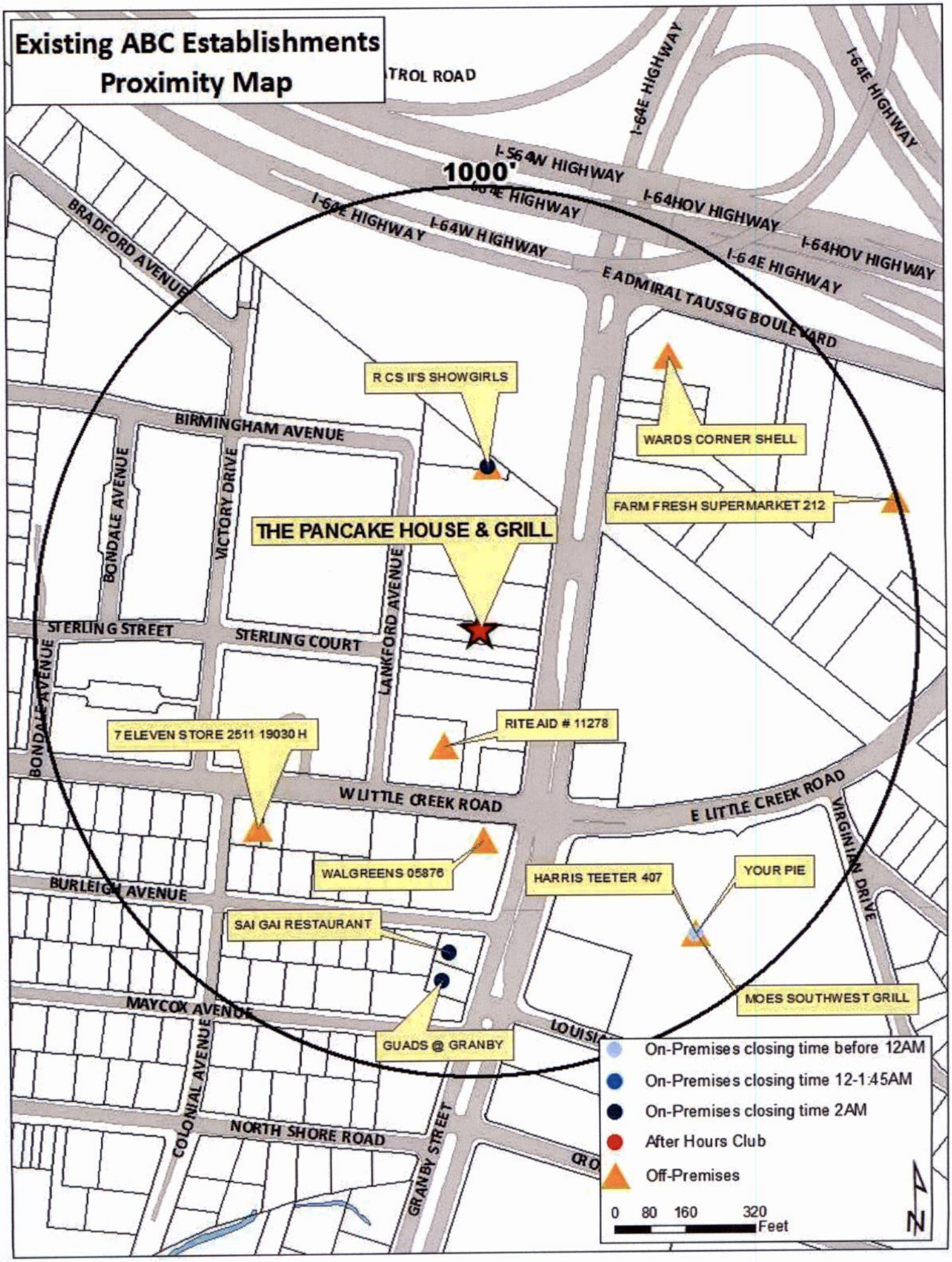
_____

Signature of Applicant

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

Location Map
THE PANCAKE HOUSE & GRILL
STERLING COURT
LANKFORD AVENUE
CRAWFORD STREET
W LITTLE CREEK ROAD
0 25 50 100
Feet
N


Zoning Map
R-12
BIRMINGHAM AVENUE
C-2
R-12
LANKFORD AVENUE
GRANBY STREET
C-3
STERLING COURT
THE PANCAKE HOUSE & GRILL
C-3
R-12
R-12
W LITTLE CREEK ROAD
E LITTLE CREEK ROAD
C-2
R-7
BURLEIGH AVENUE
R-7
0 37.5 75 150
Feet
N


Existing ABC Establishments
Proximity Map
1000'
I-64E HIGHWAY
I-64W HIGHWAY
I-64HOV HIGHWAY
BRADFORD AVENUE
E ADMIRAL TAUSSIG BOULEVARD
BIRMINGHAM AVENUE
BONDALE AVENUE
VICTORY DRIVE
LANKFORD AVENUE
STERLING STREET
STERLING COURT
W LITTLE CREEK ROAD
E LITTLE CREEK ROAD
VIRGINIAN DRIVE
BURLEIGH AVENUE
MAYCOX AVENUE
COLONIAL AVENUE
NORTH SHORE ROAD
GRANBY STREET
R CS II'S SHOWGIRLS
WARDS CORNER SHELL
FARM FRESH SUPERMARKET 212
THE PANCAKE HOUSE & GRILL
7 ELEVEN STORE 2511 19030 H
RITE AID # 11278
WALGREENS 05876
HARRIS TEETER 407
YOUR PIE
SAI GAI RESTAURANT
MOES SOUTHWEST GRILL
GUADS @ GRANBY
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

City of Norfolk

APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT

Date of Application: _____

DESCRIPTION OF PROPERTY

Property location: (Street Number) 7633 (Street Name) GRANBY STREET

Existing Use of Property RENOVATING TO MOVE

Current Building Square Footage 1600 SQ FT

Proposed Use RESTAURANT

Proposed Building Square Footage 1600 SQ FT

Trade Name of Business (If applicable) THE PANCAKE HOUSE & GRILL

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) RENESIS (First) NICHOLAS (MI) B

Mailing address of applicant (Street/P.O. Box): 1025 ASSEMBLY DR

(City) VIRGINIA BEACH (State) VA (Zip Code) 23454

Daytime telephone number of applicant (757) 489-1060 Fax number (757) 200-0721

E-mail address of applicant: THEPANCAKEHOUSEVA @ GMAIL.COM

2. Name of property owner: (Last) RENESIS (First) NICHOLAS (MI) B

Mailing address of property owner (Street/P.O. box): 1025 ASSEMBLY DR

(City) VIRGINIA BEACH (State) VA (Zip Code) 23454

Daytime telephone number of owner (757) 489-1060 Fax number (757) 200-0721

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

CIVIC LEAGUE INFORMATION

Civic League contact: Wards Corner Jim English.

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

- ✓ Check for $265.00 made payable to Norfolk City Treasurer.
- ✓ 2 8½x14 copies of a survey or site plan drawn to scale showing:
  - o Existing and proposed building structures
  - o Driveways
  - o Parking
  - o Landscaping
  - o Property lines (see attached example).
- ✓ 2 8½x14 copies of a floor plan drawn to scale showing seats, tables, bar, dance floor area, disc jockey area, and ingress and egress (see attached example).
- ✓ Completed Exhibit A, Description of Operations.
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc...).

CERTIFICATION:
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

SIGNED: _____ 9/30/15
(Property owner or authorized agent signature) (Date)

SIGNED: _____ 9/30/15
(Applicant signature) (Date)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

Owner

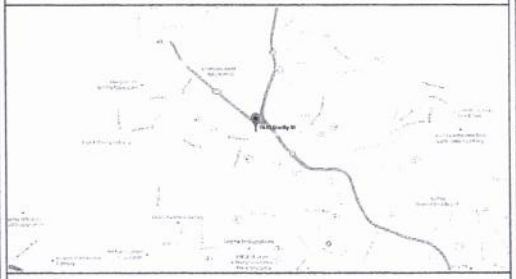
Renesis Property

7633 Granby Street

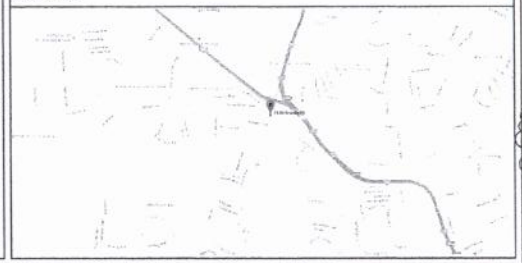
ARCHITECT:

VIA design architects, pc
150 Randolph Street, Norfolk, VA

LOCATION MAP



VICINITY MAP



DRAWING INDEX

TITLE SERIES

T100 TITLE SHEET

ARCHITECTURAL SERIES

A100 ARCHITECTURAL SITE PLANS - EXISTING AND NEW WORK
A101 FLOOR PLAN, PARTITION TYPES AND DETAILS

BUILDING CODE SUMMARY

ALL CONSTRUCTION SHALL COMPLY WITH THE REQUIREMENTS OF THE FOLLOWING CODES:

2012 INTERNATIONAL BUILDING CODE WITH VIRGINIA AMENDMENTS
2012 VIRGINIA REHABILITATION CODE
2012 VIRGINIA PLUMBING CODE
2009 ANSI / ICC 117.1

BUILDING DATA

OCCUPANCY CLASSIFICATION	EXISTING - B / NEW USE - A-2
CONSTRUCTION TYPE	II B
FIRE SUPPRESSION	NON-SPRINKLER / PORTABLE FIRE EXTINGUISHERS

MAXIMUM ALLOWABLE BUILDING HEIGHT AND AREA - TABLE 503 (IBC)

USE GROUP	MAX. HEIGHT	MAX AREA/STORY (SF)
A-2	2 STORIES, 65'-0"	9,500

ACTUAL BUILDING HEIGHT: 1 STORY, 16'-4" (MEASURED TO TOP OF CANOPY)

ACTUAL BUILDING AREA:

NEW WORK BUILDING AREA - AREA A	2,215 S.F.
EXISTING BUILDING AREA - AREA B	1,228 S.F.
TOTAL	3,443 S.F.

FIRE RESISTANCE RATING

PER TABLE 508.4 OF THE 2012 IBC - SEPARATION BETWEEN TWO A-2 OCCUPANCY CLASSIFICATIONS IS NOT REQUIRED.

PER TABLE 1012 SECTION 1012.8.2 OF THE 2012 VRC - EXTERIOR WALL RATINGS FOR CHANGES OF OCCUPANCY TO AN EQUAL OR LESSER HAZARD CATEGORY (PREVIOUS OCCUPANCY CLASSIFICATION - B/BUSINESS (AREA A) CHANGES TO OCCUPANCY CLASSIFICATION - A-2/ASSEMBLY. BOTH CLASSIFICATIONS ARE RELATIVE HAZARD CATEGORY 3. WHEN A CHANGE OF OCCUPANCY IS MADE TO AN EQUAL OR LESSER HAZARD CATEGORY, EXISTING EXTERIOR WALLS, INCLUDING OPENINGS, SHALL BE ACCEPTED. BASED ON FIELD MEASUREMENTS AND OBSERVATIONS, IT APPEARS THAT PROPERTIES 7631 AND 7633 ARE CONTAINED WITHIN A SINGULAR STRUCTURE THAT IS INDEPENDANT FROM THE ADJACENT EXISTING STRUCTURES ON EITHER SIDE. ⚠1

ACCESSIBILITY REQUIREMENTS

CONTRACTOR IS RESPONSIBLE FOR ENSURING ACCESSIBILITY COMPLIANCE WITH REGARD TO THE 2009 ANSI/ICC 117.1, INCLUDING BUT NOT LIMITED TO GRAB BARS, REACH RANGES, FIXTURE LOCATIONS, WORK SURFACE HEIGHTS, ETC.

EXIT REQUIREMENTS

EXIT ACCESS TRAVEL DISTANCE

USE GROUP	MAX. DISTANCE
A-2	200'-0"

MAXIMUM DEAD END CORRIDOR

USE GROUP	MAX. DISTANCE
A-2	20'-0" (PER SECTION 805.5 2012 VRC)

MAXIMUM COMMON PATH OF EGRESS TRAVEL

USE GROUP	MAX. DISTANCE
A-2	75'-0"

NUMBER OF EXITS REQUIRED: 2 EXITS
NUMBER OF EXITS PROVIDED: 3 EXITS

OCCUPANT LOAD 79

(REFER TO ROOM SCHEDULE - OCCUPANT LOAD ON SHEET A101 FOR CALCULATION)

PLUMBING FIXTURE REQUIREMENTS

MALE
WATER CLOSETS REQUIRED 1 (1 PER 75 (76 X .50 = 38.0)) — LAVATORIES REQUIRED 1 (1 PER 75 (76 X .50 = 38.0))
WATER CLOSETS PROVIDED 1 — LAVATORIES PROVIDED1

FEMALE
WATER CLOSETS REQUIRED 1 (1 PER 75 (76 X .50 = 38.0)) — LAVATORIES REQUIRED 1 (1 PER 75 (76 X .50 = 38.0))
WATER CLOSETS PROVIDED 1 — LAVATORIES PROVIDED1

DRINKING FOUNTAINS ARE NOT REQUIRED PROVIDED THE RESTAURANT PROVIDES DRINKING WATER IN A CONTAINER FREE OF CHARGE PER SECTION 410.3 OF THE 2012 VIRGINIA PLUMBING CODE.

SERVICE SINKS REQUIRED 1
SERVICE SINKS PROVIDED 1

GENERAL DEMOLITION NOTES

1. Contractor is responsible to provide temporary shoring prior to any demolition of existing load bearing structure.Maintain integrity of temporary shoring throughout the construction process until the new structure has been framed, and the new and existing structures have been fully tied together.
2. Where it is called out to patch and repair areas, new construction is to match adjacent construction.
3. Where existing doors and windows are required to be demolished, carefully saw cut framing members and remove as required.
4. Where partial demolition of masonry or metal sheathing is required, sawcut, true, level, or plumb so that existing walls will align with new construction.
5. If hazardous material is suspected, contractor is to notify the owner and remove as required by law.
6. Except for items or material to be salvaged, recycled, or otherwise reused, remove all waste materials from the project site and legally dispose of them in a landfill or incinerator acceptable to authorities having jurisdiction.
7. Contractor is to notify architect immediately upon the discovery of any unforeseen conditions which may alter the work.
8. Provide protection from adverse weather conditions for portions of the project which may be exposed to the elements during cutting and patching operations.
9. All existing construction remaining is to be protected during demolition and build out.

GENERAL NEW WORK NOTES

1. All work is to be performed in accordance with all applicable building codes, ordinances and laws.
2. Do not scale drawings. If dimensions are in question, the Contractor shall be responsible for obtaining clarification from the Architect before proceeding with the work.
3. Dimensions are to face of stud, centerline of openings, and centerline of columns unless otherwise noted.
4. The Contractor shall immediately notify the Architect in writing of any discrepancies. Contractor is to notify the Architect immediately upon discovery of any unforeseen conditions which may alter the work.
5. Contractor shall be responsible for coordination of other trades and work between the trades to ensure a full and complete job.
6. All changes in work completed without approval from the Owner shall become the responsibility of the Contractor who shall incur all cost involved.
7. All materials shall be installed per manufacturers written instructions unless otherwise noted (u.o.n.).

ARCHITECTURAL SYMBOLS

- 1 / A100 — ENLARGED PLAN/DETAIL LOCATION WITH SHEET TAKEN AND SHEET SHOWN
- ALIGN
- S1 — WALL TYPE
- 101 — DOOR TYPE
- KEY NOTE
- 1 — DEMOLITION NOTE
- 1 — NEW WORK NOTE
- EXISTING DOOR TO REMAIN
- EXISTING DOOR TO BE DEMOLISHED
- NEW DOOR
- Room name / 101 / 150 SF — ROOM TAG, ROOM NUMBER, ROOM SQUARE FOOTAGE

MATERIAL LEGEND

- BRICK - ELEVATION
- BRICK - PLAN
- CMU - PLAN
- CONCRETE
- GROUT
- GYPSUM WALLBOARD
- INSUL - BATT
- INSUL - RIGID
- PLYWOOD
- STEEL
- WOOD

ABBREVIATIONS

AFF	ABOVE FINISH FLOOR
ACT	ACOUSTICAL CEILING TILE
ARCH	ARCHITECTURAL
CT	CERAMIC TILE
CONC	CONCRETE
CMU	CONCRETE MASONRY UNIT
DEMO	DEMOLITION
DIA	DIAMETER
DIM	DIMENSION
DWG	DRAWING
EWC	ELECTRICAL WATER COOLER
EQ	EQUAL
FEC	FIRE EXTINGUISHER CABINET
GWB	GYPSUM WALL BOARD
MFR	MANUFACTURER
MO	MASONRY OPENING
MECH	MECHANICAL
MIN	MINIMUM
NIC	NOT IN CONTRACT
NTS	NOT TO SCALE
OC	ON CENTER
RO	ROUGH OPENING
SIM	SIMILAR
SPEC	SPECIFICATION
STRUCT	STRUCTURAL
TYP	TYPICAL
UON	UNLESS OTHERWISE NOTED
VIF	VERIFY IN FIELD

VIA design architects, pc
150 RANDOLPH STREET
NORFOLK, VIRGINIA 23510
757.627.1489 FAX 627.1602
www.viadesignarchitects.com

COMMONWEALTH OF VIRGINIA
2015-03-10
DONNA M. PHANEUF
No. 07150

Owner
Renesis Property
7633 Granby Street

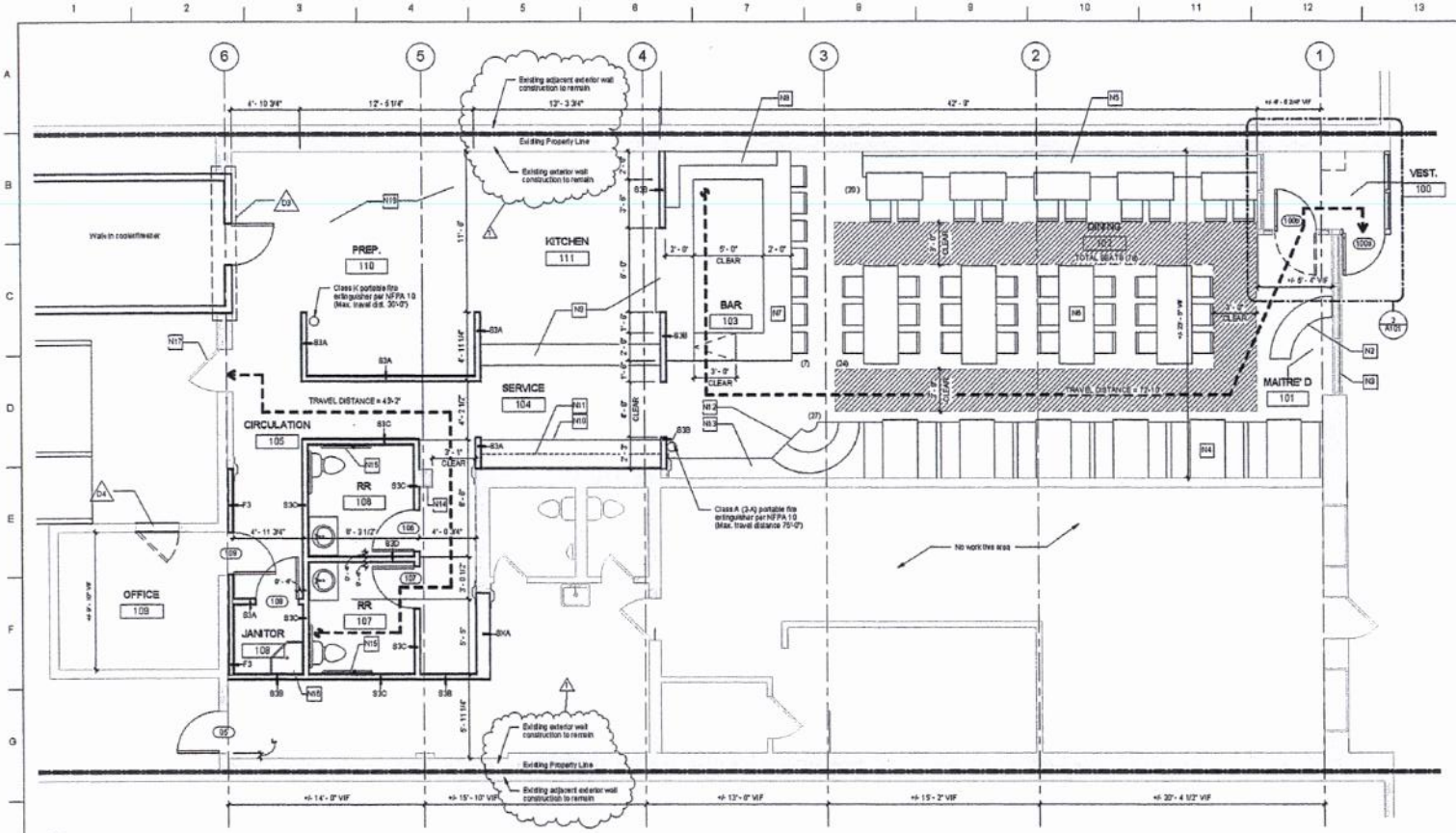
NO.	DATE	DESCRIPTION
1	3.10.15	Permit

PROJECT NUMBER 1409
DATE 2015-03-10
DRAWN BY
SHEET STATUS
- PRELIMINARY
- 35% PROGRESS PRINTS
- 65% PROGRESS PRINTS
- 95% PROGRESS PRINTS
- PERMIT
- BIDDING
- ADDENDA/CONSTRUCTION
- RECORD DRAWINGS

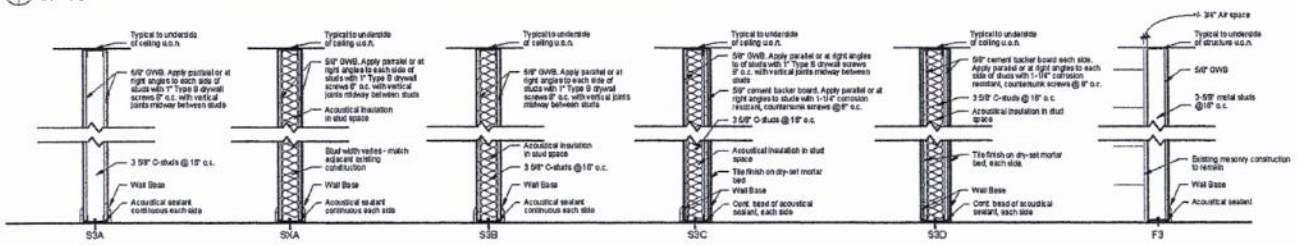
ADDITIONAL

SHEET TITLE
Title Sheet

SHEET NUMBER
T100
Sheet 1 of 3



1 Floor Plan
1/4" = 1'-0"



3 Partition Types
1" = 1'-0"

CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS AND CLEARANCES ASSOCIATED WITH EXISTING CONDITIONS PRIOR TO PROCEEDING WITH CONSTRUCTION. REFER TO TITLE SHEET - T001 FOR CODE INFORMATION.

Room Schedule - Occupancy Load

Name	Area	OLF	Occupant Load
BAR	112 SF	100	2
CIRCULATION	222 SF	100	3
DINING	4977 SF	15	59
JANITOR	25 SF	300	1
KITCHEN	165 SF	200	2
MAITRE'D	13 SF	100	1
OFFICE	112 SF	100	2
PREP	257 SF	300	3
RR	123 SF	100	2
SERVICE	171 SF	100	2
VEST.	63 SF	100	1
WALK-IN COOLER/FREEZER	239 SF	200	1
Grand total: 10	2368 SF		79

Door Schedule

Door Number	Width	Height	Finish	Notes
100a	2'-0"	Match existing	AL	Aluminum storefront door with full vision glazing to match existing salvaged storefront door. Install closer only - clearances illustrated not compliant if both closer and latch are provided.
100b	3'-0" MIN. required VIF	Verify height in field.	AL	Salvaged existing aluminum storefront door. Door to swing in direction of egress travel. Clearances illustrated required for installation of door closer.
106	3'-0"	8'- 0"	WD	Provide closer and latch.
107	3'- 0"	8'- 0"	WD	Provide closer and latch.
108	3'- 0"	8'- 0"	WD	Provide latch.
109	3'- 0"	8'- 0"	WD	Provide latch.

Demolition Notes

D1	Remove and salvage existing storefront door
D2	Demolish portion of existing wall to provide 60" clear width to satisfy 180 degree turning radius requirement. (ANSI - 403.5.1)
D3	Demolish portion of existing wall to accommodate installation of walk-in cooler/freezer. Contractor to coordinate opening size, structural shoring/bracing, structural lintel and installation.
D4	Remove existing door and frame. Patch masonry wall to match adjacent existing construction

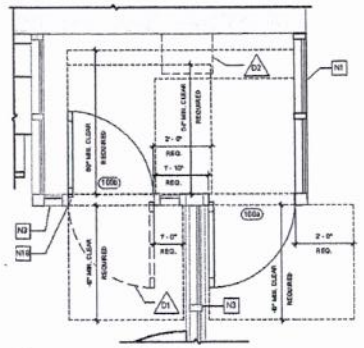
New Work Notes

N1	Aluminum storefront
N2	Custom millwork maitre'd stand
N3	Existing aluminum storefront to remain, protect in place
N4	Built-in booth, typical
N5	Built-in bench seating with tables and chairs
N6	Tables and chairs, typical
N7	Built-in bar with seating. Provide 36" clear accessible passage to workspace behind
N8	Display shelves
N9	Pass-thru service window w/ counter top
N10	Base cabinet with countertop
N11	Wall hung shelves above
N12	Custom corner booth
N13	Built-in server station
N14	Existing brick pilaster to remain
N15	Grab bars - DO to install per ANSI 117.1 (2009)
N16	drop service sink
N17	Existing door to remain
N18	Install salvaged aluminum storefront door to match the path of egress
N19	Contractor to coordinate kitchen equipment layout, plumbing rough-ins, and finishes for kitchen and prep area

New Work Legend

Existing construction to remain

New construction



2 Enlarged Area Plan - Vestibule
1/2" = 1'-0"

VIA design architects, pc
150 RANDOLPH STREET
NORFOLK, VIRGINIA 23510
757.627.1469 FAX 627.1692
www.viadesignarchitects.com

COMMONWEALTH OF VIRGINIA
2015-07-10
DONHAM, PHANEUF
No. 07150

Owner
Renesis Property
7930 Granby Street

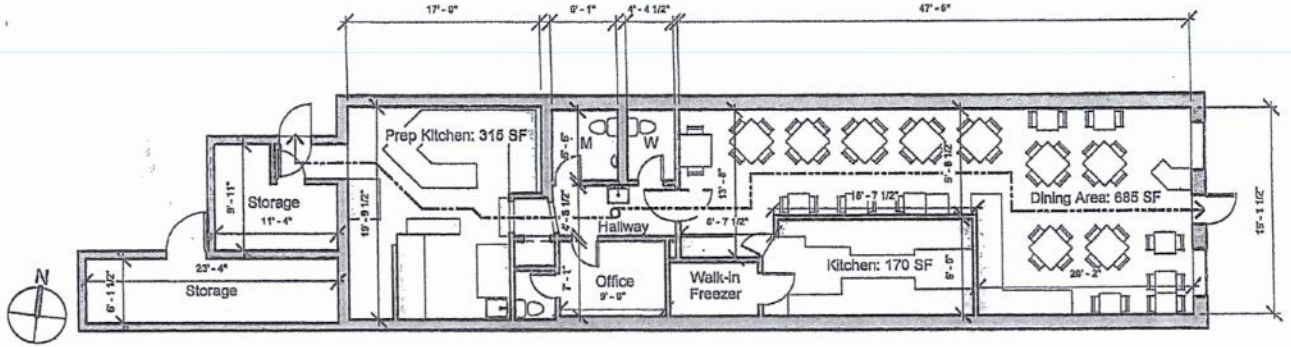
NO.	DATE	ISSUE/REVISION
1	07/10/15	Permit

PROJECT NUMBER 1406
DATE 2014-08-21
DESIGNED BY
SHEET STATUS
- PRELIMINARY
- 35% PROGRESS PRINTS
- 65% PROGRESS PRINTS
- 95% PROGRESS PRINTS
- PERMIT
- BIDDING
- ACCEPTED/CONSTRUCTION
- RECORD DRAWINGS

KEY PLAN

SHEET TITLE
Floor Plan, Partition Types and Details

SHEET NUMBER
A101
Sheet 3 of 3



1 A101 Existing Floor Plan
3/32" = 1'-0"

EXISTING BUILDING INFORMATION	
Maximum requested occupant load:	
Employees:	10
Existing seat count (dining area):	55
Total:	65
Door egress width (minimum required):	23"
Door egress width (provided):	34" (front door) 36" (rear door)
Number of exits provided:	2

VIA design architects, pc
150 RANDOLPH STREET
NORFOLK, VIRGINIA 23510
757.627.1469 FAX 627.1692
www.viadesignarchitects.com

COMMONWEALTH OF VIRGINIA
6.22.2012
DONNA M. PHANEUF
No. 07150
ARCHITECT

CONSULTANT:

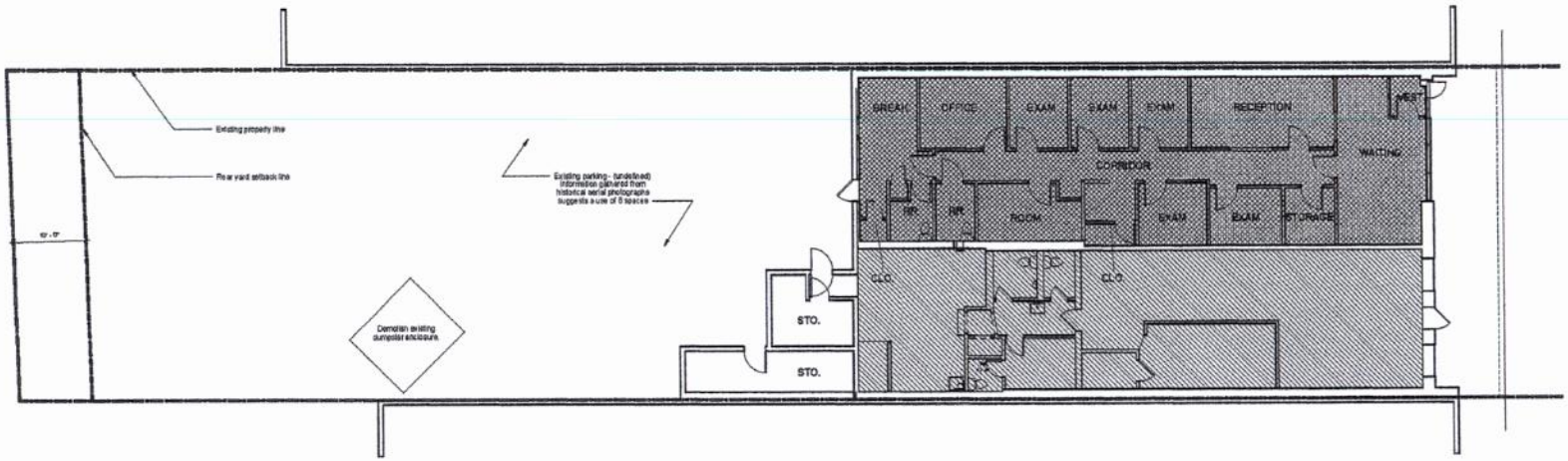
The Pancake House
7931 Granby Street, Norfolk, VA 23505

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT NUMBER: 12015
DATE: 6.22.2012
CHECKED BY: DG
SHEET STATUS:
- ○ PRELIMINARY
- ○ 35% PROGRESS PRINTS
- ○ 65% PROGRESS PRINTS
- ○ 95% PROGRESS PRINTS
- ○ PERMIT
- ○ BIDDING
- ○ ADDENDA/CONSTRUCTION
- ● RECORD DRAWINGS

SHEET TITLE: Existing Floor Plan
SHEET NUMBER: A101



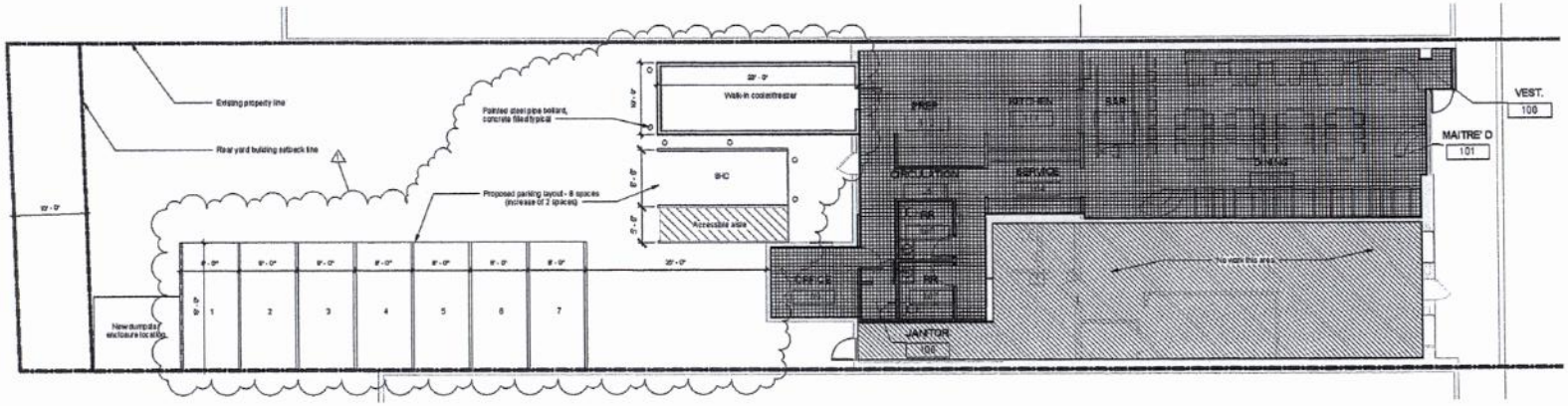
1 Existing Site and Building Conditions
1/8" = 1'-0"

Hatch Legend - Existing

Existing restaurant (Occupancy A-2)	= 1,500 GSF
Existing tenant space (Occupancy B)	= 1,919 GSF
Total existing GSF	= 3,419 GSF

Hatch Legend - New

New restaurant (Occupancy A-2)	= 2,215 GSF
New tenant space (Occupancy A-2)	= 1,228 GSF
Total GSF	= 3,443 GSF



2 New Work Site and Building Conditions
1/8" = 1'-0"

VIA design architects, pc
159 RANDOLPH STREET
NORFOLK, VIRGINIA 23510
757.537.1469 FAX 537.1680
www.viadesignarchitects.com

COMMONWEALTH OF VIRGINIA
2015-07-10
DONNA M. PHANEUF
No. 07150
REGISTERED ARCHITECT

CONSULTANTS

Owner
Renesis Property
7633 Granby Street

REVISIONS

NO.	DATE	DESCRIPTION
1	07.16.15	Permit Set

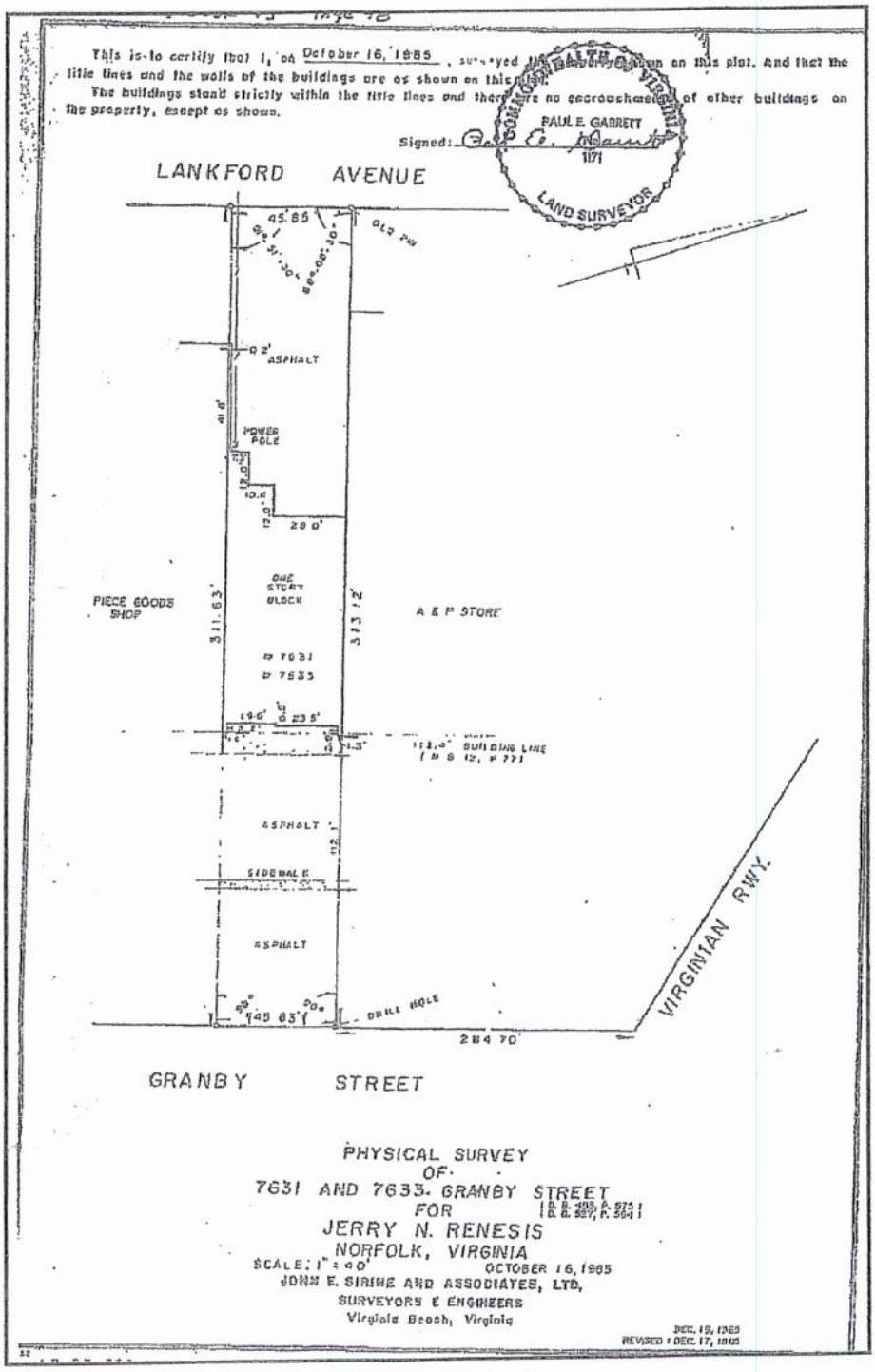
PROJECT NUMBER 1402
DATE 2015-06-25
DRAWN BY

SHEET STATUS
- PRELIMINARY
- 35% PROGRESS PRINTS
- 65% PROGRESS PRINTS
- 95% PROGRESS PRINTS
- PERMIT
- BIDDING
- ACCEPTANCE/CONSTRUCTION
- RECORD DRAWINGS

KEY PLAN

SHEET TITLE
Architectural Site Plans - Existing and New Work

SHEET NUMBER
A100
Sheet 2 of 3



SURVEY

SOSCIA Commercial Real Estate Appraisers and Consultants
& Company, Inc. 265 Kings Grant Road, Suite 105 Virginia Beach, VA 23452-6834 TEL: (757)631-4420 FAX: (757) 631-4421 John@SosciaAndCo.com

Blough, Christopher

From: Straley, Matthew
Sent: Tuesday, October 27, 2015 3:13 PM
To: ajim.english@gmail.com; saclpresident@gmail.com; gwcaba@cox.net
Cc: Protogyrou, Andrew; Winn, Barclay; Ransom, Carlton; Blough, Christopher
Subject: new Planning Commission application - 7631-7633 Granby Street
Attachments: Pancake House.pdf

Mr. English, Mr. Janney, and Ms. Kalfus:

Attached please find the application to expand a previously granted special exception to operate an eating and drinking establishment at 7631-7633 Granby Street.

The item is tentatively scheduled for the December 10, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Blough at (757) 664-6771, christopher.blough@norfolk.gov*

Thank you.

Matthew Straley
GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

Greater Wards Corner Area Business Association
301 Suburban Parkway
Norfolk, Virginia 23505-4224
757-587-7975

December 9th, 2015

Christopher Blough
Norfolk Department of City Planning
810 Union Street, Suite 508
Norfolk, Virginia 23510

RE: The Pancake House & Grill

Dear Mr. Blough;

As a native of Norfolk and one whose family has deep roots in the Ward's Corner community, I have a strong interest in our revitalization.

I remember the excitement of going to buy a new pair of shoes at Hofheimer, seeing the latest movies then sharing a family dinner at the Sai Gai Restaurant. It was a busting, vibrant shopping experience as families shopped, played and socialized together.

The Greater Wards Corner Area Business Association fully endorses the application for a liquor license by Nicholas & Karen Renesis. The Pancake House has proven its professionalism over the past 55 years as a landmark of Wards Corner and would continue that conduct while selling alcoholic beverages.

The Business Association welcomes the opportunity to assist in the creation of a desirable evening clientele by attracting a socially and economically advanced environment where people can enjoy an evening out. With the help of the city, the property owners and the merchants Wards Corner is beginning to reestablish itself as a shopping destination.

Most sincerely,

Elyse R. Kalfus, President

Blough, Christopher

From: Ajim English <ajim.english@gmail.com>
Sent: Thursday, December 10, 2015 8:30 AM
To: Blough, Christopher; Martin Thomas Jr; ajim english
Subject: The Pancake House and Grill

Martin,

This email serves as notice to you and the Planning Commission that the Wards Corner Civic League unanimously approved the adult use permit application for The Pancake House and Grill without any additional stipulations at its meeting in November. We welcome this business to the Wards Corner Business District.

Should you need any additional information please let me know.

Thanks,

Jim

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exception for an Entertainment Establishment with alcoholic beverages – 419 W. 22nd Street – Mambo Room Latin Dance Studio**

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/7

Approved: _____
Marcus D. Jones, City Manager

Item Number: R-3

I. **Staff Recommendation: Approval.**

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval.**

III. **Request:** Special Exception to operate for an Entertainment Establishment with alcoholic beverages.

IV. **Applicant: Mambo Room Latin Dance Studio**

V. **Description:**

- This request is to open a new larger dance studio and entertainment establishment, Mambo Room, in a space most recently occupied by Sentara Physical Therapy at the corner of West 22nd Street and DeBree Avenue within the Ghent Business District.
- The applicant is currently operating a dance studio/dance hall at 2200 Colonial Avenue.
- This new establishment will provide dance classes and will offer dance performances to the public.
- The applicant would also like to host banquets and receptions which will provide alcoholic beverages for on-premises consumption to the patrons.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated December 10, 2015 with attachments
- Letters of support
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: December 10, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Matthew Simons, AICP, CZA, CFM

Staff Report	**Item No. Continued Item no. 5**	
Address	**419 W. 22nd Street**	
Applicant	**Mambo Room Latin Dance Studio**	
Request	**Special Exception**	Entertainment Establishment with alcoholic beverages
Property Owner	Levin's Children, LLC	
Site Characteristics	Site/Building Area	16,800 square feet/6,395 square feet
	Zoning	C-2 (Corridor Commercial) and 21st Street Pedestrian Commercial Overlay (PCO-21st Street) districts
	Neighborhood	Ghent
	Character District	Traditional
Surrounding Area	North	C-2 and PCO-21st Street districts: Palace Station shops
	East	C-2 and PCO-21st Street districts: Dollar Tree
	South	C-2 and PCO-21st Street districts: Sleepy's
	West	C-2 and PCO-21st Street districts: 757 Makerspace, Novelties Unlimited, Inc.

A. Summary of Request

- This request was continued from the October and November Planning Commission public hearings at the request of the applicant in order to allow more time for the applicant to communicate with the Ghent Neighborhood League.
- This request is to open a new larger dance studio and entertainment establishment, Mambo Room, in a space most recently occupied by Sentara Physical Therapy at the corner of West 22nd Street and DeBree Avenue within the Ghent Business District.
- The applicant is currently operating a dance studio/dance hall at 2200 Colonial Avenue.
- This new establishment will provide dance classes and will offer dance performances to the public.
- The applicant would also like to host banquets and receptions which will provide alcoholic beverages for on-premises consumption to the patrons.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

- The use is permitted in the C-2 district by special exception.

	Proposed
Hours of Operation (Dance Studio)	5:00 a.m. until 2:00 a.m, seven days a week
Hours for the Sale of Alcohol and for Entertainment	12:00 noon until 2:00 a.m, seven days a week
Entertainment Options	10 member live band, disc jockey, dance performances
Seating	• 188 seats inside building • 326 dance capacity • 400 total capacity

ii. Parking

- The site is located in the 21st Street Pedestrian Commercial Overlay, which requires one paring space per four seats.
- The *Zoning Ordinance* promotes the reuse of existing buildings throughout the City by acknowledging all buildings constructed prior to 1992 as being vested from the basic parking minimum parking requirement of one space per 250 square feet. Therefore, this facility is vested for 26 parking spaces.
- The proposed establishment requires 21 additional parking spaces in order to accommodate the new use.
  - The site is developed with two uses that do not share the same peak hours.

  - The retail goods establishment has peak hours during the daytime and early afternoon and the entertainment establishment will experience peak hours during the evening.
- The shared parking should not have an adverse impact on the surrounding uses.
- The property owner also owns and manages the commercial property directly opposite from the site (Ghent Market Shoppes), which has additional parking available in excess of the required parking needed by the Ghent Market Shoppes.
  - The property owner has agreed to lease 21 available parking spaces located within the Ghent Market Shoppes for the sole purpose of providing Mambo Room with overflow off-street parking, which is within close walking distance and directly visible from the Mambo Room site.
- Given the site is vested for 26 parking spaces, and since 21 additional spaces have been secured for the use of the building, the use as proposed, with a parking demand of 47 spaces, is able to mitigate the additional parking demand.
  - The use as proposed should not have a negative off-street parking impact on the surrounding businesses and streets.

Bicycle Parking

- Given the square footage of the establishment the total bicycle parking requirement is for four bike spaces.
  - A bike rack will have to be provided sufficient to accommodate at least four bicycles on the site within clear view of the main entrance.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers (ITE) figures estimate that this entertainment use will generate 1,159 vehicle trips per day.
- 21st Street near to the site is identified as a severely congested corridor in the PM peak in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit service with Hampton Roads Transit bus route 11 (Colonial) operating to the west of the site and route 4 (Church Street) serving 21st Street just to the south.

E. Impact on the Environment

Site improvements shall include a new landscape hedge to be installed and maintained along the West 22nd Street sidewalk edge, in addition to improvements being required along the West 22nd Street curb where sections have deteriorated and need repair.

F. Impact on Surrounding Area/Site

By requiring this use to conform to the conditions listed below, the proposed entertainment establishment should not have a negative effect on the surrounding businesses.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

Notice was sent to the Ghent Neighborhood League and Ghent Business Association on July 15.

I. Communication Outreach/Notification

- Legal notice was posted on the property on July 14.
- Letters were mailed to all property owners within 300 feet of the property on October 8.
- Legal notification was placed in *The Virginian-Pilot* on October 8 and October 15.

J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

Entertainment Establishment Conditions

(a) The hours of operation for the establishment shall be from 5:00 a.m. until 2:00 a.m. the following morning, seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours of operation for the sale of alcoholic beverages, and for entertainment shall be from 12:00 noon until 2:00 a.m. the following morning, seven days a week.

(c) The seating for the establishment shall not exceed 188 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 400 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

(d) The site shall be improved and maintained to meet all the criteria, including landscaping, identified in the attached site plan by Robyn Thomas Architecture, dated October 15, 2015, set forth in "Exhibit C," and attached hereto, including improvements to the curb along the southern line of West 22nd Street for the portions directly adjacent to the site.

(e) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(f) Entertainment shall be limited to a disc jockey, live bands having no more than ten (10) members, and dance performances. There shall be no go-go dancing. The nature and style of dance are hereby limited so that no lewd, obscene, erotic or other form of dance which violates § 5-27 of the Norfolk City Code (1979) is permitted. No other form of entertainment is permitted.

(g) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(i) The establishment shall maintain a current, active business license at all times while in operation.

(j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(l) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(m) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(n) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(o) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(p) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(q) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(r) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.

(s) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

1) This special exception;

2) Any ABC license(s);

3) Any occupancy permit(s);

4) Certifications of all persons who work on the premises as a security guard;

5) All fire code certifications, including alarm and sprinkler inspection records;

6) Any health department permit(s);

7) The emergency action plan required under the Fire Prevention Code;

8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

9) The establishment's designated driver program; and

10) The establishment's Security Plan.

(t) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 200 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(u) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

(v) No business license shall be issued until condition (d) has all been implemented fully on the site.

Attachments

Location map
Zoning map
1000' radii map of similar ABC establishments
Application
Site Plan
Physical Survey
Notice to the civic league and business association
Letter of support – Ghent Business Association

Proponents and Opponents

Proponents
Tracy Holland – Applicant
15336 Laurelwood Drive
Carrollton, VA 23314

Opponents
None

12/09/2015 lds

Form and Correctness Approved.

By _____
Office of the City Attorney

Contents Approved: M. S.

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT KNOWN AS "MAMBO ROOM LATIN DANCE STUDIO" ON PROPERTY LOCATED AT 419 WEST 22ND STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Mambo Room, Inc. authorizing the operation of an entertainment establishment named "Mambo Room Latin Dance Studio" on property located at 419 West 22nd Street. The property which is the subject of this Special Exception is more fully described as follows:

> Property located on the southwest corner of West 22nd Street and Debree Avenue fronting 170 feet, more or less, along the southern line of West 22nd Street and 61 feet, more or less, along the western line of Debree Avenue; premises numbered 419 West 22nd Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The hours of operation for the establishment shall be limited to 5:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours of operation for the sale or service of alcoholic beverages and for entertainment shall be limited to 12:00 noon until 2:00 a.m. the following morning, seven days per week. No alcoholic beverages shall be sold or served outside the hours listed herein.

(c) The seating for the establishment shall not exceed 188 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not

exceed 400 people.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(e) Entertainment shall be limited to a disc jockey, live bands having no more than ten (10) members, and dance performances. There shall be no go-go dancing. The nature and style of dance are hereby limited so that no lewd, obscene, erotic or other form of dance which violates § 5-27 of the Norfolk City Code (1979) is permitted. No other form of entertainment is permitted.

(f) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(g) The site shall be improved and maintained with all of the improvements, including landscaping, identified in the attached site plan prepared by Robyn Thomas Architecture, dated October 15, 2015, marked as "Exhibit C" and attached hereto, including improvements to the curb along the southern line of West 22nd Street that are directly adjacent to the site.

(h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(i) The establishment shall maintain a current, active

business license at all times while in operation.

(j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(l) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(m) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(n) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(o) Neither the establishment nor any portion of it

shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(p) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(q) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(r) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.

(s) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(t) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 200 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(u) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

(v) No business license shall be issued until condition (g) has all been implemented fully on the site.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific

purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That a permit to operate a public dance hall on the property described above is hereby issued to Mambo Room, Inc.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:
Exhibit A (7 pages)
Exhibit B (4 pages)
Exhibit C (1 page)

EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date 8/7/15

Trade name of business Mambo Room Latin Dance Studio.

Address of business 419 W 22nd St Norfolk VA 23517.

Name(s) of business owner(s)* Tracy Granajo, Tanya Fiske

Name(s) of property owner(s)* Levin's Children LLC

Name(s) of business manager(s)/operator(s) Tracy Granajo / Tanya Fiske + See list

Daytime telephone number (757) 335-3317

*If business or property owner is a partnership, all partners must be listed.
*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation: Note Dance Studio open 5AM. ~~10AM~~ - 2pm

Facility Dance Socials.

Weekday	From NOON	To 2AM	Weekday	From NOON	To 2AM
Friday	From NOON	To 2AM	Friday	From	To
Saturday	From NOON	To 2AM	Saturday	From	To
Sunday	From NOON	To 2AM.	Sunday	From	To

2. Type of ABC license applied for (check all applicable boxes):
☑ On-Premises ☐ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:
☑ Beer ☑ Wine ☑ Mixed Beverage

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

Exhibit A – Page 2
Entertainment Establishment

N/A 4. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☐ No

4a If yes, please describe type and number of each game to be provided:

_____

_____

5. Will patrons ever be charged to enter the establishment?
☑ Yes ☐ No

5a. If yes, why:
NON-MEMBERS PAY AT DOOR FOR SOCIAL PRACTICE / DANCE

5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?
☑ Yes ☐ No LICENCED CATERERS ON PREFERRED LIST.

6a. If yes, explain:
BIRTHDAY PARTIES - BUSINESS MEETINGS
WEDDINGS - QUINCEANERAS - CELEBRATIONS

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☑ No

7a. If yes, explain:

_____

_____

8. Will there ever be a minimum age limit?
☐ Yes ☑ No

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Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

MAMBO ROOM. DANCE STUDIO HAS OPERATED AT 2200 COLONIAL AVE #4 FOR EIGHT YEARS. WITH NO SECURITY ISSUES.

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Jacay Holland Granajo

Signature of Applicant

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LAYOUT 01
STUDIO (1) - PRIVATE PARTY
STUDIO (2) - PRIVATE PARTY

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

	(1)	(2)
a. Indoor		
Number of seats (not including bar seats)	28	160
Number of bar seats		
Standing room DANCE FLOOR.	20	34
b. Outdoor		
Number of seats		
c. Number of employees	8±	9±
Total Occupancy (Indoor/Outdoor seats, standing room and employees) =	56	203

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

   5 MEMBER BAND/DJ

3. Will a dance floor be provided?
   ☑ Yes ☐ No

	(1)	(2)
3a. If yes,		
Square footage of establishment	1436	2410
Square footage of dance floor	140	240

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING
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(Revised January, 2015)

INCLUDES DANCE HALL PERMIT

LAYOUT OF STUDIO (1) - DANCE SOCIAL.

STUDIO (2) - DANCE SOCIAL

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

	(1)	(2)
1. Total capacity		
a. **Indoor**		
Number of seats (not including bar seats)		
Number of bar seats		
Standing room	74 ±	25 ±
DANCING	98	288
b. **Outdoor**		
Number of seats		
c. **Number of employees**	3 ±	3 ±
Total Occupancy (Indoor/Outdoor seats, standing room and employees) =	175	256

2. Entertainment — NOTE: MAX OCCUPANCY 400.
List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

10 PIECE BAND / DJ / DANCE PERFORMANCES

3. Will a dance floor be provided?
☑ Yes ☐ No

	(1)	(2)
3a. If yes,		
Square footage of establishment	N/A.	
Square footage of dance floor	680SF	1547 SF

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

YES.

DEPARTMENT OF CITY PLANNING
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(Revised January, 2015)

LAYOUT 03.
STUDIO (1) DANCE STUDIO - NO ABC.
STUDIO (2) PRIVATE PARTIES

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity (2)

   a. **Indoor**
   Number of seats (not including bar seats) 160
   Number of bar seats ____
   Standing room ____
   DANCING 34
   b. **Outdoor**
   Number of seats ____

   c. **Number of employees** 9

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 203

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

   5 MEMBER BAND / DJ

3. Will a dance floor be provided?
   ☒ Yes ☐ No

   3a. If yes,
   Square footage of establishment 2410
   Square footage of dance floor 240

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING
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LAYOUT 04.
STUDIO (1) PRIVATE PARTIES
STUDIO (2) DANCE STUDIO - NO ABC.

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity (1)

   a. Indoor
   Number of seats (not including bar seats) 80
   Number of bar seats ____
   Standing room ____
   DANCING 20

   b. Outdoor
   Number of seats ____

   c. Number of employees 8

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 108

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

   5 PIECE BAND / D.J.

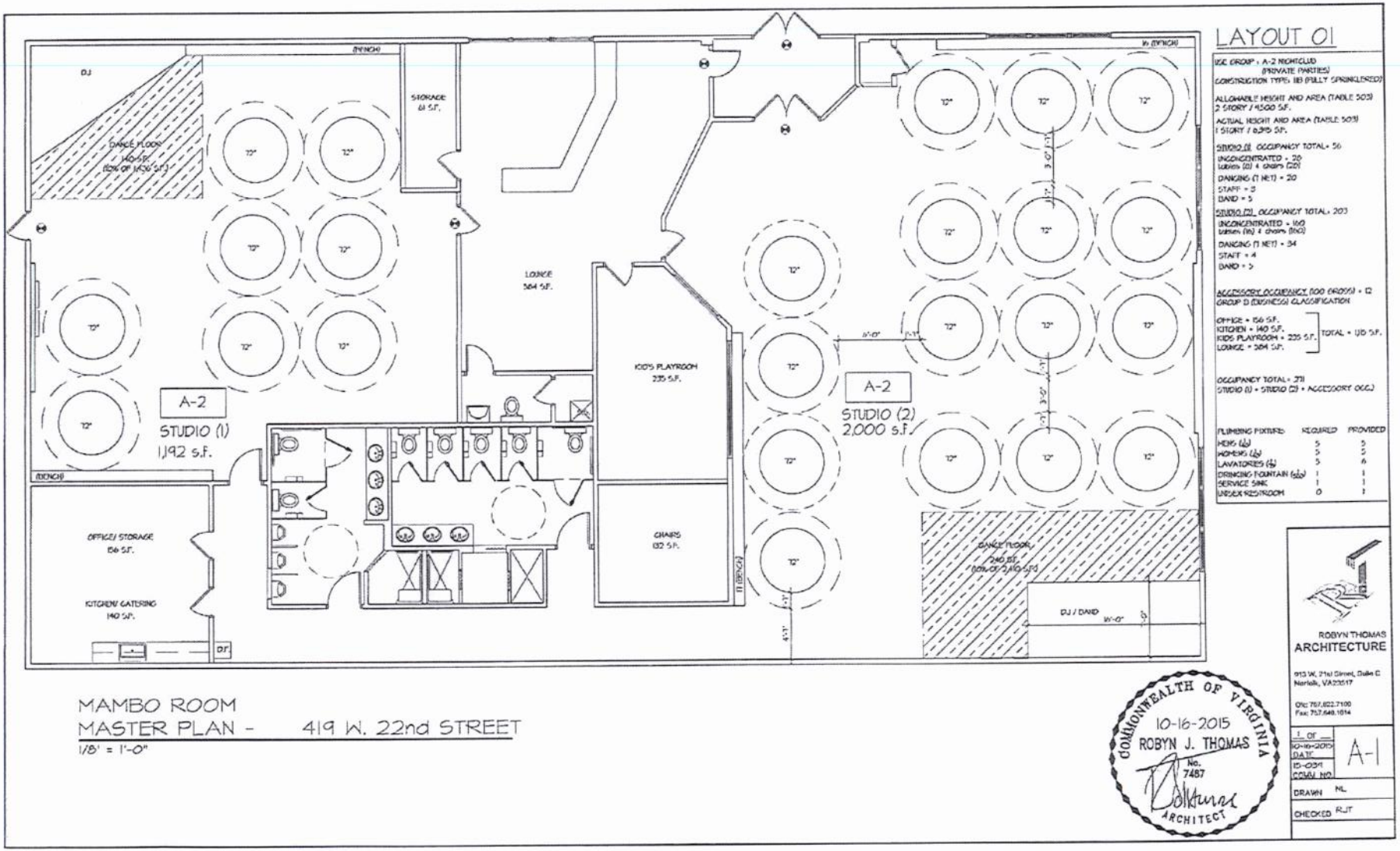
3. Will a dance floor be provided?
   ☑ Yes ☐ No

   3a. If yes,
   Square footage of establishment 1436
   Square footage of dance floor 140

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

Exhibit B



LAYOUT 01
USE GROUP : A-2 NIGHTCLUB
(PRIVATE PARTIES)
CONSTRUCTION TYPE: IIB (FULLY SPRINKLERED)
ALLOWABLE HEIGHT AND AREA (TABLE 503)
2 STORY / 9,500 S.F.
ACTUAL HEIGHT AND AREA (TABLE 503)
1 STORY / 6,395 S.F.
STUDIO (1) OCCUPANCY TOTAL = 56
UNCONCENTRATED = 28
tables (8) & chairs (20)
DANCING (7 NET) = 20
STAFF = 3
BAND = 5
STUDIO (2) OCCUPANCY TOTAL = 203
UNCONCENTRATED = 160
tables (16) & chairs (160)
DANCING (7 NET) = 34
STAFF = 4
BAND = 5
ACCESSORY OCCUPANCY (100 GROSS) = 12
GROUP B (BUSINESS) CLASSIFICATION
OFFICE = 156 S.F.
KITCHEN = 140 S.F.
KIDS PLAYROOM = 235 S.F.
LOUNGE = 584 S.F.
TOTAL = 1,15 S.F.
OCCUPANCY TOTAL = 271
STUDIO (1) + STUDIO (2) + ACCESSORY OCC.
PLUMBING FIXTURES REQUIRED PROVIDED
MENS (1/6) 5 5
WOMENS (1/6) 5 5
LAVATORIES (1/3) 5 6
DRINKING FOUNTAIN (1/100) 1 1
SERVICE SINK 1 1
UNISEX RESTROOM 0 1
DJ
DANCE FLOOR
140 S.F.
(10% OF 1,426 S.F.)
STORAGE
61 S.F.
LOUNGE
584 S.F.
KIDS PLAYROOM
235 S.F.
CHAIRS
132 S.F.
OFFICE/ STORAGE
156 S.F.
KITCHEN/ CATERING
140 S.F.
A-2
STUDIO (1)
1,192 s.f.
A-2
STUDIO (2)
2,000 s.f.
DANCE FLOOR
240 S.F.
(10% OF 2,410 S.F.)
DJ / BAND
(BENCH)
72"
MAMBO ROOM
MASTER PLAN - 419 W. 22nd STREET
1/8" = 1'-0"
COMMONWEALTH OF VIRGINIA
10-16-2015
ROBYN J. THOMAS
No. 7487
ARCHITECT
ROBYN THOMAS
ARCHITECTURE
913 W. 21st Street, Suite C
Norfolk, VA 23517
Ofc: 757.622.7100
Fax: 757.640.1614
1 OF
10-16-2015
DATE
15-039
COMM. NO.
A-1
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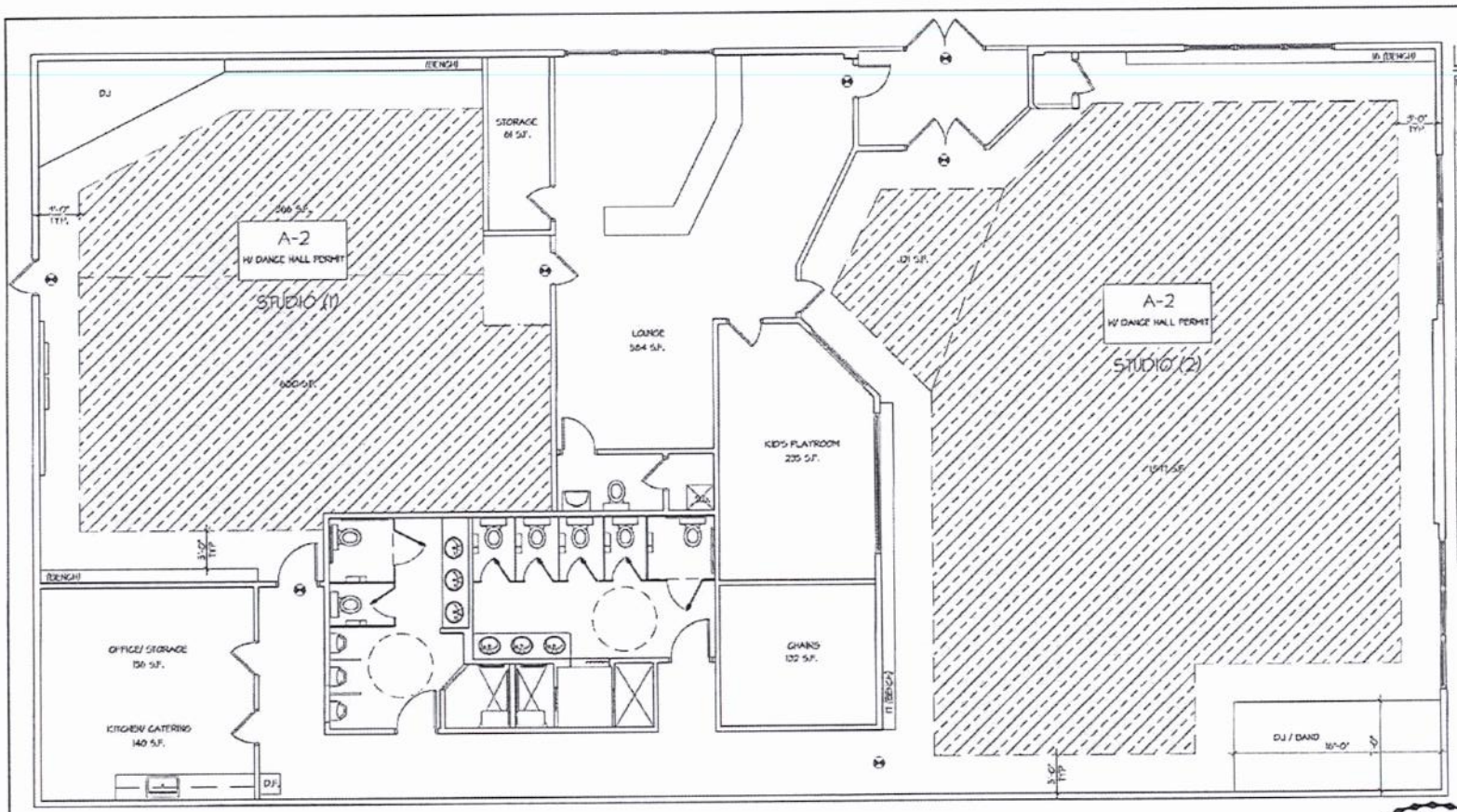
CHECKED RJT



LAYOUT 02

USE GROUP: A-2 DANCE STUDIO W/ DANCE HALL PERMIT
CONSTRUCTION TYPE: IIB
(FULLY SPRINKLERED)

ALLOWABLE HEIGHT AND AREA (TABLE 503)
2 STORY / 9,500 S.F.

ACTUAL HEIGHT AND AREA (TABLE 503)
1 STORY / 6,345 S.F.

STUDIO (1) OCCUPANCY TOTAL: 175
DANCING (7 NET) = 98
STANDING (5 NET) = 74
STAFF = 3

STUDIO (2) OCCUPANCY TOTAL = 256
DANCING (7 NET) = 228
STANDING (5 NET) = 25
STAFF = 3

ACCESSORY OCCUPANCY (100 GROSS) = 12
GROUP B (BUSINESS) CLASSIFICATION

OFFICE = 156 S.F.
KITCHEN = 140 S.F.
KIDS PLAYROOM = 235 S.F.
LOUNGE = 584 S.F.
TOTAL = 1,115 S.F.

OCCUPANCY TOTAL: 400 MAX. (DUE TO PLUMBING CALCULATION)
STUDIO (1) + STUDIO (2) + ACCESSORY OCC.)

PLUMBING FIXTURE:	REQUIRED	PROVIDED
MENS (1/25)	5	5
WOMENS (1/25)	5	5
LAVATORIES (1/4)	6	6
DRINKING FOUNTAIN (1/100)	1	1
SERVICE SINK	1	1
UNISEX RESTROOM	0	1

MAMBO ROOM
MASTER PLAN - 419 W. 22nd STREET
1/8" = 1'-0"

COMMONWEALTH OF VIRGINIA
9-28-2015
ROBYN J. THOMAS
No. 7487
ARCHITECT

ROBYN THOMAS
ARCHITECTURE
913 W. 21st Street, Suite C
Norfolk, VA 23517
Off: 757.622.2100
Fax: 757.640.1314

1 OF 1
9-28-2015
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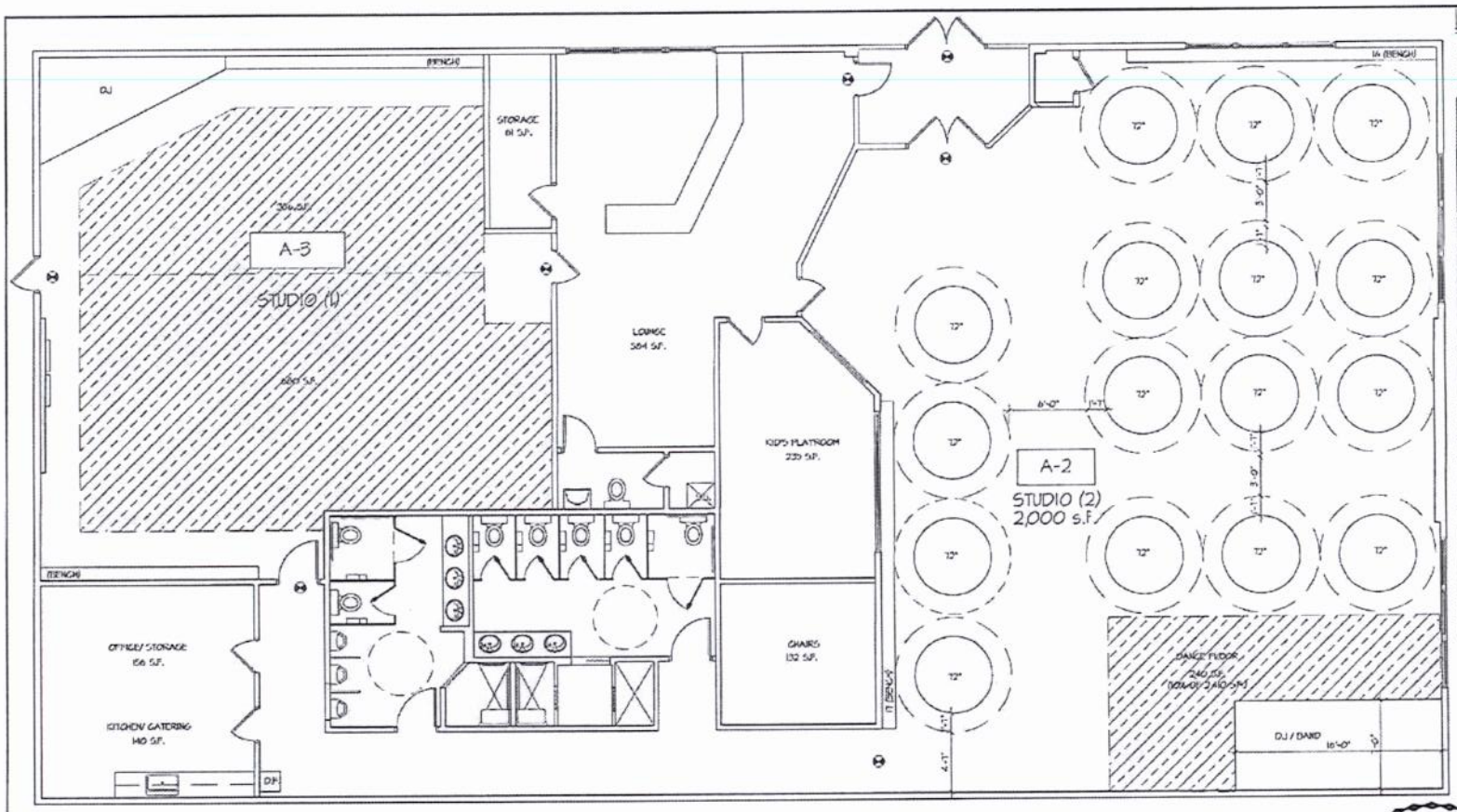

LAYOUT 03

ALLOWABLE HEIGHT AND AREA (TABLE 503)
2 STORY / 9500 S.F.
ACTUAL HEIGHT AND AREA (TABLE 503)
1 STORY / 6,390 S.F.

USE GROUP : A-3 DANCE STUDIO
CONSTRUCTION TYPE: IIB
(FULLY SPRINKLERED)

STUDIO (1) OCCUPANCY TOTAL = 175
DANCING (1 NET) = 48
STANDING (5 NET) = 74
STAFF = 3

USE GROUP : A-2 NIGHTCLUBS
(PRIVATE PARTIES)
CONSTRUCTION TYPE: IIB (FULLY SPRINKLERED)

STUDIO (2) OCCUPANCY TOTAL: 203
UNCONCENTRATED = 160
TABLES (50) X (NSFR (300)
DANCING (1 NET) = 34
STAFF = 4
BAND = 5

ACCESSORY OCCUPANCY (100 GROSS) = 12
GROUP B BUSINESS CLASSIFICATION

OFFICE = 156 S.F.
KITCHEN = 140 S.F.
KIDS PLAYROOM = 239 S.F.
LOUNGE = 384 S.F.
TOTAL = 1115 S.F.

OCCUPANCY TOTAL= 390
STUDIO (1) + STUDIO (2) + ACCESSORY OCC.)

PLUMBING FIXTURE:	REQUIRED	PROVIDED
MENS (a)	2	2
WOMENS (a)	5	5
LAVATORIES (b)	0	0
DRINKING FOUNTAIN (600)	1	1
SERVICE SINK	1	1
UNISEX RESTROOM	0	-

NOTE: PLUMBING CALCULATION BASED ON THE MOST RESTRICT GROUP (A-2)

MAMBO ROOM
MASTER PLAN - 419 W. 22nd STREET
1/8" = 1'-0"

COMMONWEALTH OF VIRGINIA
9-28-2015
ROBYN J. THOMAS
No. 7487
ARCHITECT

ROBYN THOMAS
ARCHITECTURE
913 W. 21st Street, Suite C
Norfolk, VA 23517
Ofc: 757.622.7100
Fax: 757.648.1814

1 OF	A-3
9-28-2015 DATE	
15-0139 COMM. NO.	
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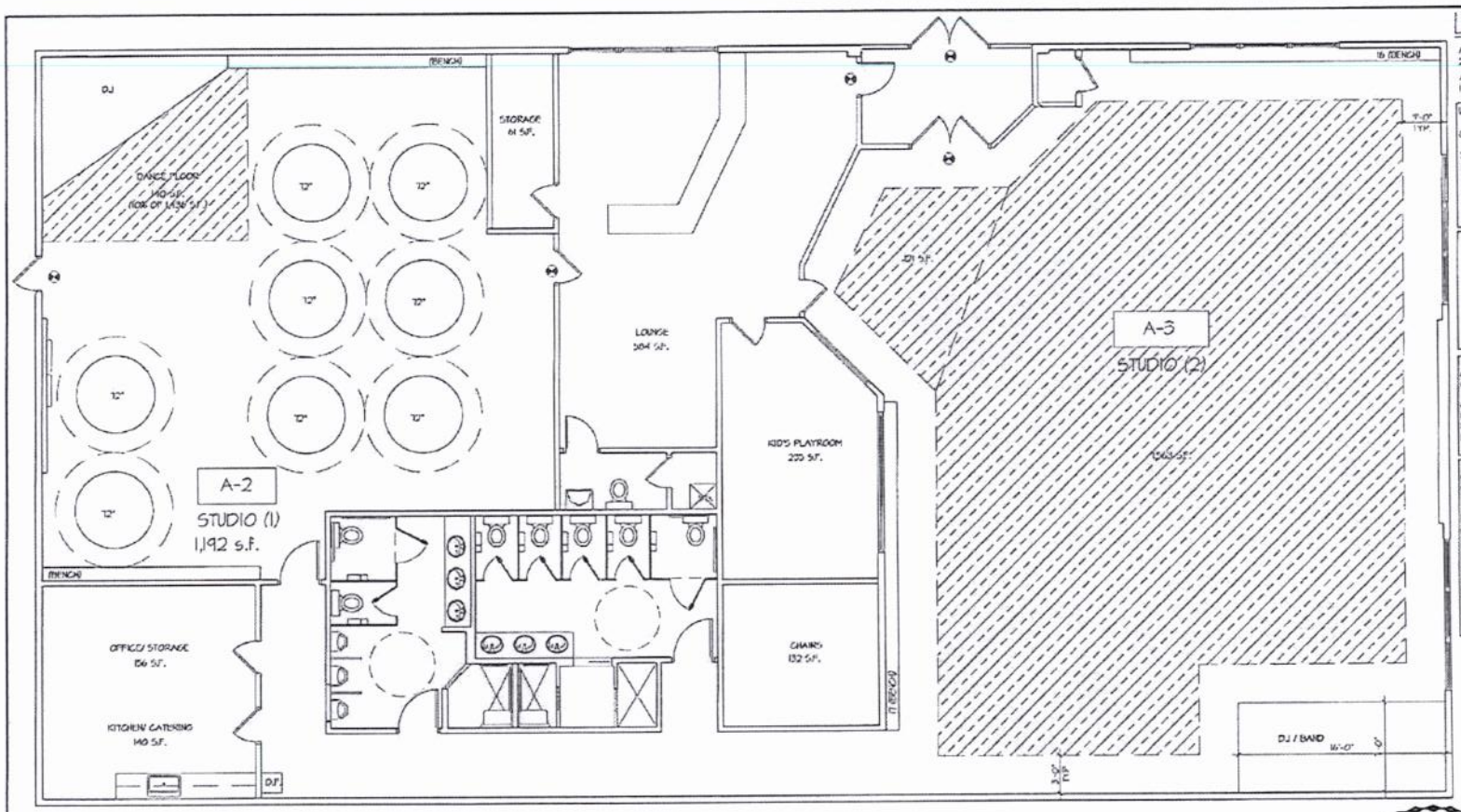

LAYOUT 04

ALLOWABLE HEIGHT AND AREA (TABLE 503)
2 STORY / 9,500 S.F.

ACTUAL HEIGHT AND AREA (TABLE 503)
1 STORY / 6,395 S.F.

USE GROUP : A-2 NIGHTCLUB
(PRIVATE PARTIES)
CONSTRUCTION TYPE: IIB (FULLY SPRINKLERED)

STUDIO (1) OCCUPANCY TOTAL = 135
UNCONCENTRATED = 80
tables (8) & chairs (80)
DANCING (7 NET) = 20
STAFF = 3
BAND = 5

USE GROUP : A-3 DANCE STUDIO
CONSTRUCTION TYPE: IIB
(FULLY SPRINKLERED)

STUDIO (2) OCCUPANCY TOTAL = 256
DANCING (7 NET) = 228
STANDING (5 NET) = 25
STAFF = 3

ACCESSORY OCCUPANCY (100 GROSS) = 12
GROUP B (BUSINESS) CLASSIFICATION

OFFICE = 156 S.F.
KITCHEN = 140 S.F.
KIDS PLAYROOM = 235 S.F.
LOUNGE = 584 S.F.
TOTAL = 1,115 S.F.

OCCUPANCY TOTAL = 391
STUDIO (1) + STUDIO (2) + ACCESSORY OCC.)

PLUMBING FIXTURE:	REQUIRED	PROVIDED
MENS ($\frac{1}{25}$)	5	5
WOMENS ($\frac{1}{25}$)	5	5
LAVATORIES ($\frac{1}{75}$)	6	6
DRINKING FOUNTAIN ($\frac{1}{500}$)	1	1
SERVICE SINK	1	1
UNISEX RESTROOM	0	1

NOTE: PLUMBING CALCULATION BASED ON THE MOST RESTRICT GROUP (A-2)

MAMBO ROOM
MASTER PLAN - 419 W. 22nd STREET
1/8' = 1'-0"

COMMONWEALTH OF VIRGINIA
9-28-2015
ROBYN J. THOMAS
No. 7487
ARCHITECT

ROBYN THOMAS
ARCHITECTURE
913 W. 21st Street, Suite C
Norfolk, VA 23517
Ofc: 757.822.7108
Fax: 757.840.1014

1 OF __
9-28-2015
DATE
15-039
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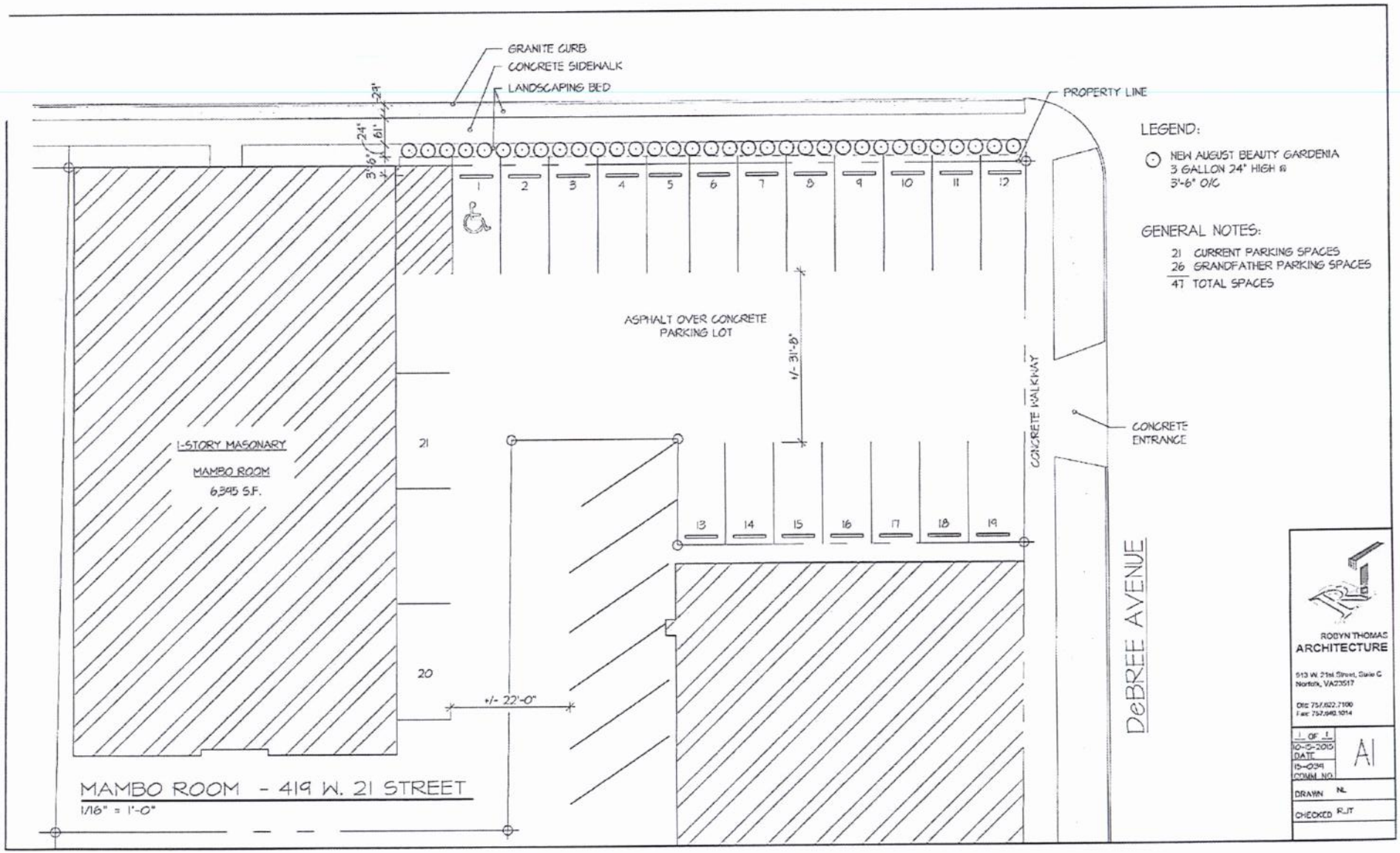
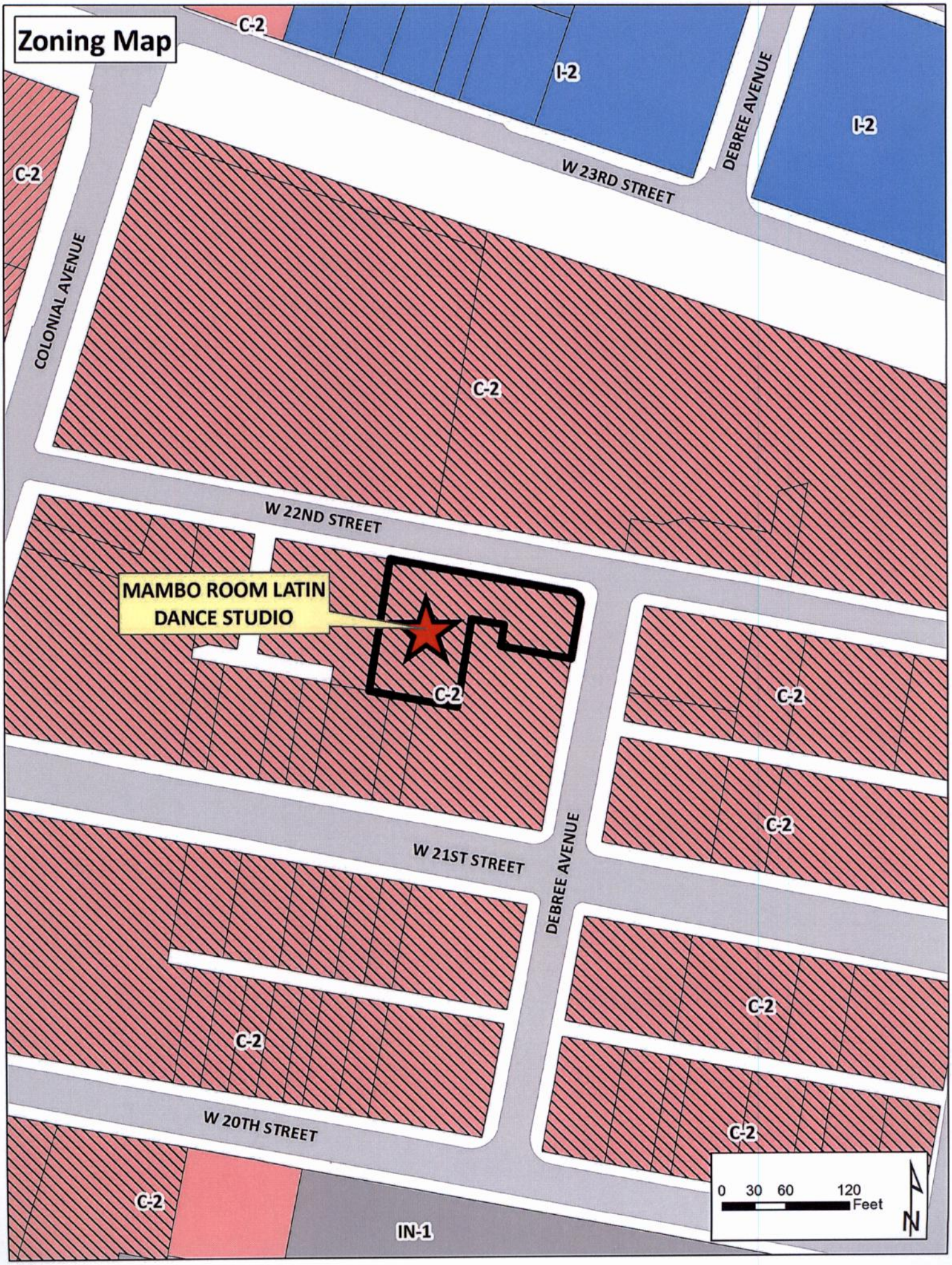
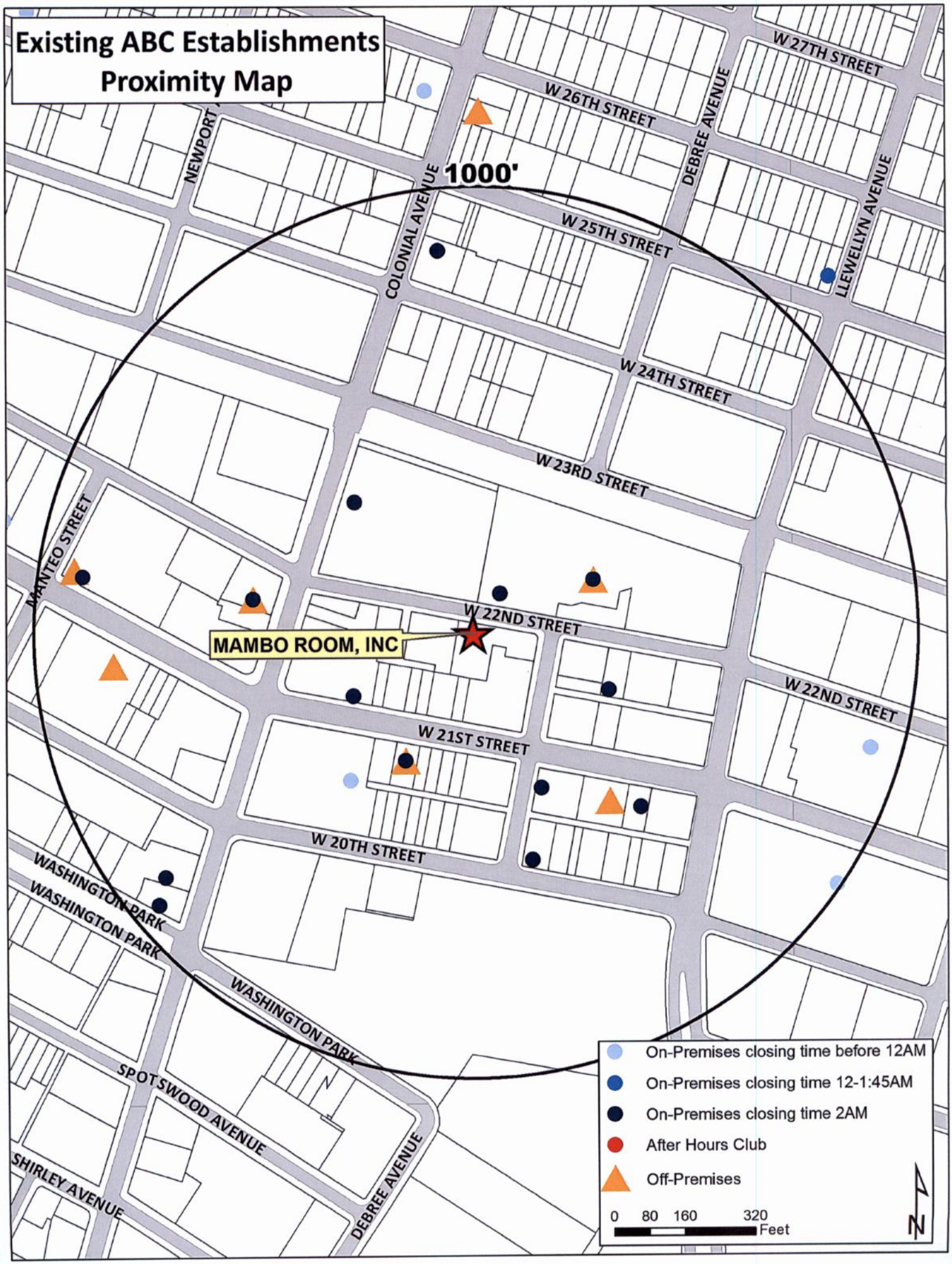
A-4
DRAWN NL
CHECKED RJT

Exhibit C


GRANITE CURB
CONCRETE SIDEWALK
LANDSCAPING BED
PROPERTY LINE
24"
24"
61"
3'-6"
LEGEND:
NEW AUGUST BEAUTY GARDENIA
3 GALLON 24" HIGH @
3'-6" O/C
GENERAL NOTES:
21 CURRENT PARKING SPACES
26 GRANDFATHER PARKING SPACES
47 TOTAL SPACES
1 2 3 4 5 6 7 8 9 10 11 12
ASPHALT OVER CONCRETE
PARKING LOT
+/- 31'-8"
CONCRETE WALKWAY
CONCRETE
ENTRANCE
1-STORY MASONARY
MAMBO ROOM
6,395 S.F.
21
20
13 14 15 16 17 18 19
+/- 22'-0"
DeBREE AVENUE
MAMBO ROOM - 419 W. 21 STREET
1/16" = 1'-0"
ROBYN THOMAS
ARCHITECTURE
513 W. 21st Street, Suite C
Norfolk, VA23517
Ofc: 757.622.7100
Fax: 757.640.1014
1 OF 1
10-15-2015
DATE
15-034
COMM. NO.
A1
DRAWN NL
CHECKED RJT

Location Map
W 22ND STREET
MAMBO ROOM LATIN
DANCE STUDIO
DEBREE AVENUE
W 21ST STREET
0 15 30 60
Feet
N


Zoning Map
C-2
I-2
I-2
DEBREE AVENUE
W 23RD STREET
C-2
COLONIAL AVENUE
C-2
W 22ND STREET
MAMBO ROOM LATIN
DANCE STUDIO
C-2
C-2
C-2
W 21ST STREET
DEBREE AVENUE
C-2
C-2
W 20TH STREET
C-2
C-2
IN-1
0 30 60 120
Feet
N


Existing ABC Establishments
Proximity Map
1000'
MAMBO ROOM, INC
W 27TH STREET
W 26TH STREET
W 25TH STREET
W 24TH STREET
W 23RD STREET
W 22ND STREET
W 21ST STREET
W 20TH STREET
NEWPORT
COLONIAL AVENUE
DEBREE AVENUE
LLEWELLYN AVENUE
MANTEO STREET
WASHINGTON PARK
SPOTSWOOD AVENUE
SHIRLEY AVENUE
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date 8/7/15

DESCRIPTION OF PROPERTY

Address 419 W 22ND ST.

Existing Use of Property VACANT (FORMERLY PHYSICAL THERAPY FDC.)

Proposed Use DANCE STUDIO / DANCE HALL

Current Building Square Footage 6395 SF

Proposed Building Square Footage 6395 SF

Trade Name of Business (If applicable) MAMBO ROOM LATIN DANCE STUDIO

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

MAMBO ROOM INC

1. Name of applicant: (Last) _____ (First) _____ (MI) ____

Mailing address of applicant (Street/P.O. Box): 2200 COLONIAL AVE SUITE 4

(City) NORFOLK (State) VA (Zip Code) 23517.

Daytime telephone number of applicant (757) 335-3317 Fax ( ) _____

E-mail address of applicant: tracy@mamboroomdance.com

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

AUTHORIZED AGENT (if applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) Granaas Fiske (First) Tracy Tanya (MI) ____

Mailing address of applicant (Street/P.O. Box): 2200 Colonial Ave #4

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of applicant (757) 335-3317 Fax ( ) ____

E-mail address of applicant: tracy@manboroomdance.com

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Levin (First) Richard (MI) ____

Mailing address of property owner (Street/P.O. box): 2106 Llewellyn Ave

(City) Norfolk (State) VA (Zip Code) 23517.

Daytime telephone number of owner (757) 630-2342 email: ____

CIVIC LEAGUE INFORMATION GBA

Civic League contact: GNL

Date(s) contacted: 8/10/15.

Ward/Super Ward information: ____

REQUIRED ATTACHMENTS

- Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
    - Application fee includes a non-refundable $5 technology surcharge.
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
    - Existing and proposed building structures
    - Driveways
    - Parking
    - Landscaping
    - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing restroom facilities, seats/tables, bar, dance floor with dimensions, band area, disc jockey area, standing room and ingress and egress (see attached example).
- Completed Exhibit A, Description of Operations (attached).

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

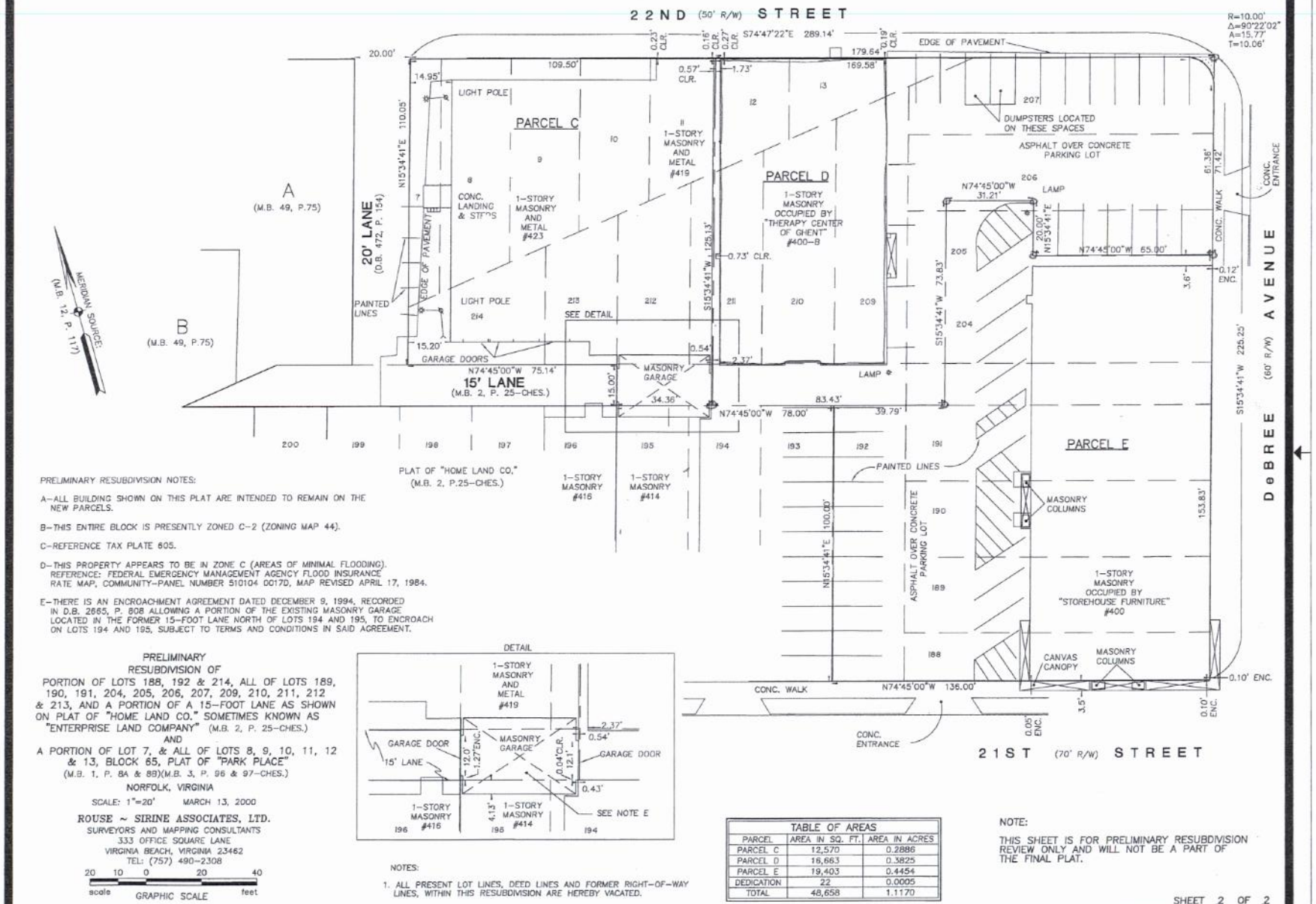
Print name: Tracy Hollard Granajo **Sign:** Tracy Granajo 8/7/15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: _____ **Sign:** _____ / _____ / _____
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

X **Print name:** R Levin **Sign:** _____ / 8 / 7/15
(Authorized Agent Signature) (Date)

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569



PRELIMINARY RESUBDIVISION NOTES:

A–ALL BUILDING SHOWN ON THIS PLAT ARE INTENDED TO REMAIN ON THE NEW PARCELS.

B–THIS ENTIRE BLOCK IS PRESENTLY ZONED C-2 (ZONING MAP 44).

C–REFERENCE TAX PLATE 605.

D–THIS PROPERTY APPEARS TO BE IN ZONE C (AREAS OF MINIMAL FLOODING). REFERENCE: FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, COMMUNITY–PANEL NUMBER 510104 0017D, MAP REVISED APRIL 17, 1984.

E–THERE IS AN ENCROACHMENT AGREEMENT DATED DECEMBER 9, 1994, RECORDED IN D.B. 2665, P. 808 ALLOWING A PORTION OF THE EXISTING MASONRY GARAGE LOCATED IN THE FORMER 15–FOOT LANE NORTH OF LOTS 194 AND 195, TO ENCROACH ON LOTS 194 AND 195, SUBJECT TO TERMS AND CONDITIONS IN SAID AGREEMENT.

DETAIL

NOTES:

1. ALL PRESENT LOT LINES, DEED LINES AND FORMER RIGHT–OF–WAY LINES, WITHIN THIS RESUBDIVISION ARE HEREBY VACATED.

TABLE OF AREAS		
PARCEL	AREA IN SQ. FT.	AREA IN ACRES
PARCEL C	12,570	0.2886
PARCEL D	16,663	0.3825
PARCEL E	19,403	0.4454
DEDICATION	22	0.0005
TOTAL	48,658	1.1170

NOTE:

THIS SHEET IS FOR PRELIMINARY RESUBDIVISION REVIEW ONLY AND WILL NOT BE A PART OF THE FINAL PLAT.

PRELIMINARY
RESUBDIVISION OF
PORTION OF LOTS 188, 192 & 214, ALL OF LOTS 189, 190, 191, 204, 205, 206, 207, 209, 210, 211, 212 & 213, AND A PORTION OF A 15–FOOT LANE AS SHOWN ON PLAT OF "HOME LAND CO." SOMETIMES KNOWN AS "ENTERPRISE LAND COMPANY" (M.B. 2, P. 25–CHES.)
AND
A PORTION OF LOT 7, & ALL OF LOTS 8, 9, 10, 11, 12 & 13, BLOCK 65, PLAT OF "PARK PLACE" (M.B. 1, P. 8A & 8B)(M.B. 3, P. 96 & 97–CHES.)

NORFOLK, VIRGINIA

SCALE: 1"=20' MARCH 13, 2000

ROUSE ~ SIRINE ASSOCIATES, LTD.
SURVEYORS AND MAPPING CONSULTANTS
333 OFFICE SQUARE LANE
VIRGINIA BEACH, VIRGINIA 23462
TEL: (757) 490–2308

20 10 0 20 40
scale GRAPHIC SCALE feet

J.O. 11,336–D ACAD #: 11336DP.DWG P.S. 416, P. 65–73 & 79 P.S. 591, P. 63–64

Simons, Matthew

From: Straley, Matthew
Sent: Wednesday, August 12, 2015 2:50 PM
To: 'Ian_holder@ml.com'
Cc: Whibley, Terry; Winn, Barclay; Wilson, Denise; Simons, Matthew
Subject: new Planning Commission application - 1202 Land Street
Attachments: Mambo Room.pdf

Mr. Holder,

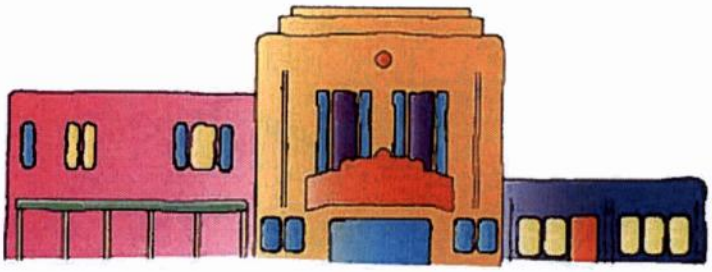
Attached please find the application for a special exception to operate an entertainment establishment without alcoholic beverages at 419 West 22nd Street.

The item is tentatively scheduled for the September 24, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov*

Thank you.

Matthew Straley
GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569



Ghent Business Association

November 5, 2015

City Council
City of Norfolk
City Hall
Norfolk, VA 23510

To whom it may concern,

The GBA would like to express its support for the request for special exceptions by Mambo Room. Tracy has been a great neighbor for many years, and we're happy to see her expand.

Sincerely,

Ted Enright
Corresponding Secretary
Development Committee Chairman
Ghent Business Association

P.O. Box 11571 • Norfolk, VA 23517

Simons, Matthew

From: Emily Birknes <emilybirknes@gmail.com>
Sent: Thursday, November 12, 2015 1:59 PM
To: Homewood, George
Cc: Simons, Matthew; Tracy Holland; richard levin
Subject: GNL statement - Mambo Room

Re: Application for Mambo Room, 419 W. 22nd St.

Dear George,

The Ghent Neighborhood League has no objection with the application dated 8/7/2015 for the Mambo Room.

Last Tuesday, November 10th, the commercial project review committee of the GNL met with Ms. Tracy Gramajo, who is the applicant for the Mambo Room, Ms. Tanya Fiske, who is the manager, and Mr. Richard Levin, who is the property owner. Ms. Gramajo is an established business owner in our neighborhood and stated that she does not intend the Mambo Room to become a regular nightclub but, instead, would like the option to hold the occasional larger event with catered food and alcohol. We appreciate Mr. Levin's offer to share with this applicant his parking lots on the northeast corner of Colonial Avenue and 22nd Street, as the 21 adjacent spaces to the Mambo Room are not enough for her maximum occupancy of 400.

The Mambo Room is the third application for a large format, entertainment establishment in the GNL's area of notification in the past six months. Though two of the three applications are somewhat removed from the residential neighborhood, the parking, traffic and noise hold the potential to deliver a negative effect on residents. Therefore, we respectfully ask that the City place an 18-24 month moratorium on large format entertainment establishments in our area of notification, so that impact may be properly assessed.

Sincerely,
Emily

Emily Birknes
President, Ghent Neighborhood League

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exception for an Entertainment Establishment with alcoholic beverages – 428 W. 24th Street and 430 W. 24th Street, Suite A – John Porter**

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/7

Approved: _____
Marcus D. Jones, City Manager

Item Number: R-4

I. **Staff Recommendation: Approval.**

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval.**

III. **Request:** Special Exception to operate for an Entertainment Establishment with alcoholic beverages.

IV. **Applicant: John Porter**

V. **Description:**
- This request proposes a new entertainment establishment with alcoholic beverages.
- The proposed location was previously occupied entirely by an automobile repair facility.
  - The proposal would permit 1,987 square feet of the 5,180 square-foot building to be utilized for the proposed entertainment establishment.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:
- Staff Report to CPC dated December 10, 2015 with attachments
- Letter of support
- Proponents and Opponents
- Ordinance

Proponents and Opponents

Proponents

John Porter – Applicant
439 W. 30th Street
Norfolk, VA 23508

Opponents

None

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: December 10, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Matthew Simons, AICP, CZA, CFM

Staff Report	**Item No. 12**	
Address	**428 W. 24th Street and 430 W. 24th Street, Suite A**	
Applicant	**John Porter**	
Request	**Special Exception**	**Entertainment Establishment with alcoholic beverages**
Property Owner	Michael, LLC & Capital Finance, LLC (Shahpor "Ben" Mahgerefteh)	
Site Characteristics	Site/Building Area	14,865 sq. ft./1,987 sq. ft.
	Zoning	I-2 (Light Industrial)
	Future Land Use Map	Industrial
	Character District	Traditional
	Neighborhood	Park Place
Surrounding Area	North	I-2: vacant industrial building
	East	I-2: communication tower
	South	I-2: vacant industrial buildings
	West	Conditional C-2 (Corridor Commercial): Toast restaurant and apartment above

A. Summary of Request

- This request proposes a new entertainment establishment with alcoholic beverages.
- The proposed location was previously occupied entirely by an automobile repair facility.
  - The proposal would permit 1,987 square feet of the 5,180 square-foot building to be utilized for the proposed entertainment establishment.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Industrial.

C. Zoning Analysis

i. General

- The use is permitted in the I-2 district by special exception.

	Proposed
Hours of Operation, for the Sale of Alcohol and for Entertainment	9:00 a.m. until 2:00 a.m, seven days a week
Entertainment Options	5 member live band, karaoke, comedian, poetry reading
Seating	• 120 seats indoors • 0 seats outdoors • 130 total capacity

- Special exception history:

City Council Approval	Applicant	Changes
May 2013	Ben Mahgerefteh	• Special Exception for automobile repair
Pending	Entertainment establishment by John Porter	• New entertainment establishment

ii. Parking

- Off-street parking is shared among the two uses in the single structure:
  - A 1,987 square foot entertainment establishment (11 spaces required)
  - An automobile repair facility with one repair bay (3 spaces required)
- The current parking regulations require 14 parking spaces, given the square footage of the establishment, and the number of repair bays for the automobile repair facility.
  - The site accommodates 20 parking spaces.
  - The automobile repair facility has limited hours as permitted within the approved special exception.

- Additionally, the three spaces assigned to the automobile repair facility will be available in the evenings at times when this proposed entertainment establishment intends to hold events.
- The majority of businesses in the vicinity are also closed in the evenings, and it is unlikely that the proposed entertainment establishment will experience peak hours for use of the available on-street parking.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 530 additional vehicle trips per day.
- Based upon ITE data, the prior use of the entire building as an auto repair facility would be expected to generate 82 weekday trips while the combination of the proposed new restaurant and reduced auto repair operation would be expected to generate together 612 trips on weekdays.
  - Colonial Avenue near the site is not identified as a severely congested corridor in the current update to regional Hampton Roads Congestion Management analysis.
  - The site is near transit service with Hampton Roads Transit bus route 11 (Colonial) operating along Colonial Avenue near the site.

E. Impact on the Environment

Site improvements include new sidewalk connections along the West 24th Street frontage, tying-in with the existing sidewalks along West 24th Street, as well as improved landscaping to shield the parking from the right-of-way.

F. Impact on Surrounding Area/Site

By requiring this use to conform to the conditions listed below, the proposed entertainment establishment should not have a negative effect on the surrounding neighborhood.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

- Notice was sent to the Park Place Civic League on October 27.
- The applicant presented the proposal to the Park Place Civic League on November 2.
- A Letter of Support was received from the Park Place Civic League on November 9.

I. Communication Outreach/Notification

- Legal notice was posted on the property on November 3.
- Letters were mailed to all property owners within 300 feet of the property on November 20.
- Legal notification was placed in *The Virginian-Pilot* on November 26 and December 3

J. Recommendation

Staff recommends **approval** of the special exception request subject to all of the following conditions being adopted, which should address the potential impacts on the surrounding area:

Entertainment Establishment Conditions

(a) The hours of operation for the establishment, for the sale of alcoholic beverages, and for entertainment shall be limited to 9:00 a.m. until 2:00 a.m. the following morning, seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The total occupant capacity, including employees, shall not exceed 135 people, there is no minimum indoor seating, and no outdoor seating is permitted. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

(c) The site shall be improved in accordance with the conceptual site plan attached hereto and marked as "Exhibit C," to include all landscape improvements and the sidewalk installation where shown on the attached site plan.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(e) Entertainment shall be limited to live bands having no more than five members, karaoke, comedian, poetry reading. No other form of entertainment is permitted.

(f) There shall be no dancing and no dance floor provided.

(g) The layout of the establishment shall adhere to the specifications of the floor plans

attached hereto and marked as "Exhibit B."

(h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(i) The establishment shall maintain a current, active business license at all times while in operation.

(j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(l) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(m) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(n) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(o) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(p) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements,

limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(q) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(r) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(s) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(t) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.

(u) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(v) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 101 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(w) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

(x) No business license shall be issued until condition (c) has all been implemented fully on the site.

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments
1000' radii map of surrounding residential
Application
Conceptual site plan
Notice to the Park Place Civic League
Letter of support – Park Place Civic League

Proponents and Opponents

Proponents

John Porter – Applicant
439 W. 30th Street
Norfolk, VA 23508

Robyn Thomas – Representative
913 W. 21st Street
Norfolk, VA 23517

Opponents

None

12/10/2015 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT, NOT YET NAMED, ON PROPERTY LOCATED AT 428 and 430 WEST 24TH STREET, SUITE A.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Corner Spot, Inc. authorizing the operation of an entertainment establishment, yet to be named, on property located at 428 and 430 West 24th Street, suite A. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 150 feet, more or less, along the northern line of West 24th Street beginning 100 feet, more or less, from the eastern line of Colonial Avenue and extending eastwardly; premises number 428 and 430 West 24th Street, suite A.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The hours of operation for the establishment, for the sale of alcoholic beverages, and for entertainment shall be limited to 9:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The total occupant capacity, including employees, shall not exceed 135 people, there is no minimum indoor seating, and no outdoor seating is permitted. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

(c) The site shall be improved and landscaping shall be installed in accordance with the conceptual site plan attached hereto and marked as "Exhibit C," including the sidewalk installation where shown on the plan.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(e) Entertainment shall be limited to live bands having no more than five (5) members, karaoke, comedian, and poetry reading. No other form of entertainment is permitted.

(f) There shall be no dancing and no dance floor provided.

(g) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(i) The establishment shall maintain a current, active business license at all times while in operation.

(j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(l) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(m) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(n) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(o) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(p) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(q) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(r) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(s) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(t) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.

(u) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(v) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 101 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(w) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

(x) No business license shall be issued until condition (c) has all been implemented fully on the site.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or

other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:
Exhibit A (14 pages)
Exhibit B (11 pages)
Exhibit C (1 page)

EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date 10/23/2015

Trade name of business TBD

Address of business 428 & 430 W. 24TH, SUITE A

Name(s) of business owner(s)* JOHN PORTER, DAVID HAUSMANN DBA CORNER SHOT INC.

Name(s) of property owner(s)* Capital Finance, Inc. & MICHAEL, LLC - SHAPPOR MAHGHEREFTEH

Name(s) of business manager(s)/operator(s) JOHN PORTER, DAVID HAUSMANN

Daytime telephone number (757) 450-4303

*If business or property owner is a partnership, all partners must be listed.
*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales and Entertainment		
Weekday	From 9AM	To 2AM	Weekday	From 9AM	To 2AM
Friday	From 9AM	To 2AM	Friday	From 9AM	To 2AM
Saturday	From 9AM	To 2AM	Saturday	From 9AM	To 2AM
Sunday	From 9AM	To 2AM	Sunday	From 9AM	To 2AM

2. Type of ABC license applied for (check all applicable boxes):
☑ On-Premises ☐ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:
☑ Beer ☑ Wine ☑ Mixed Beverage

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

4a If yes, please describe type and number of each game to be provided:

_____

_____

5. Will patrons ever be charged to enter the establishment?
☒ Yes ☐ No

5a. If yes, why:
COVER CHARGE FOR BAND

_____

5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?
☒ Yes ☐ No

6a. If yes, explain:
BIRTHDAY PARTIES, SPECIAL EVENTS

_____

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

7a. If yes, explain:

_____

_____

8. Will there ever be a minimum age limit?
☐ Yes ☒ No

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Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

HANDSOME BISCUIT, FIELD GUIDE, TOAST

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Signature of Applicant

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Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

(1)

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

a. Indoor	NORTH SEATING	92
	SOUTH SEATING	24
~~Number of seats (not including bar seats)~~		
~~Number of bar seats~~		
Standing room		0
BAND		0
b. Outdoor		
Number of seats		0
c. Number of employees		5

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 121

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

_____

_____

3. Will a dance floor be provided?
   ☐ Yes ☑ No

   3a. If yes,
   Square footage of establishment _____
   Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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(2)

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

NORTH SEATING 92
SOUTH SEATING 0
~~Number of seats (not including bar seats)~~ –
~~Number of bar seats~~ –
Standing room 0
BAND 0

b. Outdoor

Number of seats 0

c. Number of employees 5

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 97

2. Entertainment
List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

_____

_____

3. Will a dance floor be provided?
☐ Yes ☑ No

3a. If yes,
Square footage of establishment _____
Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

(3)

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

NORTH SEATING	0
a. Indoor SOUTH SEATING	24
~~Number of seats (not including bar seats)~~	– –
~~Number of bar seats~~	
Standing room	0
BAND	0
b. Outdoor	
Number of seats	0
c. Number of employees	5

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 29

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

_____

_____

3. Will a dance floor be provided?
   ☐ Yes ☑ No

   3a. If yes,
   Square footage of establishment _____
   Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

(4)

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

NORTH SEATING	88
a. Indoor SOUTH SEATING	32
~~Number of seats (not including bar seats)~~	- —
~~Number of bar seats~~	
Standing room	0
BAND	0
b. Outdoor	
Number of seats	0
c. Number of employees	5

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 125

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

_____

_____

3. Will a dance floor be provided?
   ☐ Yes ☑ No

   3a. If yes,
   Square footage of establishment _____
   Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

(5)

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

   a. **Indoor**
   NORTH SEATING 88
   SOUTH SEATING 0
   ~~Number of seats (not including bar seats)~~ –
   ~~Number of bar seats~~ _____
   Standing room 0
   BAND 0

   b. **Outdoor**
   Number of seats 0

   c. **Number of employees** 5

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 93

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

_____

_____

3. Will a dance floor be provided?
   ☐ Yes ☑ No

   3a. If yes,
   Square footage of establishment _____
   Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

(6)

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

   a. **Indoor**
   NORTH SEATING 0
   SOUTH SEATING 32
   ~~Number of seats (not including bar seats)~~ —
   ~~Number of bar seats~~ _____
   Standing room 0
   BAND 0

   b. **Outdoor**
   Number of seats 0

   c. **Number of employees** 5

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 37

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

_____

_____

3. Will a dance floor be provided?
   ☐ Yes ☑ No

   3a. If yes,
   Square footage of establishment _____
   Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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(1)

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

NORTH STANDING	100
a. Indoor SOUTH STANDING	25
~~Number of seats (not including bar seats)~~	—
~~Number of bar seats~~	—
~~Standing room~~	—
BAND	—
b. Outdoor	
Number of seats	—
c. Number of employees	5

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 130

2. Entertainment
List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

3. Will a dance floor be provided?
☐ Yes ☑ No

3a. If yes,
Square footage of establishment _____
Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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(8)

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

   NORTH STANDING 125

   a. Indoor SOUTH STANDING 0

   ~~Number of seats (not including bar seats)~~ _____

   ~~Number of bar seats~~ _____

   ~~Standing room~~ _____

   BAND _____

   b. Outdoor

   Number of seats _____

   c. Number of employees 5

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 130

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

_____

_____

3. Will a dance floor be provided?
   ☐ Yes ☑ No

   3a. If yes,
   Square footage of establishment _____
   Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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(9)

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

   NORTH STANDING 0

   a. Indoor SOUTH STANDING 49

   ~~Number of seats (not including bar seats)~~ —

   ~~Number of bar seats~~

   ~~Standing room~~

   BAND —

   b. Outdoor

   Number of seats —

   c. Number of employees 5

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 54

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

_____

_____

3. Will a dance floor be provided?
   ☐ Yes ☐ No

   3a. If yes,
   Square footage of establishment _____
   Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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(10) Band Layout A

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

NORTH STANDING 120
SOUTH STANDING 0

a. Indoor

~~Number of seats (not including bar seats)~~ —
~~Number of bar seats~~
Standing room —
BAND 5

b. Outdoor

Number of seats —

c. Number of employees 5

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 130

2. Entertainment
List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

5 MEMBER BAND

3. Will a dance floor be provided?
☐ Yes ☑ No

3a. If yes,
Square footage of establishment _____
Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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(11) Band Layout B

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

NORTH STANDING	0
SOUTH STANDING	44
~~Number of seats (not including bar seats)~~	—
~~Number of bar seats~~	
~~Standing room~~	—
BAND	5

b. Outdoor

Number of seats	—

c. Number of employees 5

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 54

2. Entertainment
List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

5 MEMBER BAND

3. Will a dance floor be provided?
☐ Yes ☐ No

3a. If yes,
Square footage of establishment _____
Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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810 Union Street, Room 508
Norfolk, Virginia 23510
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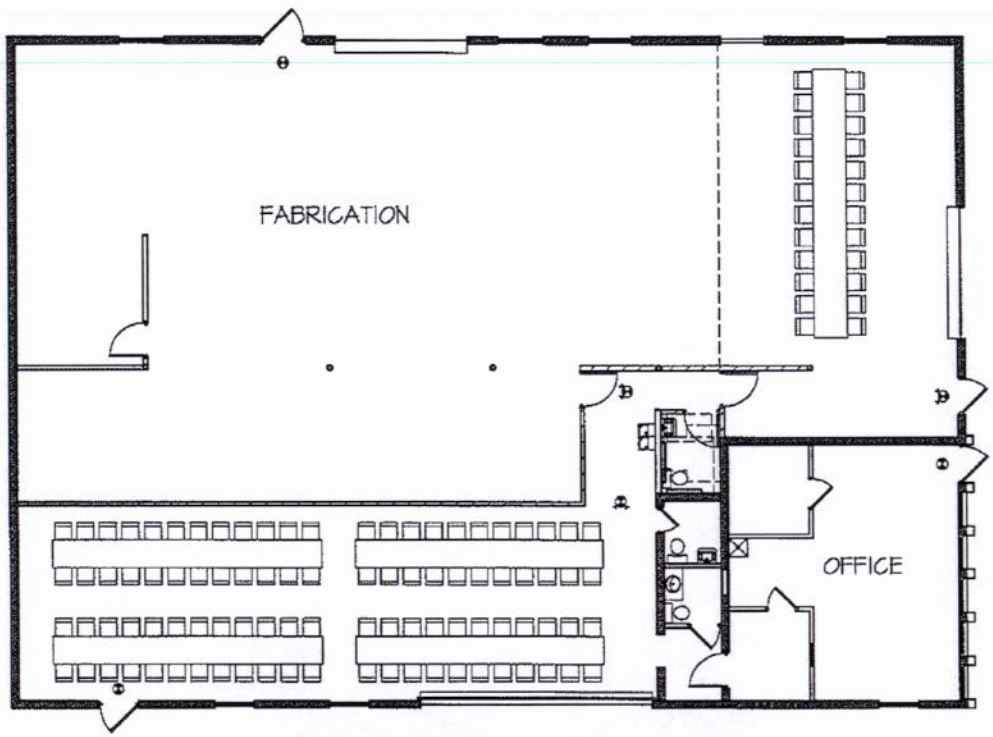
Exhibit B



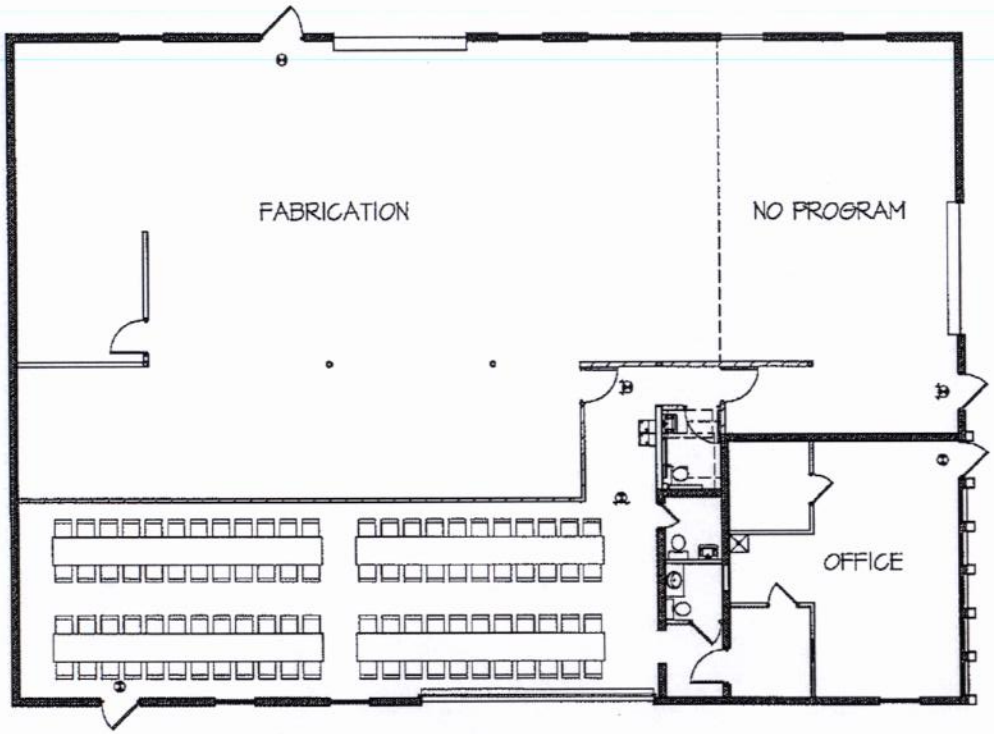
1 430 W. 24TH
SCALE: 1/16" = 1'-0"

OCCUPANCY CALCULATIONS	
SOUTH SEATING	24
NORTH SEATING	92
BAND	0
STAFF	5
TOTAL	121

PARKING CALCULATIONS
OFFICE(1/300SF): 2 SPACE
EVENT SPACE(1/175 SF): 11 SPACES
FABRICATION(3/BAY): 6 SPACES
TOTAL REQUIRED: 19 SPACES
ACTUAL: 20 SPACES

CODE COMPLIANCE
BASED ON 2012 VUSBC, 2012 IBC, 2009 ANSI 117.1
CONSTRUCTION TYPE: 3b
USE GROUP(S): F1, A2, A3, B
NON SEPARATED MIXED USE, GROUP A2 IS
MOST RESTRICTIVE
ACTUAL HEIGHT AND AREA
1 STORIES, 4,925 SF
ALLOWABLE HEIGHTS AND AREAS
2 STORIES, 9,500 PER IBC SECTION 503

COMMONWEALTH OF VIRGINIA
10/23/2015
ROBYN J. THOMAS
No. 7487
ARCHITECT



2 430 W. 24TH
SCALE: 1/16" = 1'-0"

OCCUPANCY CALCULATIONS	
SOUTH SEATING	0
NORTH SEATING	92
BAND	0
STAFF	5
TOTAL	97

PARKING CALCULATIONS
OFFICE(1/300SF): 2 SPACE
EVENT SPACE(1/175 SF): 11 SPACES
FABRICATION(3/BAY): 6 SPACES
TOTAL REQUIRED: 19 SPACES
ACTUAL: 20 SPACES

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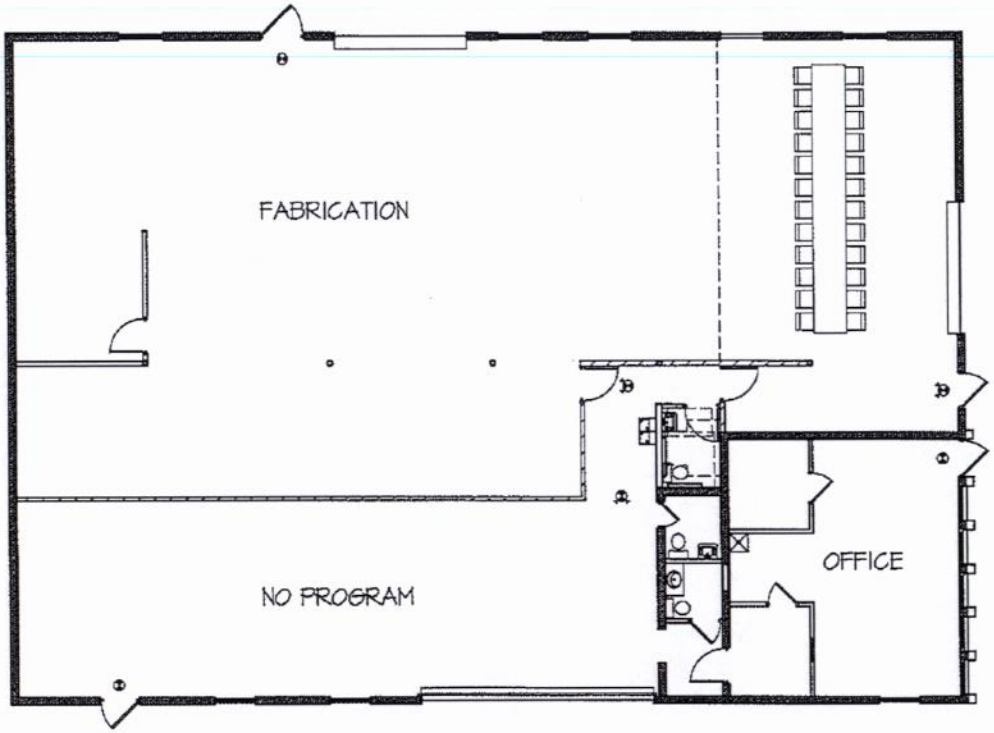

3 430 W. 24TH
SCALE: 1/16" = 1'-0"

OCCUPANCY CALCULATIONS	
SOUTH SEATING	24
NORTH SEATING	0
BAND	0
STAFF	5
TOTAL	29

PARKING CALCULATIONS

OFFICE(1/300SF): 2 SPACE
EVENT SPACE(1/175 SF): 11 SPACES
FABRICATION(3/BAY): 6 SPACES
TOTAL REQUIRED: 19 SPACES
ACTUAL: 20 SPACES

CODE COMPLIANCE

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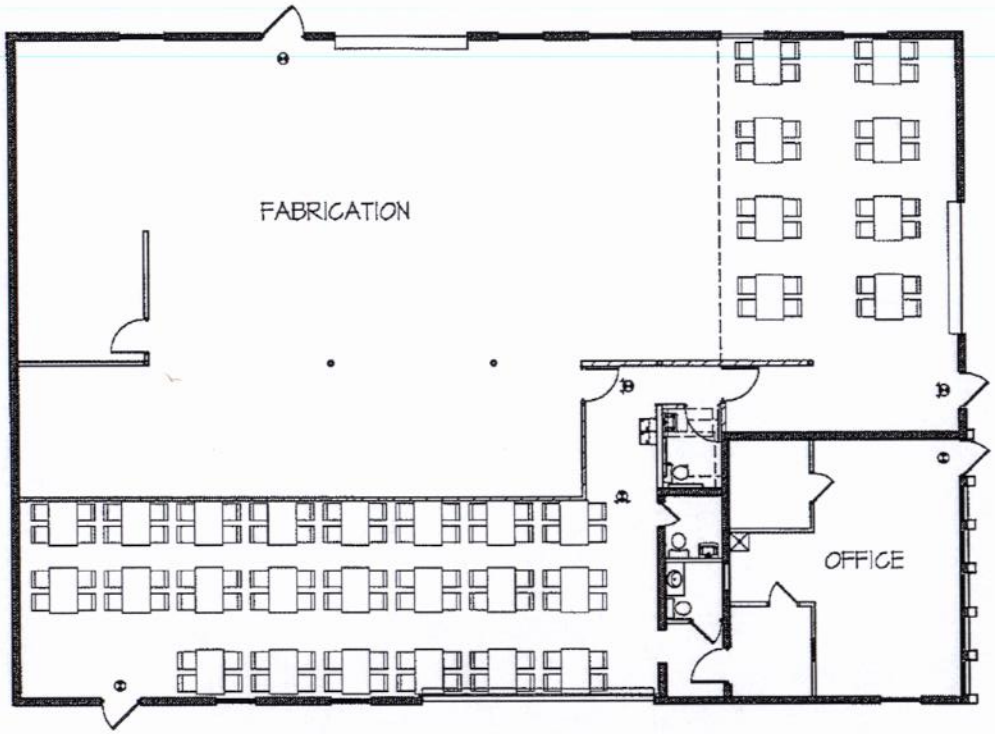

4 430 W. 24TH
SCALE: 1/16" = 1'-0"

OCCUPANCY CALCULATIONS	
SOUTH SEATING	32
NORTH SEATING	88
BAND	0
STAFF	5
TOTAL	125

PARKING CALCULATIONS

OFFICE(1/300SF): 2 SPACE
EVENT SPACE(1/175 SF): 11 SPACES
FABRICATION(3/BAY): 6 SPACES
TOTAL REQUIRED: 19 SPACES
ACTUAL: 20 SPACES

CODE COMPLIANCE

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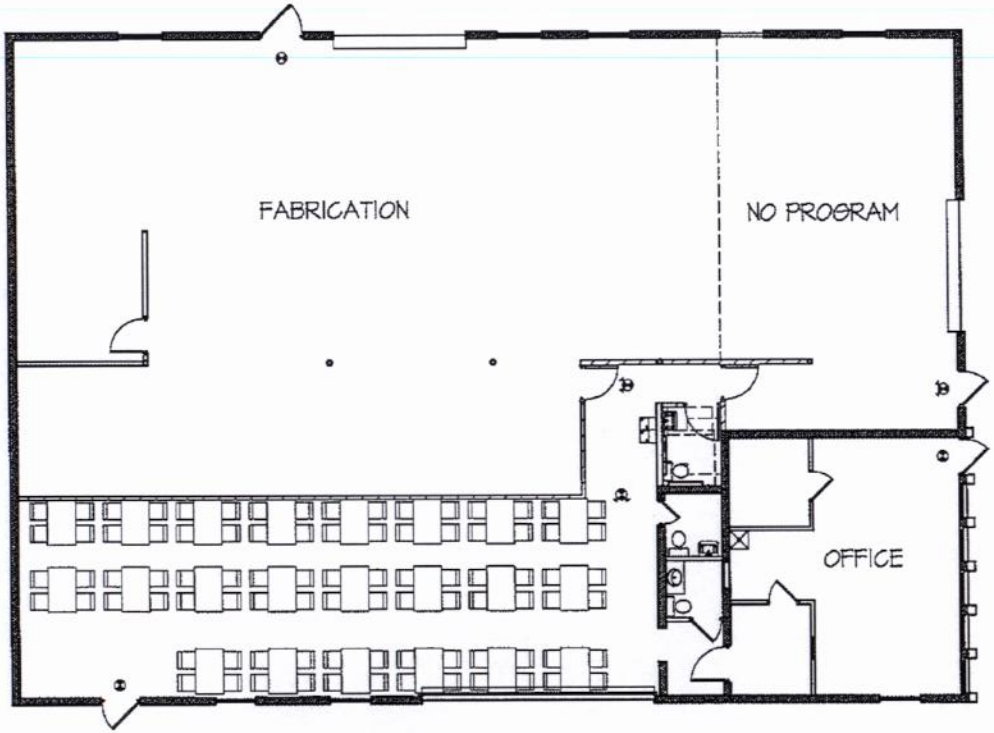

5 430 W. 24TH
SCALE: 1/16" = 1'-0"

OCCUPANCY CALCULATIONS	
SOUTH SEATING	0
NORTH SEATING	88
BAND	0
STAFF	5
TOTAL	93

PARKING CALCULATIONS
OFFICE(1/300SF): 2 SPACE
EVENT SPACE(1/175 SF): 11 SPACES
FABRICATION(3/BAY): 6 SPACES
TOTAL REQUIRED: 19 SPACES
ACTUAL: 20 SPACES

CODE COMPLIANCE
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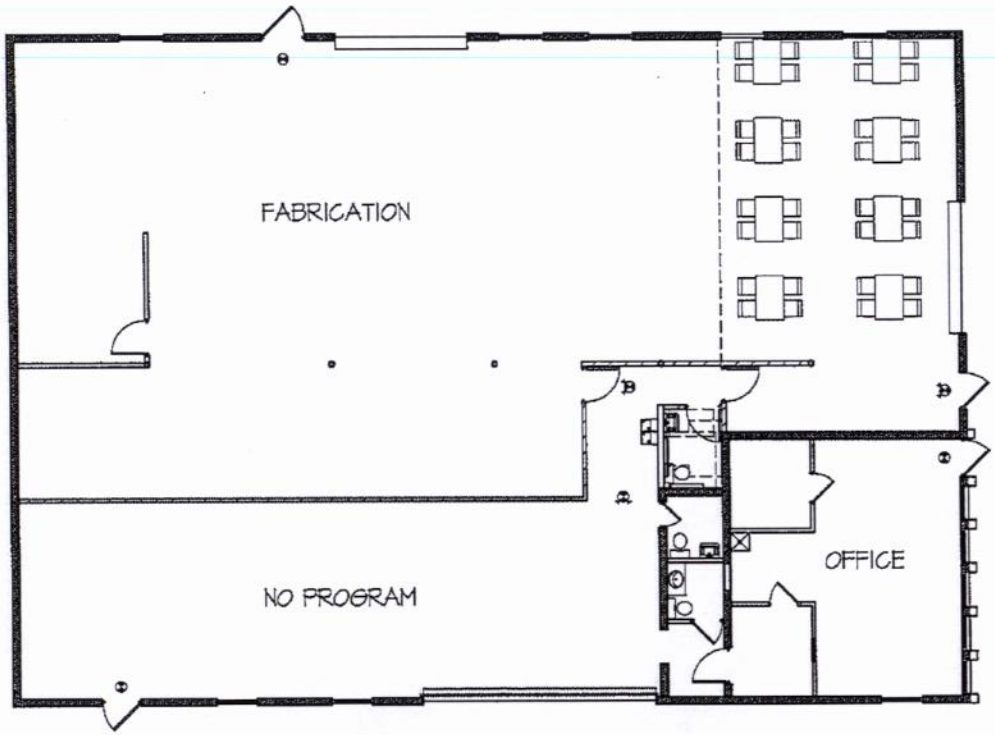

6 430 W. 24TH
SCALE: 1/16" = 1'-0"

OCCUPANCY CALCULATIONS	
SOUTH SEATING	32
NORTH SEATING	0
BAND	0
STAFF	5
TOTAL	37

PARKING CALCULATIONS

OFFICE(1/300SF): 2 SPACE
EVENT SPACE(1/175 SF): 11 SPACES
FABRICATION(3/BAY): 6 SPACES
TOTAL REQUIRED: 19 SPACES
ACTUAL: 20 SPACES

CODE COMPLIANCE

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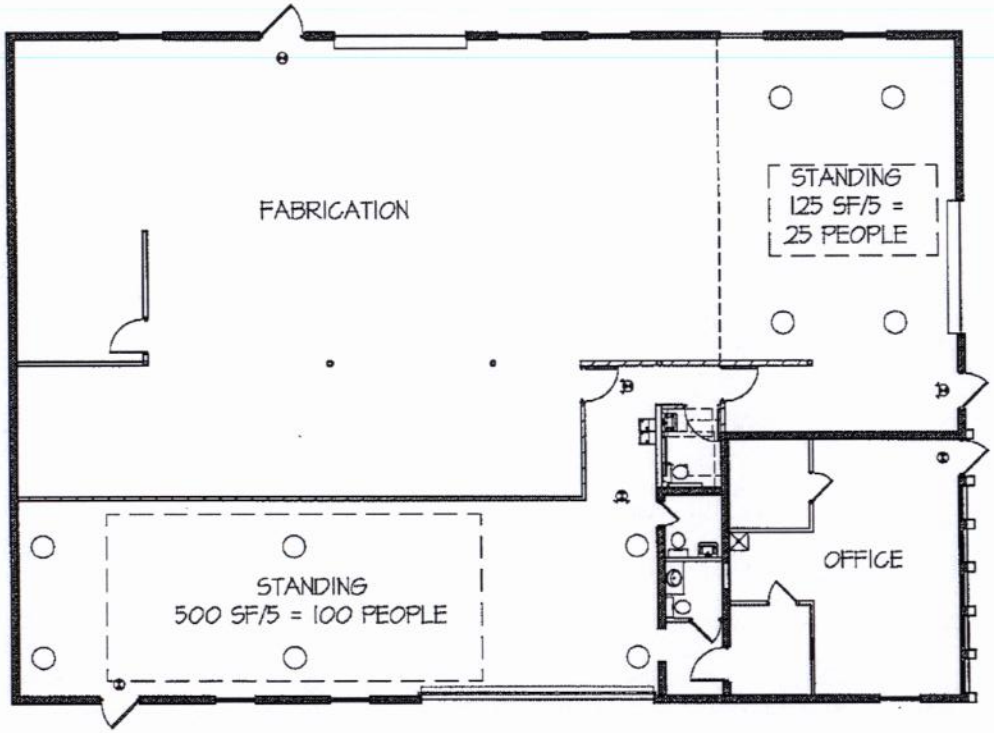

7 430 W. 24TH

SCALE: 1/16" = 1'-0"

OCCUPANCY CALCULATIONS	
SOUTH STANDING	25
NORTH STANDING	100
BAND	0
STAFF	5
TOTAL	130

PARKING CALCULATIONS

OFFICE(1/300SF): 2 SPACE
EVENT SPACE(1/175 SF): 11 SPACES
FABRICATION(3/BAY): 6 SPACES
TOTAL REQUIRED: 19 SPACES
ACTUAL: 20 SPACES

CODE COMPLIANCE

BASED ON 2012 VUSBC, 2012 IBC, 2009 ANSI 117.1
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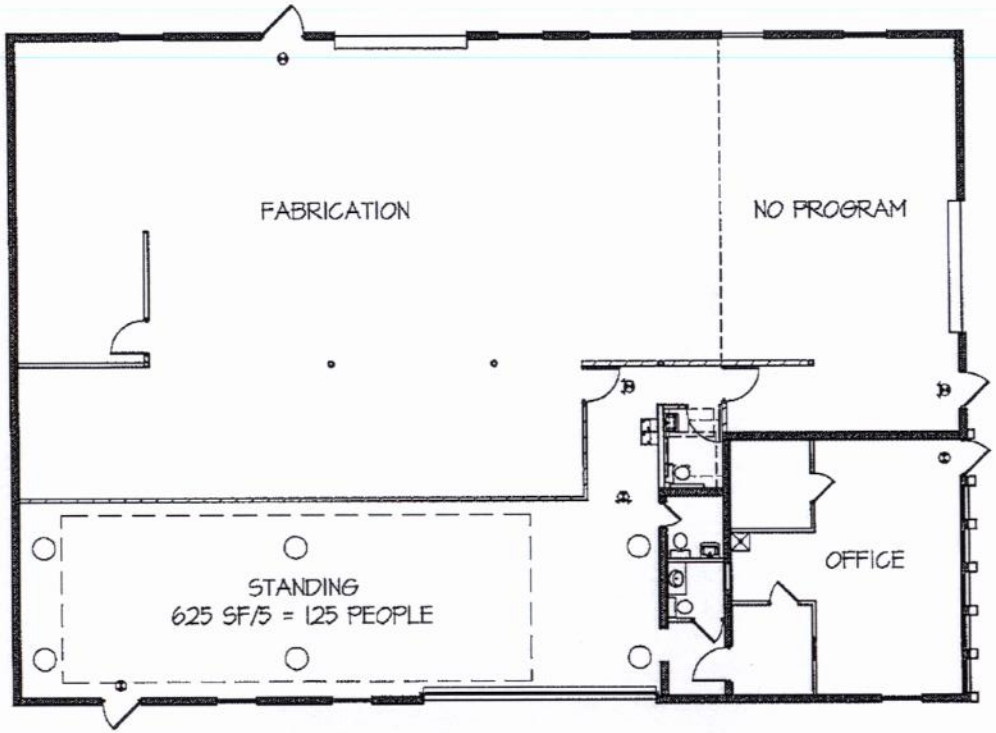

8 430 W. 24TH

SCALE: 1/16" = 1'-0"

OCCUPANCY CALCULATIONS	
SOUTH STANDING	0
NORTH STANDING	125
BAND	0
STAFF	5
TOTAL	130

PARKING CALCULATIONS

OFFICE(1/300SF): 2 SPACE
EVENT SPACE(1/175 SF): 11 SPACES
FABRICATION(3/BAY): 6 SPACES
TOTAL REQUIRED: 19 SPACES
ACTUAL: 20 SPACES

CODE COMPLIANCE

BASED ON 2012 VUSBC, 2012 IBC, 2009 ANSI 117.1
CONSTRUCTION TYPE: 3b
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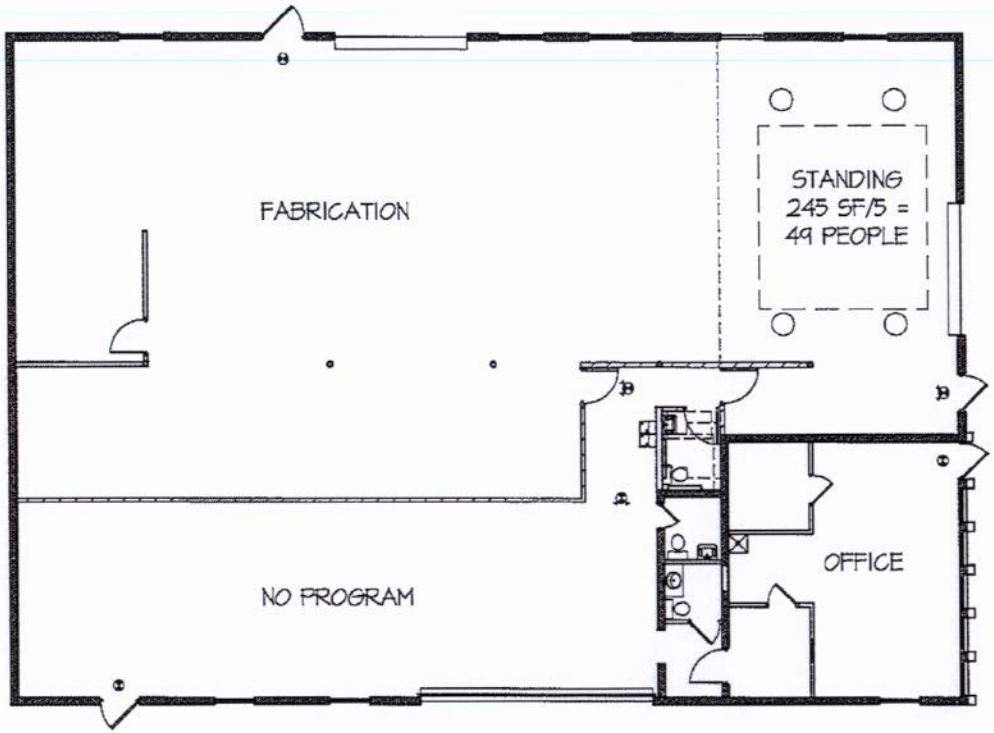

9 430 W. 24TH
SCALE: 1/16" = 1'-0"

OCCUPANCY CALCULATIONS	
SOUTH STANDING	49
NORTH STANDING	0
BAND	0
STAFF	5
TOTAL	54

PARKING CALCULATIONS

OFFICE(1/300SF): 2 SPACE
EVENT SPACE(1/175 SF): 11 SPACES
FABRICATION(3/BAY): 6 SPACES
TOTAL REQUIRED: 19 SPACES
ACTUAL: 20 SPACES

CODE COMPLIANCE

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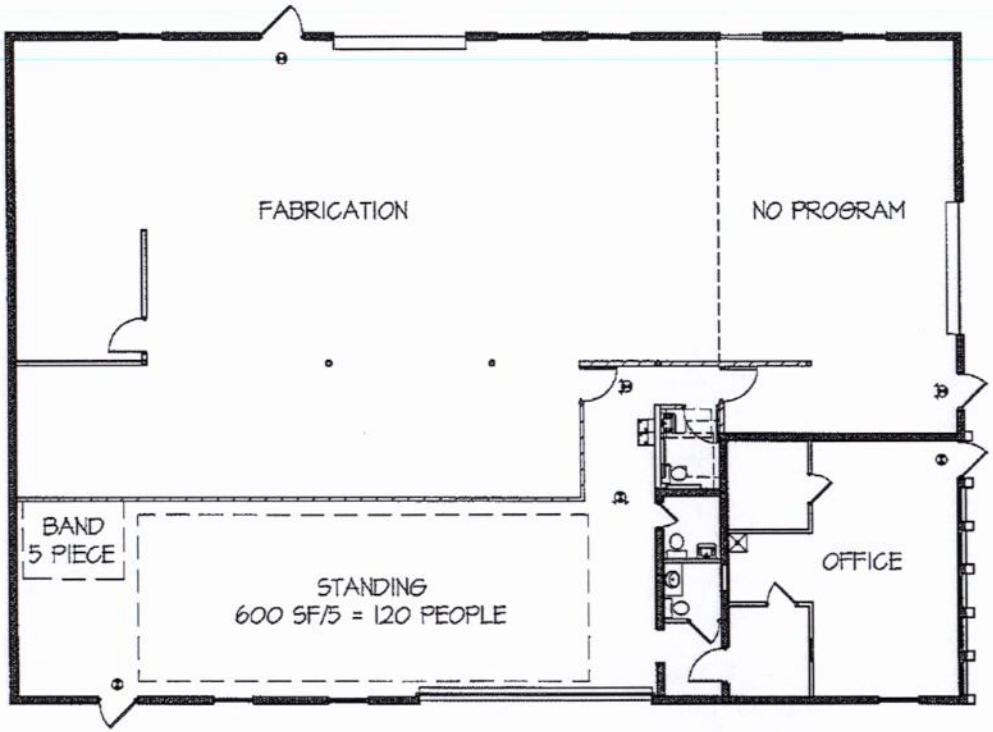

10 430 W. 24TH

SCALE: 1/16" = 1'-0"

OCCUPANCY CALCULATIONS	
SOUTH STANDING	0
NORTH STANDING	120
BAND	5
STAFF	5
TOTAL	130

PARKING CALCULATIONS

OFFICE(1/300SF): 2 SPACE
EVENT SPACE(1/175 SF): 11 SPACES
FABRICATION(3/BAY): 6 SPACES
TOTAL REQUIRED: 19 SPACES
ACTUAL: 20 SPACES

CODE COMPLIANCE

BASED ON 2012 VUSBC, 2012 IBC, 2009 ANSI 117.1
CONSTRUCTION TYPE: 3b
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NON SEPARATED MIXED USE, GROUP A2 IS
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2 STORIES, 9,500 PER IBC SECTION 503

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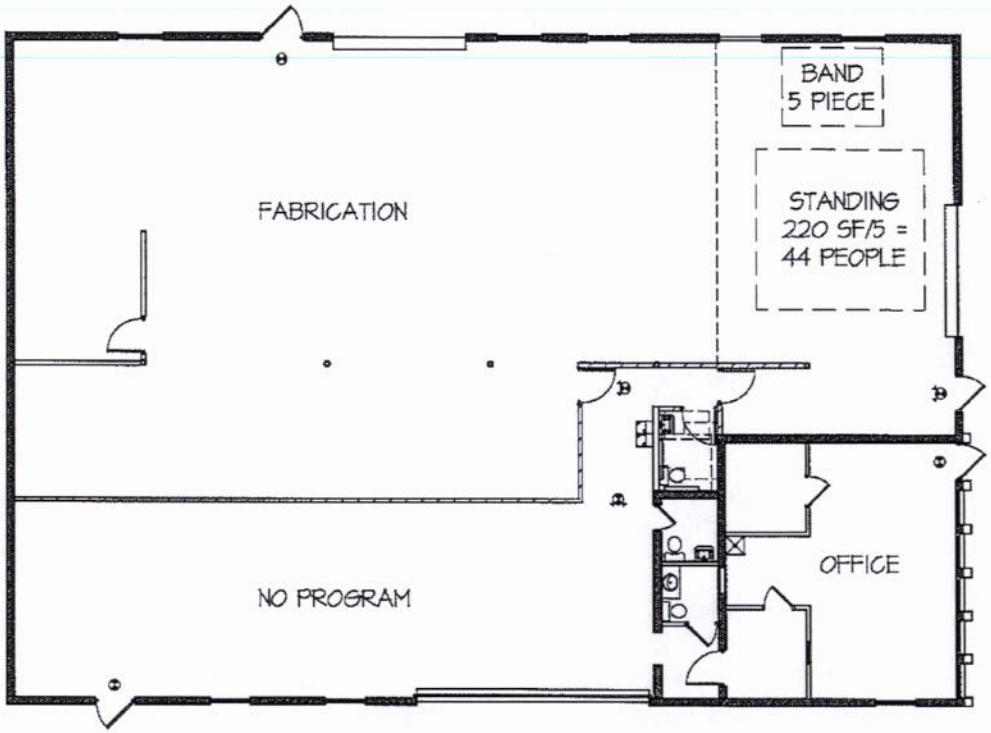

11 430 W. 24TH

SCALE: 1/16" = 1'-0"

OCCUPANCY CALCULATIONS	
SOUTH STANDING	44
NORTH STANDING	0
BAND	5
STAFF	5
TOTAL	54

PARKING CALCULATIONS
OFFICE(1/300SF): 2 SPACE
EVENT SPACE(1/175 SF): 11 SPACES
FABRICATION(3/BAY): 6 SPACES
TOTAL REQUIRED: 19 SPACES
ACTUAL: 20 SPACES

CODE COMPLIANCE
BASED ON 2012 VUSBC, 2012 IBC, 2009 ANSI 117.1
CONSTRUCTION TYPE: 3b
USE GROUP(S): F1, A2, A3, B
NON SEPARATED MIXED USE, GROUP A2 IS
MOST RESTRICTIVE
ACTUAL HEIGHT AND AREA
1 STORIES, 4,925 SF
ALLOWABLE HEIGHTS AND AREAS
2 STORIES, 9,500 PER IBC SECTION 503

COMMONWEALTH OF VIRGINIA
10/23/2015
ROBYN J. THOMAS
No. 7487
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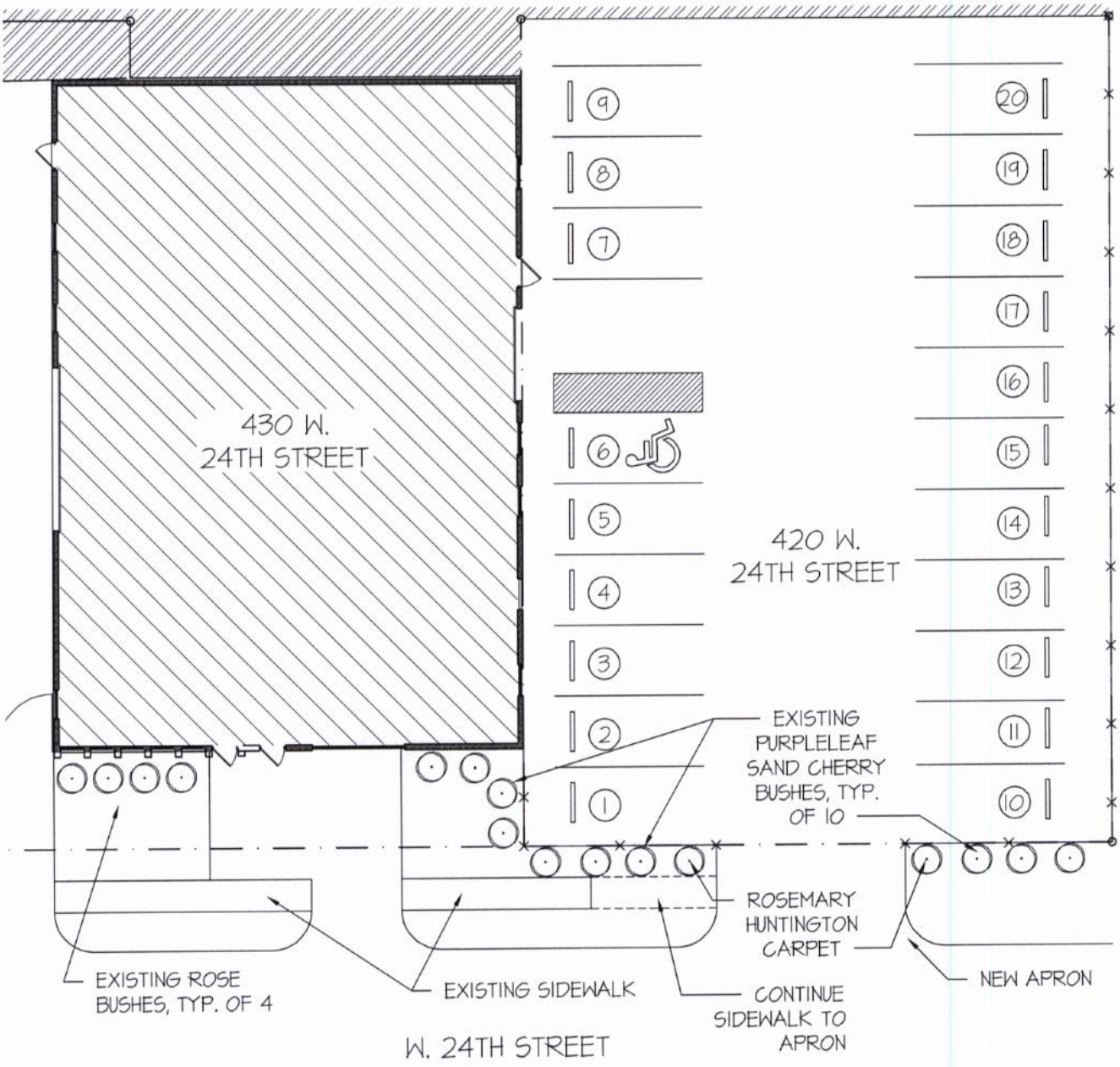
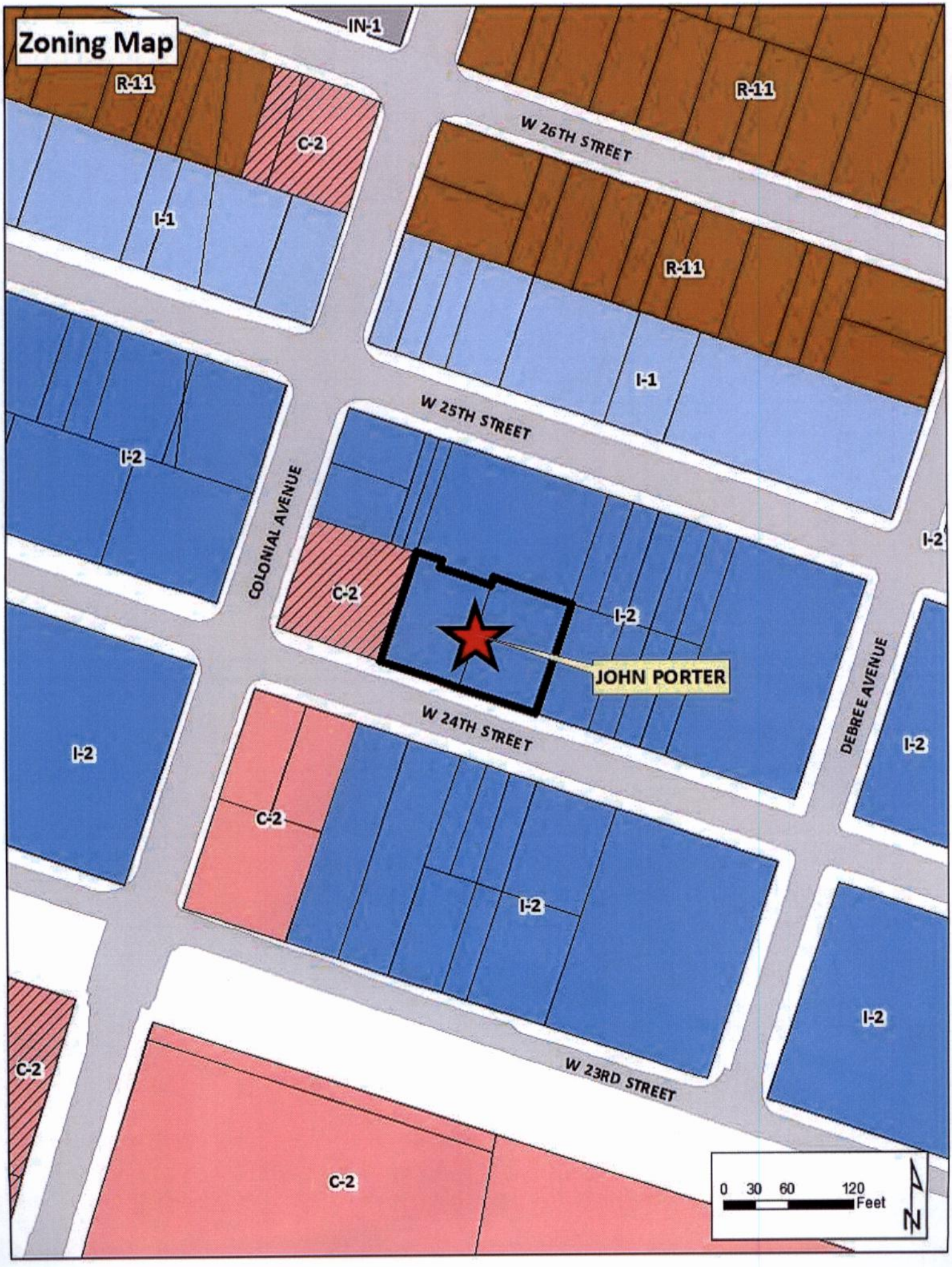
Exhibit C

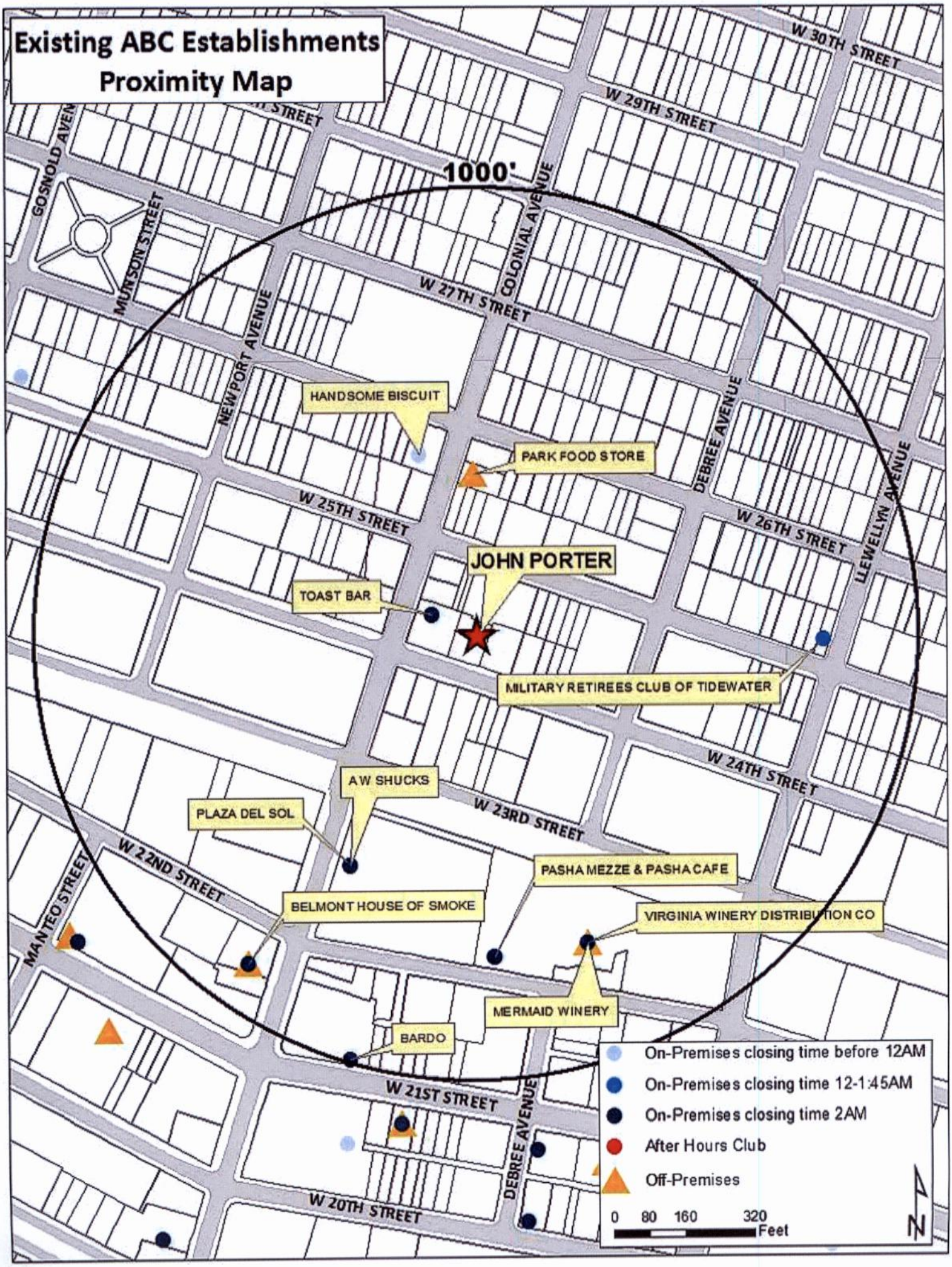


SITE PLAN

SCALE: 1"= 20'-0"

Location Map
W 25TH STREET
COLONIAL AVENUE
JOHN PORTER
W 24TH STREET
0 15 30 60
Feet
N


Zoning Map
IN-1
R-11
R-11
C-2
W 26TH STREET
I-1
R-11
I-1
W 25TH STREET
I-2
COLONIAL AVENUE
I-2
C-2
I-2
JOHN PORTER
DEBREE AVENUE
W 24TH STREET
I-2
I-2
C-2
I-2
I-2
C-2
W 23RD STREET
C-2
0 30 60 120
Feet
N


Existing ABC Establishments
Proximity Map
1000'
W 30TH STREET
W 29TH STREET
GOSNOLD AVEN
MUNSON STREET
COLONIAL AVENUE
W 27TH STREET
NEWPORT AVENUE
DEBREE AVENUE
LLEWELLYN AVENUE
HANDSOME BISCUIT
PARK FOOD STORE
W 25TH STREET
W 26TH STREET
JOHN PORTER
TOAST BAR
MILITARY RETIREES CLUB OF TIDEWATER
W 24TH STREET
AW SHUCKS
PLAZA DEL SOL
W 23RD STREET
W 22ND STREET
MANTEO STREET
PASHA MEZZE & PASHA CAFE
BELMONT HOUSE OF SMOKE
VIRGINIA WINERY DISTRIBUTION CO
MERMAID WINERY
BARDO
W 21ST STREET
DEBREE AVENUE
W 20TH STREET
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date 10/23/2015

DESCRIPTION OF PROPERTY

Address 428 & 430 W 24TH ST., Suite A

Existing Use of Property AUTO REPAIR

Proposed Use RESTAURANT

Current Building Square Footage 5,180

Proposed Building Square Footage 1,987 sf. (3,193 REMAINS AUTO REPAIR)

Trade Name of Business (If applicable) TBD

APPLICANT
(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) PORTER (First) JOHN (MI) L

Mailing address of applicant (Street/P.O. Box): 430 W 24TH Street

(City) NORFOLK (State) VA (Zip Code) 23517

Daytime telephone number of applicant (757) 450-4303 Fax ( )

E-mail address of applicant: jlporter@big-thyme.com

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

AUTHORIZED AGENT (if applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) _____ (First) _____ (MI) _____

Mailing address of applicant (Street/P.O. Box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant ( ) _____ Fax ( ) _____

E-mail address of applicant: _____

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) MAHGEREFTEH (First) I. SHAHPOR (MI) _____

Mailing address of property owner (Street/P.O. box): 4125 PORTSMOUTH BLVD

(City) PORTSMOUTH (State) VA (Zip Code) 23701

Daytime telephone number of owner (757) 615-8383 email: benprestigeab@gmail.com

430 - (Michael, LLC - owns building parcel)
428 - (Capitol Finance, Inc. - owns parking parcel) } both parcels controlled by Shahpor Mahgereftch

CIVIC LEAGUE INFORMATION

Civic League contact: FRANK KRISTON

Date(s) contacted: TBD

Ward/Super Ward information: WARD 2 / SUPERWARD 7

REQUIRED ATTACHMENTS

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: _____ **Sign:** SHAHPOR MAHGEREFTEH 10/26-15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: JOHN PORTER **Sign:** _____ 10/23/2015
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ **Sign:** _____ / _____ / _____
(Authorized Agent Signature) (Date)

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

Simons, Matthew

From: Straley, Matthew
Sent: Tuesday, October 27, 2015 3:35 PM
To: 'fjkriston@gmail.com'
Cc: Whibley, Terry; Williams, Angelia M.; Wilson, Denise; Simons, Matthew
Subject: new Planning Commission application - 428 W 24th Street and 430 W 24th Street, Suite A
Attachments: John Porter.pdf

Mr. Kriston,

Attached please find the application for a special exception to operate an entertainment establishment with alcoholic beverages at 428 W. 24th Street and 430 W. 24th Street, Suite A.

The item is tentatively scheduled for the December 10, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov*

Thank you.

Matthew Straley
GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

From: Frank Kriston [mailto:fjkriston@gmail.com]
Sent: Monday, November 09, 2015 6:56 AM
To: Straley, Matthew
Subject: Re: new Planning Commission application - 428 W 24th Street and 430 W 24th Street, Suite A

Mr. Straley:

Mr. John Porter presented his plans for 428 W. 24th Street and 430 W. 24th Street, Suite A to the Civic League on November 2.

The Park Place Civic League would like to express its support for John Porter's proposals, as it is in line with our Visioning and Engagement Plan.

If you require additional informaiton, please do not hesitate to contact me.

Frank Kriston, President
Park Place Civic League
757-354-1669

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exception for an Entertainment Establishment with alcoholic beverages at 207 Granby Street, Suites 211 and 213 – Grace O'Malley's Irish Pub and Restaurant**

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: _____
Marcus D. Jones, City Manager

Item Number: R-5

I. **Staff Recommendation:** **Approval**.

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval.**

III. **Request:** Special exception to operate for an entertainment establishment with alcoholic beverages.

IV. **Applicant:** **Martin and Christine Marron**

V. **Description:**

- Granting this request will allow a new restaurant, Grace O'Malley's Irish Pub and Restaurant, to open in a space most recently occupied by Paradise Donuts.
- Grace O'Malley's plans to serve alcoholic beverages for on-premises consumption and provide entertainment options.

	Proposed
Hours of Operation	6:00 a.m. until 2:00 a.m., Seven Days a Week
Hours for the Sale of Alcoholic Beverages	10:00 a.m. until 2:00 a.m., Seven Days a Week
Capacity	117 seats indoors 0 seats outdoors 167 total capacity
Entertainment Options	5 member live band Karaoke Comedian Poetry Reading

Staff point of contact: Chris Whitney at 823-1253, chris.whitney@norfolk.gov

Attachments:

- Staff Report to CPC dated December 10, 2015 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: December 10, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Chris Whitney, CFM

Staff Report	**Item No. 10**	
Address	**207 Granby Street, Suites 211 and 213**	
Applicant	**Grace O'Malley's Irish Pub and Restaurant**	
Request	**Special Exception**	**Entertainment establishment with alcoholic beverages**
Property Owner	207 Granby, LLC (Frank T Gadams)	
Site Characteristics	Site Area/Space	9,332 sq. ft./4,220 sq. ft.
	Future Land Use Map	Downtown
	Zoning	D-3 (Freemason/Granby Conservation and Mixed Use District) and HO-D (Downtown Historic Overlay District)
	Neighborhoods	Downtown
	Character District	Downtown
Surrounding Area	North	D-3: 219 Bistro
	East	D-3: Norfolk Federal Building
	South	D-3: Selden Optometry
	West	D-3: Boush Street Garage
	Above	D-3: Offices

A. Summary of Request

- Granting this request will allow a new restaurant, Grace O'Malley's Irish Pub and Restaurant, to open in a space most recently occupied by Paradise Donuts.
- Grace O'Malley's plans to serve alcoholic beverages for on-premises consumption and provide entertainment options.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Downtown.

C. Zoning Analysis

i. General

- The site is located in the D-3 and HO-D districts, which permit the proposed use by special exception.

	Proposed
Hours of Operation	6:00 a.m. until 2:00 a.m., Seven Days a Week
Hours for the Sale of Alcoholic Beverages	10:00 a.m. until 2:00 a.m., Seven Days a Week
Capacity	117 seats indoors 0 seats outdoors 167 total capacity
Entertainment Options	5 member live band Karaoke Comedian Poetry Reading

- Special Exception history:

City Council Approval	Applicant	Request
2005	LeiAuntes	Eating & Drinking Establishment
(N/A) 2013-2015	Paradise Donuts	Eating Establishment
Pending	Grace O'Malley's Irish Pub and Restaurant	Entertainment Establishment

ii. Parking
The site is located within the D-3 zoning district, which does not require off-street parking.

iii. Flood Zone
The property is located in the X (Shaded) Flood Zone, which is a moderate-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that this new restaurant will generate 372 additional vehicle trips per day by increasing total indoor seating at this location by 77 seats above currently approved levels.
- The site is near frequent transit services with Hampton Roads Transit routes 6 (South Norfolk), 8 (Tidewater) and 45 (Portsmouth) operating along City Hall Avenue just to the south at the nearby MacArthur Center Light Rail station.

E. Impact on the Environment

There are currently no opportunities for landscaping site improvements to this existing building.

F. Impact on Surrounding Area/Site

- By requiring this use to conform to the conditions listed below, the proposed entertainment establishment should not have a negative effect on the surrounding neighborhood.
- Modifications to the façade and storefront were approved by the Architectural Review Board on November 9.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

- The application was sent to the Downtown Norfolk Civic League and Downtown Norfolk Council on October 27.
- An email was received from the Downtown Norfolk Civic League on October 28 stating no objection to the application.

I. Communication Outreach/Notification

- Legal notice was posted on the property on November 3.
- Letters were mailed to all property owners within 300 feet of the property on November 20.
- Legal notification was placed in *The Virginian-Pilot* on November 26 and December 3.

J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

(a) The hours of operation for the establishment shall be limited to 6:00 a.m. until 2:00 a.m., seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours for the sale of alcoholic beverages and for entertainment shall be from 10:00 a.m. until 2:00 a.m., seven days a week.

(c) The seating for the establishment shall not exceed 117 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 167 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(e) Entertainment shall be limited to live bands having no more than 5 members, karaoke, comedian, and poetry reading. No other form of entertainment is permitted.

(f) There shall be no dancing and no dance floor provided.

(g) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(i) The establishment shall maintain a current, active business license at all times while in operation.

(j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(l) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(m) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(n) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(o) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(p) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(q) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(r) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(s) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(t) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.

(u) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(v) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 125 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(w) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments
Application
Notice to the Downtown Norfolk Civic League and Downtown Norfolk Council
Email of no objection from Downtown Norfolk Civic League

Proponents and Opponents

Proponents

Martin Marron – Applicant
207 Granby Street, Suite 211
Norfolk, VA 23510

Rick Henn – Representative
1400 Granby Street, Unit 407
Norfolk, VA 23510

Opponents

None

12/09/2015 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved: CW

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT KNOWN AS "GRACE O'MALLEY'S IRISH PUB AND RESTAURANT" ON PROPERTY LOCATED AT 207 GRANBY STREET, SUITES 211 AND 213.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Grace O'Malley's, Inc. authorizing the operation of an entertainment establishment named "Grace O'Malley's Irish Pub and Restaurant" on property located at 207 Granby Street, suites 211 and 213. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 72 feet, more or less, along the western line of Granby Street beginning 52 feet, more or less, from the southern line of Brooke Avenue and extending southwardly; property also fronts 73 feet, more or less, along the eastern line of McCulloughs Lane; premises numbered 207 Granby Street, suites 211 and 213.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The hours of operation for the establishment shall be limited to 6:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours for the sale of alcoholic beverages and for entertainment shall be limited to 10:00 a.m. until 2:00 a.m. the following morning, seven days per week.

(c) The seating for the establishment shall not be less than 117 seats indoors, shall not have any seats outdoors, and the total occupant capacity,

including employees, shall not exceed 167 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(e) Entertainment shall be limited to live bands having no more than five (5) members, karaoke, comedian, and poetry reading. No other form of entertainment is permitted.

(f) There shall be no dancing and no dance floor provided.

(g) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it remains only within the shaded areas and the unshaded accesses, aisles, and other areas shown on the floor plans remain unobstructed.

(h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(i) The establishment shall maintain a current, active business license at all times while in operation.

(j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(l) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(m) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(n) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(o) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance

shall govern.

(p) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(q) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(r) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(s) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(t) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.

(u) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(v) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 125 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(w) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of

Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is

considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:
Exhibit A (4 pages)
Exhibit B (1 page)

EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date 10-9-15

Trade name of business GRACE O'MALLEY'S IRISH PUB & RESTAURANT

Address of business 207 GRANBY ST. SUITE 211 & 213

Name(s) of business owner(s)* GRACE O'MALLEY'S INC - CHRISTINE MARROW MARTIN MARROW

Name(s) of property owner(s)* 207 GRANBY LLC - FRANK GADANES

Name(s) of business manager(s)/operator(s) MARTIN & CHRISTINE - MARROW

Daytime telephone number (757) 435-8151

*If business or property owner is a partnership, all partners must be listed.
*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales and Entertainment		
Weekday	From 6 AM	To 2 AM	Weekday	From 10 AM	To 2 AM
Friday	From 6 AM	To 2 AM	Friday	From 10 AM	To 2 AM
Saturday	From 6 AM	To 2 AM	Saturday	From 10 AM	To 2 AM
Sunday	From 6 AM	To 2 AM	Sunday	From 10 AM	To 2 AM

2. Type of ABC license applied for (check all applicable boxes):
☒ On-Premises ☐ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:
☒ Beer ☒ Wine ☒ Mixed Beverage

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January 2015)

Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
   ☐ Yes (If more than 4, additional application required) ☒ No

   4a If yes, please describe type and number of each game to be provided:

   _____

   _____

5. Will patrons ever be charged to enter the establishment?
   ☐ Yes ☒ No

   5a. If yes, why:

   _____

   _____

   5b. Which days of the week will there be a cover charge (circle all applicable days):

   Monday Tuesday Wednesday Thursday Friday
   Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?
   ☒ Yes ☐ No

   6a. If yes, explain: Baby showers, Birthday parties Etc

   _____

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
   ☐ Yes ☒ No

   7a. If yes, explain:

   _____

   _____

8. Will there ever be a minimum age limit?
   ☐ Yes ☒ No

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January 2015)

10. Additional comments/ description/operational characteristics or prior experience:

19 years of Restaurant experience
On Granby Street – Since 1996

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility.

Signature of Applicant

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

   a. **Indoor**
   Number of seats (not including bar seats) 117
   Number of bar seats 16
   Standing room 14
   band 5

   b. **Outdoor**
   Number of seats 8

   c. **Number of employees** 15

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 167

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

   SOMETIMES SPACE, MUSICIANS

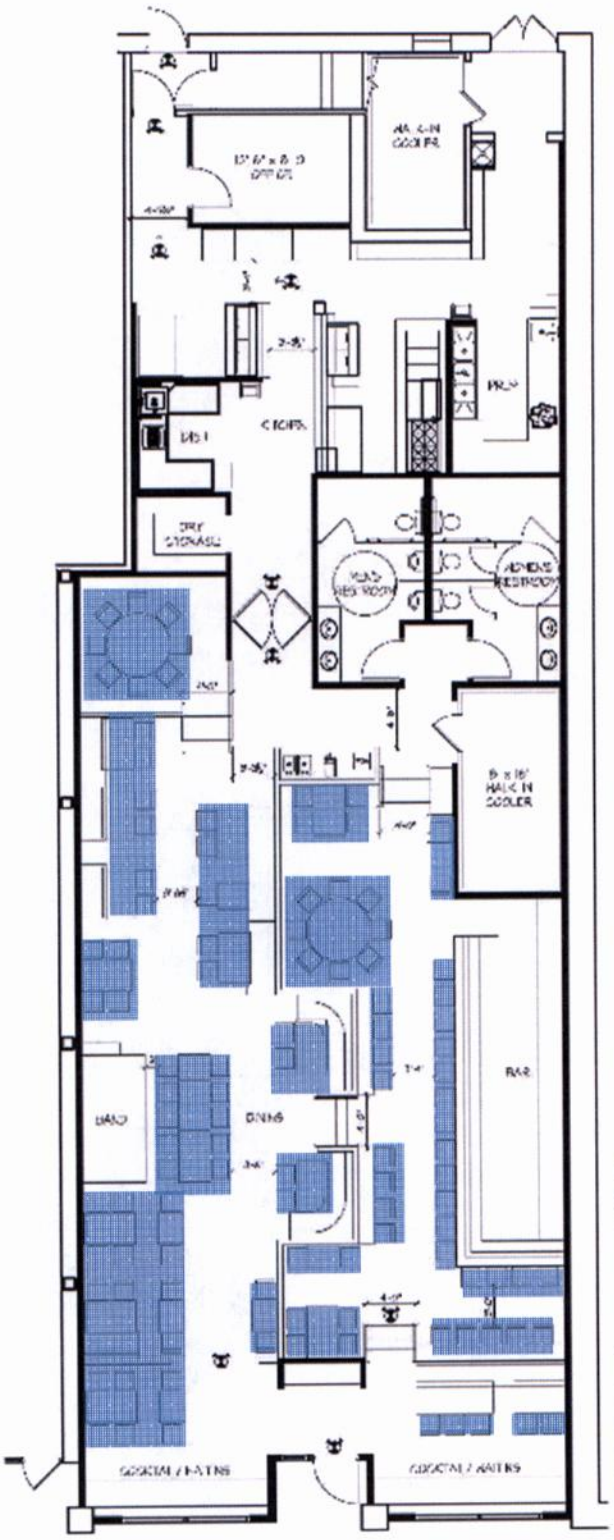
3. Will a dance floor be provided?
   ☐ Yes ☒ No

   3a. If yes,
   Square footage of establishment _____
   Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January 2015)

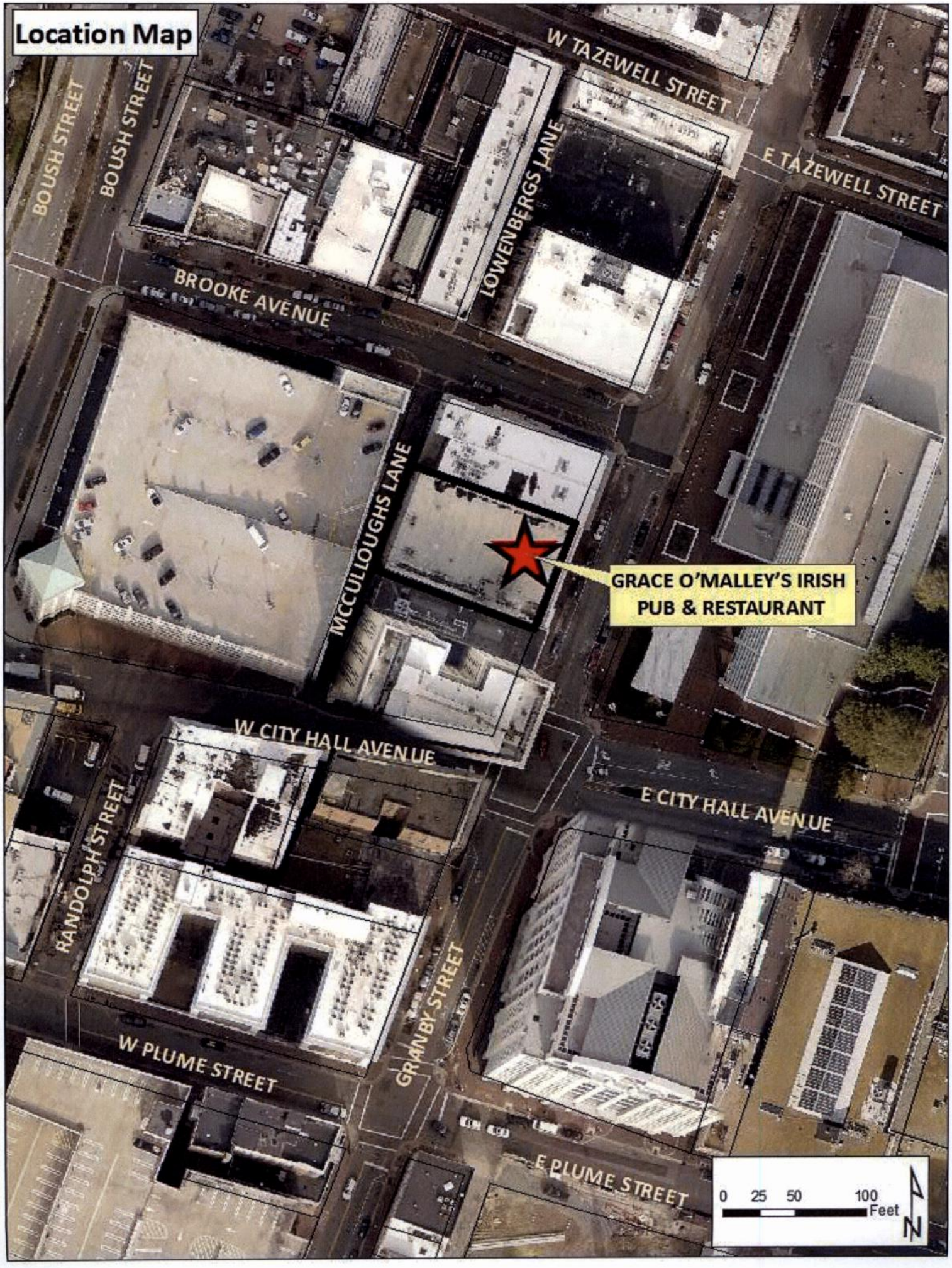
Exhibit B

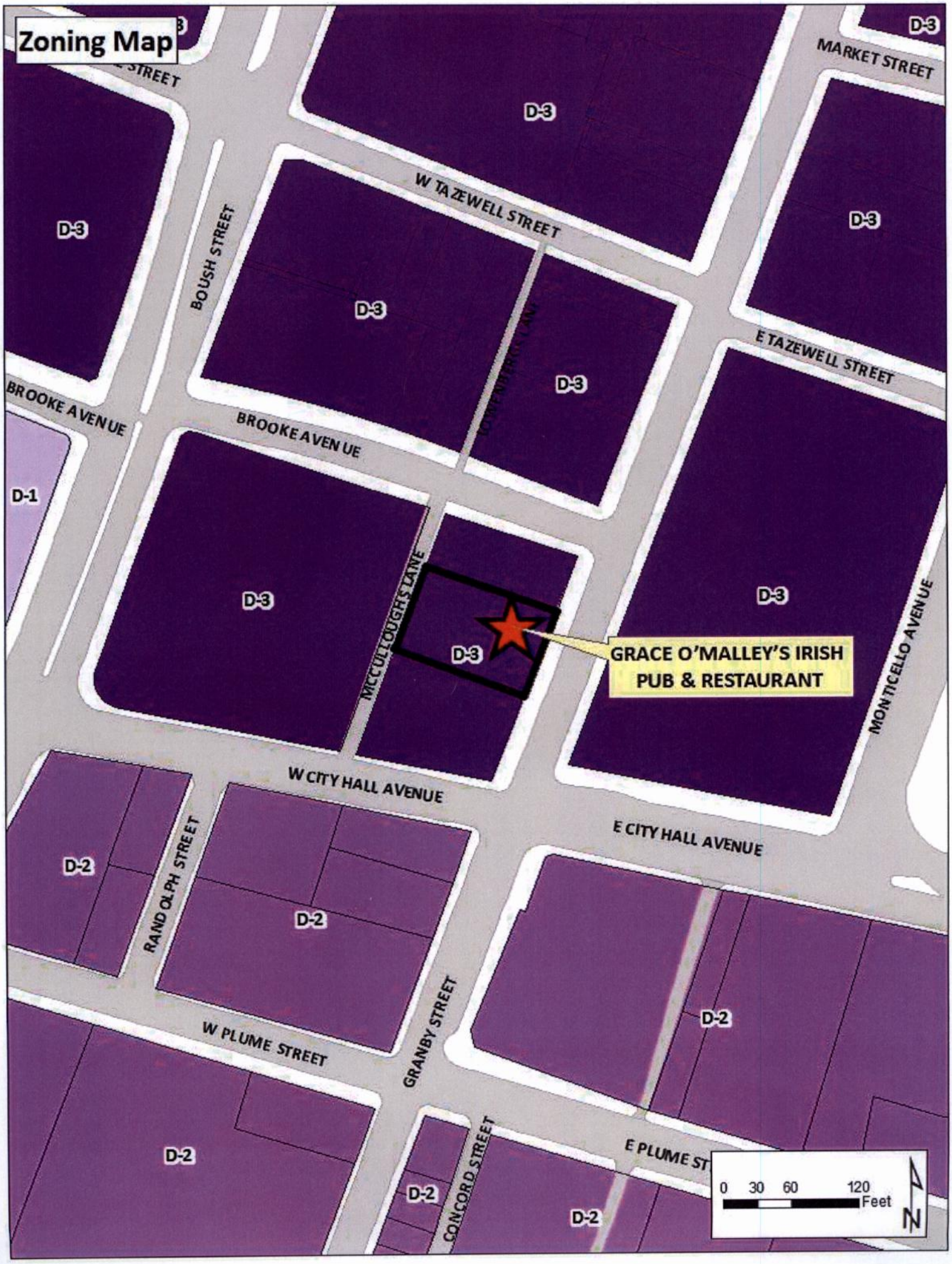


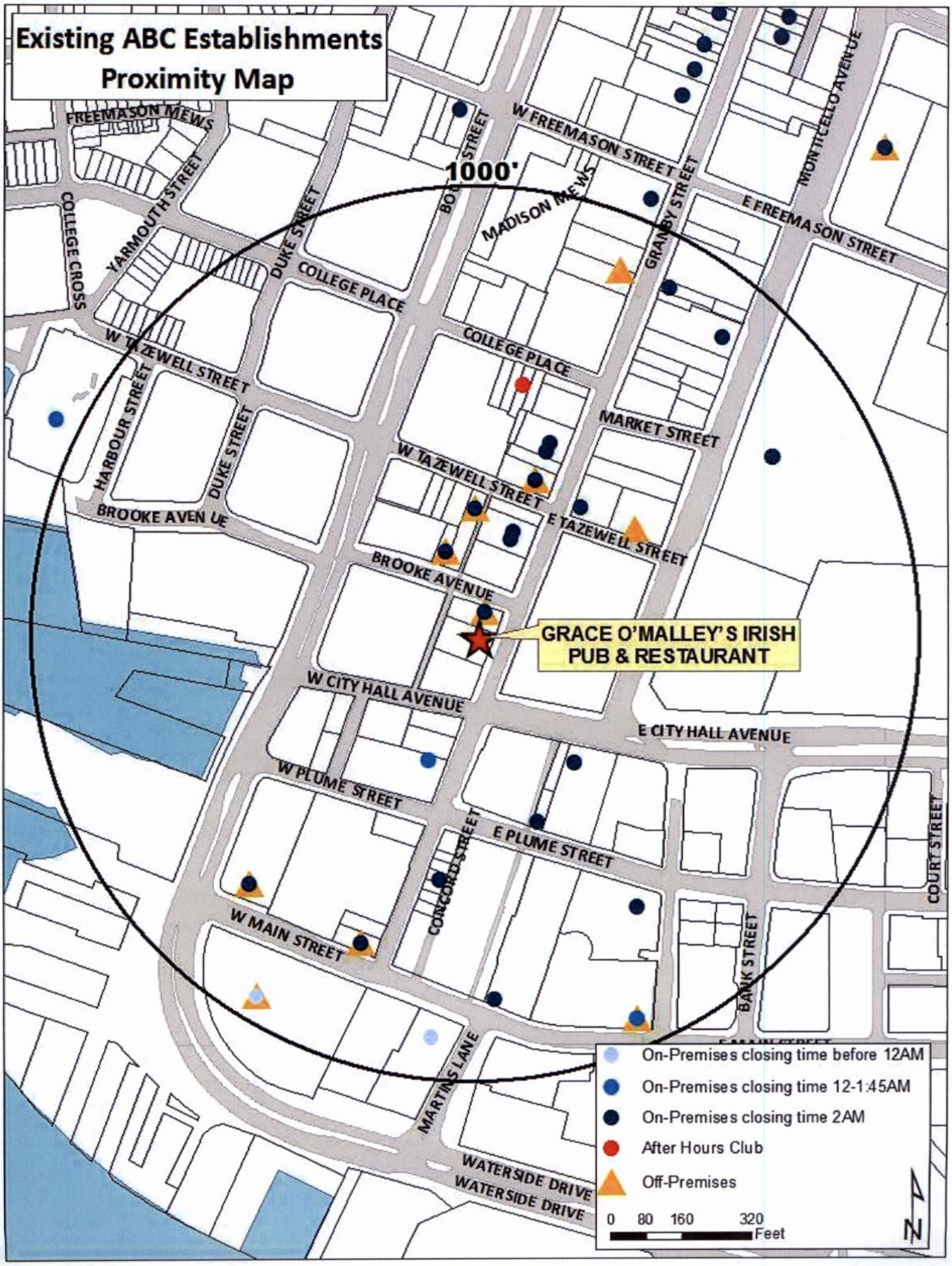
GRACE O'MALLEY'S: 213 GRANBY STREET
3/32" = 1'-0"

COMMONWEALTH OF VIRGINIA
0/22/15
ROBYN J. THOMAS
No. 7487
ARCHITECT

OCCUPANCY CALCULATIONS	
DINING SEATS:	11
COCKTAIL BENCHES/WAITING	14
BAR SEATS:	16
BAND:	5
STAFF:	15
TOTAL OCCUPANCY:	61


Location Map
W TAZEWELL STREET
E TAZEWELL STREET
BOUSH STREET
BOUSH STREET
LOWENBERGS LANE
BROOKE AVENUE
MCCULLOUGHS LANE
GRACE O'MALLEY'S IRISH
PUB & RESTAURANT
W CITY HALL AVENUE
E CITY HALL AVENUE
RANDOLPH STREET
GRANBY STREET
W PLUME STREET
E PLUME STREET
0 25 50 100
Feet
N


Zoning Map
MARKET STREET
W TAZEWELL STREET
E TAZEWELL STREET
BOUSH STREET
BROOKE AVENUE
BROOKE AVENUE
MCCULLOUGHS LANE
MONTICELLO AVENUE
W CITY HALL AVENUE
E CITY HALL AVENUE
RANDOLPH STREET
GRANBY STREET
W PLUME STREET
E PLUME ST
CONCORD STREET
D-1
D-2
D-3
GRACE O'MALLEY'S IRISH PUB & RESTAURANT
0 30 60 120 Feet
N


Existing ABC Establishments
Proximity Map
1000'
FREEMASON MEWS
W FREEMASON STREET
E FREEMASON STREET
MONTICELLO AVENUE
GRANBY STREET
BOUSH STREET
MADISON MEWS
YARMOUTH STREET
COLLEGE CROSS
DUKE STREET
COLLEGE PLACE
W TAZEWELL STREET
E TAZEWELL STREET
HARBOUR STREET
MARKET STREET
BROOKE AVENUE
GRACE O'MALLEY'S IRISH
PUB & RESTAURANT
W CITY HALL AVENUE
E CITY HALL AVENUE
W PLUME STREET
E PLUME STREET
CONCORD STREET
COURT STREET
W MAIN STREET
BANK STREET
MARTINS LANE
WATERSIDE DRIVE
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date 10-9-15

DESCRIPTION OF PROPERTY

Address 207 Granby St, suites 211+213

Existing Use of Property Restaurant

Proposed Use Restaurant

Current Building Square Footage 4,220 sq ft

Proposed Building Square Footage 4,220 sq ft

Trade Name of Business (If applicable) Grace O'Malley's Inc

APPLICANT
(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Marron (First) Martin (MI) G
Christin Marron

Mailing address of applicant (Street/P.O. Box): 5068 Finn Rd

(City) VA Beach (State) VA (Zip Code) 23455

Daytime telephone number of applicant (757) 435-8151 Fax ( )

E-mail address of applicant: IrishPubSinger@cox.net

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January 2015)

AUTHORIZED AGENT (if applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) HENN (First) Rick (MI) J

Mailing address of applicant (Street/P.O. Box): 1400 Granby st unit 407

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of applicant (757) 615-6905 Fax ( )

E-mail address of applicant: RickHennconsulting@gmail.com

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) GADAMS (First) FRANK (MI)

Mailing address of property owner (Street/P.O. box): 209 Granby St unit 211

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of owner (757) 627-9873 email: BGADAMS@MAPATHON DEVELOPMENT.COM

CIVIC LEAGUE INFORMATION

Civic League contact: Downtown Civic League
Downtown Norfolk Council

Date(s) contacted: LAST WEEK

Ward/Super Ward information:

REQUIRED ATTACHMENTS

CERTIFICATION
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Frank Gadams **Sign:** _____ 10 / 9 / 2015
(Property Owner) (Date)

Print name: MARTIN MARRON **Sign:** _____ 10 / 9 / 2015
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ **Sign:** Rick Herr 10/9/2015
(Authorized Agent Signature) (Date)

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

25192.00

GENERAL NOTES:

1. THE PROPERTY SHOWN HEREON APPEARS TO FALL INSIDE ZONE X (SHADED) (AREAS OF 0.2% ANNUAL CHANCE FLOOD) AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP (F.I.R.M.) FOR THE CITY OF NORFOLK, VIRGINIA, COMMUNITY PANEL NO. 510104 0130 F, MAP REVISED: SEPTEMBER 2, 2009. FLOOD ZONE DETERMINATION IS BASED ON F.I.R.M. AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE. CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL TO CONFIRM THE ABOVE INFORMATION. FLOOD ZONE INFORMATION WAS SCALED FROM F.E.M.A. F.I.R.M. BALDWIN & GREGG, LTD. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON.

2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THEREFORE DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

3. THIS PROPERTY IS DESIGNATED AS GPIN(S): 1427950941

4. CURRENT OWNER(S): LONSDALE CORPORATION

5. SOURCE DEED(S): D.B. 340-C, P. 30

6. REFERENCE PLAT(S): DRAWING ENTITLED "PLAT SHOWING PHYSICAL SURVEY OF TWO PARCELS OF LAND OWNED BY THE LONSDALE CORPORATION" DATED JANUARY 19, 1999, BY BENGTSON DEBRELL & ELKIN, LTD.

DRAWING ENTITLED "PHYSICAL SURVEY OF 201 GRANBY STREET MALL" DATED APRIL 4, 1978, BY BALDIN AND GREGG

THIS IS TO CERTIFY THAT ON JUNE 11, 2013, WE SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY, EXCEPT AS SHOWN.

BALDWIN & GREGG, LTD.

BY: COMMONWEALTH OF VIRGINIA — ERIC S. PATTERSON A — Lic. No. 2412 — 07-01-13 — LAND SURVEYOR

LEGEND & ABBREVIATIONS:

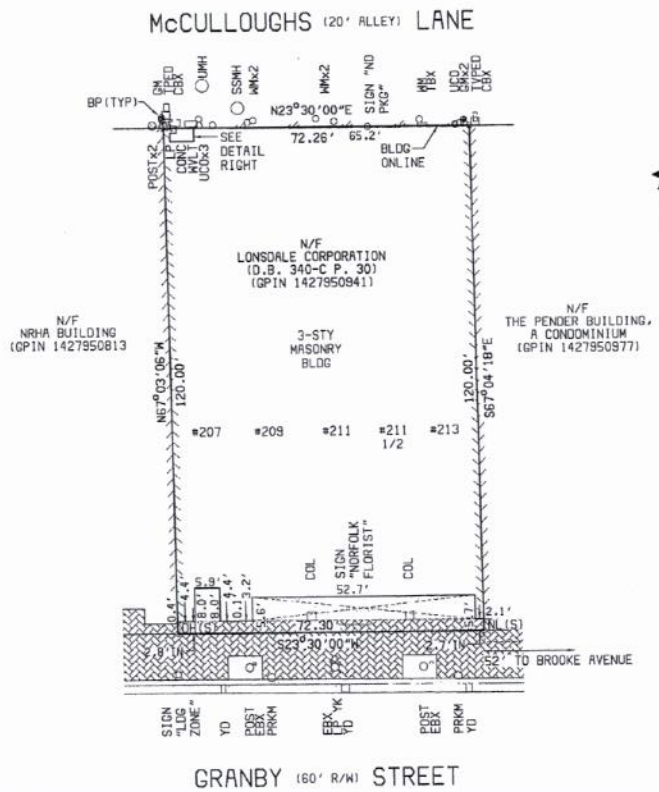
AC.	ACRES
BLDG	BUILDING
BP	BUMPER POST
CBX	COMMUNICATIONS BOX
COL	COLUMN
CONC	CONCRETE
D.B.	DEED BOOK
DH	DRILL HOLE
EBX	ELECTRIC BOX
GM	GAS METER
LDG	LOADING
LP	LIGHT POLE
ORL	OVERALL
PKG	PARKING
PRKM	PARKING METER
R/W	RIGHT-OF-WAY
(S)	SET
SQ. FT.	SQUARE FEET
SSMH	SANITARY SEWER MANHOLE
STY	STORY
TBX	TELEPHONE BOX
TPED	TELEPHONE PEDESTAL
TVPED	TELEVISION PEDESTAL
UCO	UNKNOWN UTILITY CLEANOUT
UMH	UNKNOWN UTILITY MANHOLE
WM	WATER METER
WVLT	WATER VAULT
YD	YARD DRAIN

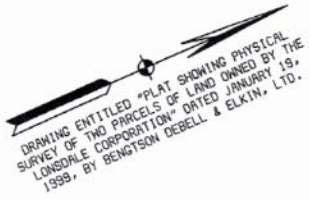
EDGE OF ASPHALT PAVEMENT

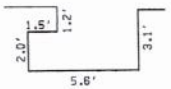
CONCRETE

BRICK

BUILDING OVERHANG







DETAIL
NOT TO SCALE

AREA SCHEDULE:

GPIN 1427950941 : 8,673 SQ. FT. / 0.199 AC.±

1" = 20' — 20' 10' 0 20' 40' — GRAPHIC SCALE IN FEET

PHYSICAL SURVEY
OF
THE LONSDALE BUILDING
207-213 GRANBY STREET
NORFOLK, VIRGINIA
FOR
207 GRANBY, LLC

SCALE: 1" = 20' JULY 1, 2013

BALDWIN & GREGG SINCE 1908
ENGINEERS - SURVEYORS - PLANNERS
352 EAST MAIN STREET, SUITE 370
NORFOLK, VIRGINIA 23510-1769
757-623-7300

1043-T-16695

F.B. 1398, P. 56,57,59

TELLEFSEN-K:\2519200\SURVEY\2519200.DWG LAYOUT: B&G 3D 7/31/2013 11:30AM DWGSCALE: 20 R18.1

Security Plan

for

Grace O'Malley's Irish Pub and Restaurant

213 Granby Street

Norfolk, VA 23510

Summary

Grace O'Malley's Irish Pub and Restaurant will open in February 2016. It will offer family dining and a full-service bar seven days a week from 11:00am until close, and entertainment in the evenings. The entertainment will include the following:

- Sunday: a traditional Irish session from 7:00pm to 10:00pm, where musicians are welcome to gather and entertain themselves and other customers with music and singing. The instruments might include fiddles, guitars, flutes, tin whistles, uilleann pipes, accordians, mandolians, banjos, and bodhrans.
- Tuesday: a pub quiz from 7:00pm to 9:00pm, with recorded Irish music playing between trivia questions.
- Wednesday and Thursday: live music from 8:30pm to 12:30am
- Friday and Saturday: live music from 9:00pm to 1:00am

Grace O'Malley's will be a model neighbor and business on the Norfolk Granby Street corridor promoting a safe, friendly, and diverse experience for customers, employees, and the civic area.

Goals

A safe, friendly, and secure environment will be provided for customers and employees by maintaining a plan and training staff for the following:

- The safe and orderly evacuation In the event of fire, explosion, or other uncontrolled dangers.
- Obtaining and validating proof of age for the purchase of any alcoholic beverage.
- How to recognize and resolve potentially unruly patron disturbance.
- The mitigation and control of noise and conduct of customers entering, leaving, or lingering near Grace O'Malley's.
- Circumstances under which the police should be called.

- To promote a welcome and relaxed atmosphere that complements the Granby Street corridor and neighborhood.

Features of the Plan

Evacuation Plans

Evacuation plans for both the back- and front- of-house will be reviewed with all employees during shift meetings. All employees will be trained to spot potential electrical, scalding, tripping, etc. hazards. Each shift an employee will be assigned the task of calling 911 in the event of an evacuation. Flashlights will be stored in the kitchen, behind the bar, and at the hostess station to assist in low light evacuations. Fire/smoke/carbon monoxide alarm systems will be installed and maintained.

Kitchen Safety

All new employees will be fully trained regarding commercial kitchen equipment and machines in order to avoid injury. They will be fully aware of the daily hazards in a commercial kitchen and how to avoid injuries such as slips and falls.

Validation of Proof of Age

Proof of Age will be requested from anyone who appears to be under the age of 40. All identification cards used to prove age must be valid (i.e., may not be expired), and must be government-issued. If the identification card is expired or appears at all questionable to the employee, the employee shall request a second form of identification. The employee shall make sure that the individual purchasing the alcohol resembles the picture on the ID. All employees are encouraged to ask the customer questions relating to their identification in order to verify the information.

Control/Supervision of Customers Under 21

Alcohol will not be served to any customer who cannot produce adequate ID. If sharing a table with others who are consuming alcohol, employees will monitor the underage to ensure no consumption of alcoholic beverages occurs. Separate types of glassware will be used to distinguish alcoholic drinks from non-alcoholic drinks.

Customers Presenting False IDs

If the employee checking an ID has a strong suspicion that an ID is false, altered, or belongs to someone other than the person presenting the ID, he/she shall confiscate the ID and turn it over to management, to be presented to the police. Monetary compensation will be provided to any employee who confiscates what proves to be a false ID.

Customers Who Are Intoxicated

No employee may provide alcohol to any person who is publicly intoxicated, nor shall such a person be permitted on the premises. When a customer has been "cut off," the server will notify the owner,

manager, and any other employees. Management will support the server's decision to terminate service to any customer. If a customer is too impaired to drive safely, management will try to persuade the customer not to drive, and arrange for a safe ride. If the customer refuses, management will notify the Norfolk Police Department before the customer leaves, and if that is not possible, will provide a description of the person and the license plate number of the vehicle, if possible.

Handling of Disturbances

When a customer acts in a manner that is violent, abusive, indecent, profane, boisterous, or otherwise disorderly, management will ask the customer to leave. If necessary, the Norfolk Police Department will be called for assistance. Management will permanently refuse admittance to any chronic problem customer. Employees will also regularly monitor both the men's and women's bathroom facilities.

Other Circumstances Under Which The Police Should Be Called

The police will be called any time management or an employee has information leading them to believe a crime has been or is about to be committed and/or whenever a threat of or act of violence occurs on the premises or off premises in areas that would be considered in view or earshot of Grace O'Malley's.

A Neighborhood Establishment

The atmosphere, menu, bar, and music of Grace O'Malley's will provide an authentic Irish pub experience, which will fully complement the character and atmosphere of the Granby Street corridor and neighborhood. Customers of all ages will be welcome and encouraged to show the same respect for others that they are being afforded. Staff will be trained to be respectful and helpful, and will be knowledgeable of the surrounding area to assist visitors.

Blough, Christopher

From: Straley, Matthew
Sent: Wednesday, October 28, 2015 11:55 AM
To: Miller, Mary; 'dncl@welovenorfolk.org'
Cc: Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Whitney, Chris
Subject: new Planning Commission application - 207 Granby Street, Suites 211 and 213
Attachments: Grace OMalley.pdf

Ms. Miller and Mr. Murphy:

Attached please find the following application at 207 Granby Street, Suites 211 and 213:

a. Special exception to operate an entertainment establishment with alcoholic beverages.
b. Downtown Development Certificate for a building expansion.

The item is tentatively scheduled for the December 10, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Whitney at (757) 823-1253, chris.whitney@norfolk.gov*

Thank you.

Matthew Straley
GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

Blough, Christopher

From: Straley, Matthew
Sent: Wednesday, October 28, 2015 12:07 PM
To: Whitney, Chris
Subject: FW: new Planning Commission application - 207 Granby Street, Suites 211 and 213

FYI

From: Kevin R. Murphy [mailto:krmurphy@verizon.net]
Sent: Wednesday, October 28, 2015 12:06 PM
To: Straley, Matthew
Subject: RE: new Planning Commission application - 207 Granby Street, Suites 211 and 213

Hi Matthew,

The DNCL does not object to the application.

Thank you,

Kevin

From: Straley, Matthew [mailto:Matthew.Straley@norfolk.gov]
Sent: Wednesday, October 28, 2015 11:54 AM
To: Miller, Mary <mmiller@downtownnorfolk.org>; dncl@welovenorfolk.org
Cc: Whibley, Terry <Theresa.Whibley@norfolk.gov>; Winn, Barclay <barclay.winn@norfolk.gov>; Howard, Oneiceia <Oneiceia.Howard@norfolk.gov>; Whitney, Chris <Chris.Whitney@norfolk.gov>
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Thank you.

Matthew Straley
GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exception for an Entertainment Establishment with alcoholic beverages Restaurant – 2406 Colonial Avenue, Unit A – Toast**

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/7

Approved: _____
Marcus D. Jones, City Manager

Item Number: R-6

I. **Staff Recommendation:** **Approval**.

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval.**

III. **Request:** Special Exception to operate an Entertainment Establishment with alcoholic beverages.

IV. **Applicant:** **Toast**

V. **Description:**

- Granting this request will allow Toast, an existing restaurant, to make several modifications:
  - Increase the hours for alcohol and entertainment
  - Increase total capacity
  - Decrease indoor seating
  - Increase outdoor seating
  - Add two industrial containers to the site; converted to accommodate container-top dining
  - Add outdoor entertainment

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated December 10, 2015 with attachments
- Letter of support
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: December 10, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Matthew Simons, AICP, CZA, CFM

Staff Report	**Item No. C-2**	
Address	**2406 Colonial Avenue, Unit A**	
Applicant	**Toast**	
Request	**Amend Special Exception**	**Entertainment Establishment with alcoholic beverages**
Property Owner	Michael, LLC (Shahpor "Ben" Mahgerefteh)	
Site Characteristics	Site/Building Area	10,895 sq. ft./2,284 sq. ft.
	Zoning	Conditional C-2 (Corridor Commercial)
	Future Land Use Map	Commercial
	Character District	Traditional
	Neighborhood	Park Place
Surrounding Area	North	I-2 (Light Industrial): vacant home and office
	East	I-2: auto repair
	South	C-2: mixed use (residential above engineer's office) and vacant restaurant
	West	I-2: Buckstaff Public Safety store and Goodwill Baptist Church

A. Summary of Request

- Granting this request will allow Toast, an existing restaurant, to make several modifications:
  - Increase the hours for alcohol and entertainment
  - Increase total capacity
  - Decrease indoor seating
  - Increase outdoor seating
  - Add two industrial containers to the site; converted to accommodate container-top dining
  - Add outdoor entertainment
- This request was originally continued from the August, September and November public hearings to the December public hearing to revise details of the special exception request and to allow for more communication with the civic league.

B. Plan Consistency

- The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.
- The healthy and vibrant neighborhoods chapter of *plaNorfolk2030* calls for Colonial Avenue businesses to provide an active streetscape with reduced setbacks and screened parking.
- To be fully consistent with *plaNorfolk2030*, special exception should be conditioned to require continued maintenance of the pedestrian-scale elements along Colonial Avenue and to require additional screening of the parking areas fronting West 24th Street.
  - A condition is being added to require the installation of a sidewalk along West 24th Street.

C. Zoning Analysis

i. <u>General</u>

- The use is permitted in the C-2 district by special exception.

	Existing	Proposed
Hours of Operation	9:00 a.m. until 2:00 a.m, seven days a week	Same
Hours for the Sale of Alcohol and for Indoor Entertainment	10:00 a.m. until 2:00 a.m, seven days a week	9:00 a.m. until 2:00 a.m, seven days a week
Hours for Outdoor Entertainment	N/A	12:00 noon until 10:00 p.m, Sunday through Thursday 12:00 noon until 11:00 p.m, Friday and Saturday
Entertainment Options	5 member live band, karaoke, comedian, poetry reading	Same

Seating	• 49 seats indoor • 48 seats outdoor • 119 total capacity	• 40 seats inside building • 20 seats outside (front patio) • 20 seats outside (rear patio) • 20 rooftop seats above containers • 150 total capacity

- Special exception history:

City Council Approval	Applicant	Changes
August 2013	Ben Mahgerefteh	• Rezoning from I-2 to Conditional C-2 • Special Exception to permit Mixed Uses (residential above commercial)
June 2014	John Porter	Original Application (Entertainment Establishment)
Pending	Toast by John Porter	• Increase in capacity • Addition of containers with rooftop dining • Addition of outdoor entertainment • Alcohol and entertainment permitted one hour earlier

ii. Parking

- Off-street parking is shared amongst two uses in one structure; one residential unit that was previously approved in 2013 and the entertainment establishment with an expansion as proposed.
- The current parking regulations require eleven parking spaces, given the square footage of the establishment, and one space for the residential unit above.
  - The proposed site plan accommodates twelve parking spaces.
  - The applicant has secured an off-lot parking agreement with the adjacent site to the east.
    - The site would provide five additional parking spaces for the restaurant at times when both businesses are open, and 20 additional parking spaces at times when the neighboring business is closed.
- The *Zoning Ordinance* exempts outdoor dining from the off-street parking requirement due to the variable nature of the weather.
  - Therefore, the outdoor dining is required to remain open to the elements without accommodations for heating or cooling the space.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

Institute of Transportation Engineers figures estimate that this restaurant will generate 43 fewer vehicle trips per day by decreasing total indoor seating at this location by nine seats below currently approved levels.

E. Impact on the Environment

- Site improvements shall include a new sidewalk along the West 24th Street frontage, tying-in with the existing sidewalks along West 24th Street and Colonial Avenue.
- The existing dumpster enclosure will be screened and landscaping installed along the base near the proposed sidewalk's edge.

F. Impact on Surrounding Area/Site

- Over the past year there has been one call for police service with no arrest made.
  - The call for service concerned a larceny report.
- The applicant has proposed outdoor entertainment to be permitted until 10:00 p.m. during the week and 11:00 p.m. on weekends, which is consistent with outdoor entertainment hours approved for similar applications.
  - There is a residential unit on the premises, above the restaurant, (which is currently home to the restaurant operator), and a nonconforming residential home to the north, located in the I-2 district, which has been vacant for several months.
- The applicant has also proposed outdoor entertainment on the roof of one of the containers.
  - The only rooftop entertainment option that has been approved at a similar establishment was for an unamplified band with hours no later than 10:00 p.m., seven days a week.
  - The applicant has proposed to move all amplification of the container-top entertainment to the ground level.
- Given the conditions which limits the hours of outdoor entertainment and focuses all amplification to the ground level, and given the two-block separation of the establishment from the surrounding residential, the proposal should not have an adverse impact on the neighborhood.
- However, consistent with similar applications for outdoor entertainment in the past, a condition should be added to limit the approval to 18 months, requiring the applicant to reapply after a year of operation in order to address any public concerns that may arise as a result of the outdoor entertainment.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

- Notice was sent to the Park Place Civic League on July 15.
- The applicant presented the proposal to the Park Place Civic League on November 2.
- A letter of support was received from the Park Place Civic League on December 4.

I. **Communication Outreach/Notification**

- Legal notice was posted on the property on July 14.
- Letters were mailed to all property owners within 300 feet of the property on August 14.
- Legal notification was placed in *The Virginian-Pilot* on August 13 and August 20.
  - This item was continued from the August, September and November public hearings to the December public hearing.

J. **Recommendation**

Staff recommends **approval** of the special exception request subject to all of the following conditions being adopted, which should address the potential impacts on the surrounding area, including a provision to require the applicant to reapply after a year of operation, in order to address any public concerns that may arise as a result of the outdoor entertainment.

Entertainment Establishment Conditions

(a) The hours of operation for the establishment shall be from 9:00 a.m. until 2:00 a.m. the following morning, seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours for the sale of alcoholic beverages, and for indoor entertainment shall be from 9:00 a.m. until 2:00 a.m. the following morning, seven days a week.

(c) The hours for outdoor entertainment shall be from 12:00 p.m. until 10:00 p.m., Sunday through Thursday, and from 12:00 p.m. until 11:00 p.m., Friday and Saturday.

(d) Any amplification of sound that is provided outdoors shall be located no higher than six feet above the grade of the ground floor level and shall only be permitted from 12:00 p.m. until 10:00 p.m., Sunday through Thursday, and from 12:00 p.m. until 11:00 p.m., Friday and Saturday.

(e) The seating for the establishment shall not be less than 40 seats indoors, shall not be more than 60 seats outdoors, which includes 20 rooftop seats over the shipping containers, and the total occupant capacity for the entire establishment, including employees, shall not exceed 150 people.

(f) No portion of the outdoor dining area, including the rooftop dining area located on top of the shipping containers, shall be enclosed, and any covering must leave the dining space with open ventilation on at least three sides. No portion of the outdoor dining area, including the dining area located on top of the shipping containers, shall be heated or cooled.

(g) There shall be no signage or electronic display, including no television or electronic monitor, located on the second floor or second story of the building such that it is visible

from any portion of a public right-of-way.

(h) The site shall be improved in accordance with the conceptual site plan attached hereto and marked as "Exhibit C," to include all landscape improvements and the sidewalk installation where shown on the attached site plan.

(i) No increase in occupancy shall occur until all improvements referenced in condition (h) are implemented, excluding the requirement to install the proposed sidewalk along West 24th Street, which shall be completed within twelve months of the adoption date of this ordinance.

(j) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(k) Entertainment shall be limited to live bands having no more than 5 members, karaoke, comedians and poetry reading. No other form of entertainment is permitted.

(l) There shall be no dancing and no dance floor provided.

(m) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(n) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(o) The establishment shall maintain a current, active business license at all times while in operation.

(p) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(q) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff, and shall not be permitted within any restroom.

(r) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(s) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(t) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(u) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(v) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(w) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(x) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(y) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on

the premises.

(z) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.

(aa) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(bb) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 113 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(cc) The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments
1000' radii map of surrounding residential
Application
Notice to the Park Place Civic League
Letter of support – Park Place Civic League

Proponents and Opponents

Proponents

John Porter – Applicant
439 W. 30th Street
Norfolk, VA 23508

Robyn Thomas – Representative
913 W. 21st Street
Norfolk, VA 23517

Opponents

None

12/10/2015 lds

Form and Correctness Approved: _____

By _____
Office of the City Attorney

Contents Approved: _____

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "TOAST" ON PROPERTY LOCATED AT 2406 COLONIAL AVENUE, UNIT A.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the operation of an entertainment establishment with alcoholic beverages named "Toast" on property located at 2406 Colonial Avenue, Unit A. The property which is the subject of this Special Exception is more fully described as follows:

Property located on the northeast corner of Colonial Avenue and West 24th Street fronting 105 feet, more or less, along the eastern line of Colonial Avenue and 100 feet, more or less, along the northern line of West 24th Street; premises numbered 2406 Colonial Avenue, Unit A.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The hours of operation for the establishment, for the sale of alcoholic beverages, and for indoor entertainment shall be limited to 9:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours of operation for outdoor entertainment shall be limited to 12:00 noon until 10:00 p.m., Sunday through Thursday, and 12:00 noon until 11:00 p.m. on Friday and Saturday.

(c) Any sound amplification device providing sound outdoors shall be located no higher than six feet above the ground elevation of the property.

(d) The seating for the establishment shall not be less than 40 seats indoors, shall not be more than 60 seats outdoors, including no more than 20 rooftop seats over shipping containers, and the total occupant capacity for the entire establishment, including employees, shall not exceed 150 people, subject to the provisions and limitations set forth in condition (h), below.

(e) No portion of the outdoor dining area, including the rooftop dining area located inside or on top of the shipping containers, shall be enclosed, and any covering must leave the dining space with open ventilation on at least three sides. No portion of the outdoor dining area, including the dining area located inside or on top of the shipping containers, shall be heated or cooled.

(f) There shall be no signage or electronic display, including no television or electronic monitor, located on the second floor or second story of the building such that it is visible from any portion of a public right-of-way.

(g) The site shall be improved and landscaping shall be installed in accordance with the conceptual site plan, as prepared by Robyn Thomas Architecture, revision dated July 10, 2015, attached hereto and marked as "Exhibit C," including the sidewalk installation where shown on the plan.

(h) No increase in total occupancy, including employees, above 119 people is authorized until all improvements referenced in condition (g) are implemented, with the exception of the requirement to install the proposed sidewalk along West 24th Street, which work shall be completed within twelve months of the date of adoption of this special exception ordinance.

(i) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no

termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(j) Entertainment shall be limited to live bands having no more than five (5) members, karaoke, comedians and poetry reading. No other form of entertainment is permitted.

(k) There shall be no dancing and no dance floor provided.

(l) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(m) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(n) The establishment shall maintain a current, active business license at all times while in operation.

(o) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(p) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff, and shall not be permitted within any restroom.

(q) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the existing building.

(r) During all hours of operation, the establishment operator shall be responsible for maintaining those

portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(s) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(t) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(u) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(v) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(w) Neither the establishment nor any portion of it

shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(x) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(y) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(z) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.

(aa) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(bb) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 113 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(cc) The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the

particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting an entertainment establishment on this property, adopted on June 10, 2014 (Ordinance No. 45,576). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:
Exhibit A (7 pages)
Exhibit B (3 pages)
Exhibit C (1 page)

EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date 12 July 2015

Trade name of business Toast

Address of business 2406 Colonial Avenue

Name(s) of business owner(s)* John Porter, David Hausmann

Name(s) of property owner(s)* Ben Maghereftch (Michael, LLC)

Name(s) of business manager(s)/operator(s) John Porter, David Hausmann

Daytime telephone number (757) 450-4303

*If business or property owner is a partnership, all partners must be listed.
*If business or property owner is an LLC or Corporation, all principals must be listed.

---

1. Proposed Hours of Operation:

Facility					Alcoholic Beverage Sales and Entertainment (Indoor)			
Weekday	From	9am	To	2am	Weekday	From 9am	To	2am
Friday	From	9am	To	2am	Friday	From 9am	To	2am
Saturday	From	9am	To	2am	Saturday	From 9am	To	2am
Sunday	From	9am	To	2am	Sunday	From 9am	To	2am

2. Type of ABC license applied for (check all applicable boxes):
☑ On-Premises ☐ Off-Premises (second application required)

Outdoor entertainment and amplified sound to begin at noon, & to end at 10pm - Sunday thru Thursday
11pm - Friday & Saturday

3. Type of alcoholic beverage applied for:
☑ Beer ☑ Wine ☑ Mixed Beverage

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
   ☐ Yes (If more than 4, additional application required) ☑ No

   4a If yes, please describe type and number of each game to be provided:

5. Will patrons ever be charged to enter the establishment?
   ☑ Yes ☐ No

   5a. If yes, why:
   ~~cover charge for band/dj~~

   5b. Which days of the week will there be a cover charge (circle all applicable days):

   ☑Monday ☑Tuesday ☑Wednesday☑Thursday ☑Friday
   ☑Saturday ☑Sunday

6. Will the facility or a portion of the facility be available for private parties?
   ☑ Yes ☐ No

   6a. If yes, explain:
   ~~birthdays, showers, special occasions, etc.~~

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
   ☐ Yes ☑ No

   7a. If yes, explain:

8. Will there ever be a minimum age limit?
   ☐ Yes ☑ No

Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Signature of Applicant

DEPARTMENT OF CITY PLANNING
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Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

Exhibit A – Floor Plan(s) Worksheet LAYOUT 1
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

Outdoor container dining
12 inside
20 rooftop

   a. **Indoor**
   Number of seats (not including bar seats) 20
   Number of bar seats 20
   Standing room . . . . . 16 (inside 2, outside 14)

   b. **Outdoor**
   Number of seats 72 (includes rooftop)

   c. **Number of employees** 8

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 150

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

none

3. Will a dance floor be provided?
   ☐ Yes ☒ No

   3a. If yes,
   Square footage of establishment ____
   Square footage of dance floor ____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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(Revised January, 2015)

Exhibit A – Floor Plan(s) Worksheet LAYOUT 2
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

Outdoor container dining

a. Indoor

Number of seats (not including bar seats)	20	12 inside
Number of bar seats	20	
Standing room	(inside) 12/13 (outside)	20 rooftop
5 piece band	5	

b. Outdoor

Number of seats: 72 (includes rooftop)

c. Number of employees: 8

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 150

2. Entertainment
List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

5 piece band

3. Will a dance floor be provided?
☐ Yes ☑ No

3a. If yes,
Square footage of establishment ☐
Square footage of dance floor ☐

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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Exhibit A – Floor Plan(s) Worksheet LAYOUT 3
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

outdoor container dining

1. Total capacity

   a. **Indoor**
   Number of seats (not including bar seats) 20
   Number of bar seats 20
   Standing room . . . . . inside 16 / outside 9

   b. **Outdoor**
   Number of seats 72 (includes rooftop)
   5 piece band 5

   c. **Number of employees** 8

12 inside
20 rooftop

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 150

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

5 piece band

3. Will a dance floor be provided?
   ☐ Yes ☑ No

   3a. If yes,
   Square footage of establishment ____
   Square footage of dance floor ____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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(Revised January, 2015)

Exhibit A – Floor Plan(s) Worksheet LAYOUT 4
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

outdoor container dining

1. Total capacity

   a. **Indoor**
   Number of seats (not including bar seats) 20
   Number of bar seats 20
   Standing room inside 16 outside 19

   12 inside
   10 rooftop

   b. **Outdoor**
   Number of seats 62 (includes rooftop)
   5 piece band 5

   c. **Number of employees** 8

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 150

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

5 piece band

3. Will a dance floor be provided?
   ☐ Yes ☒ No

   3a. If yes,
   Square footage of establishment
   Square footage of dance floor

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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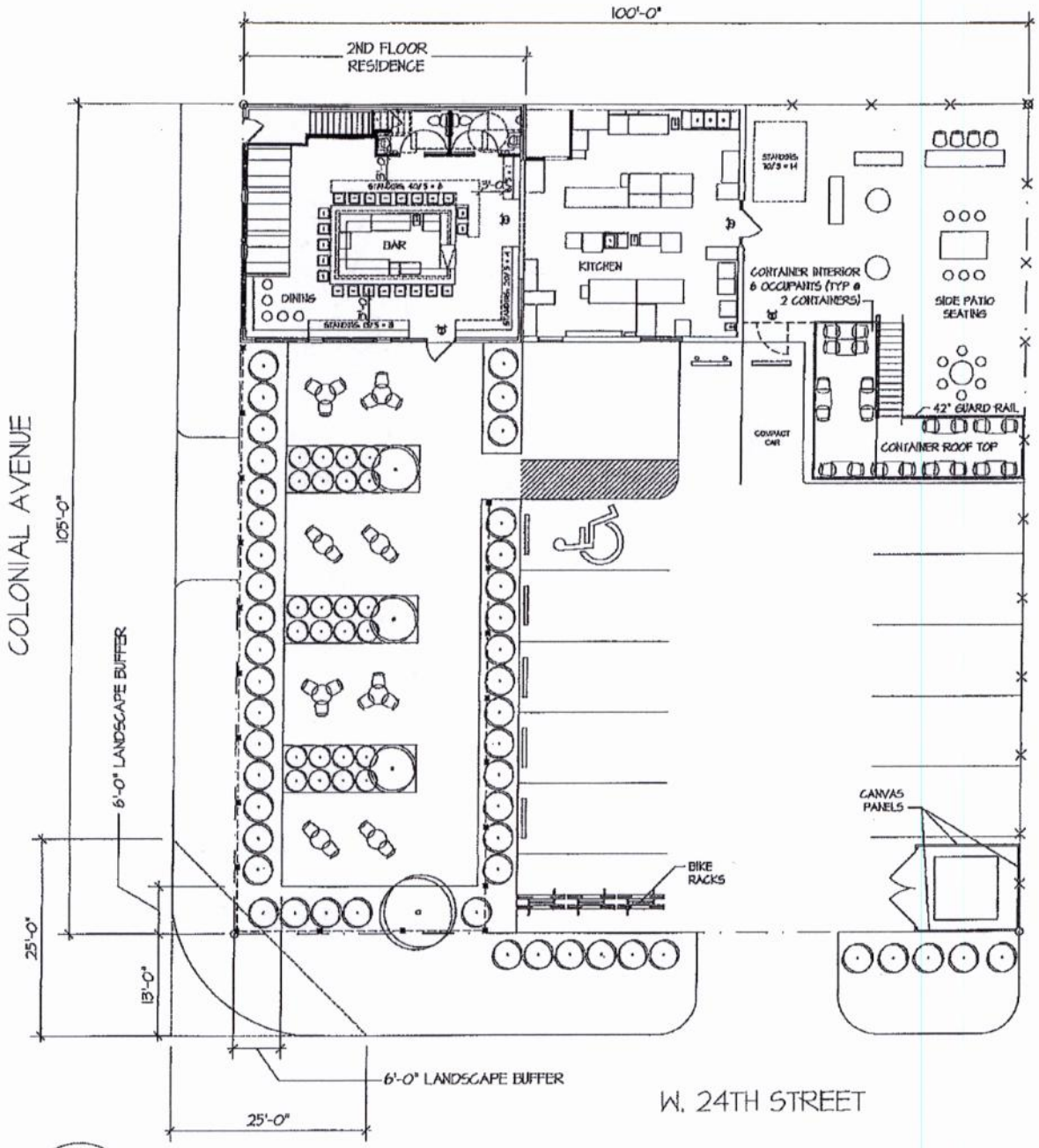
Exhibit B



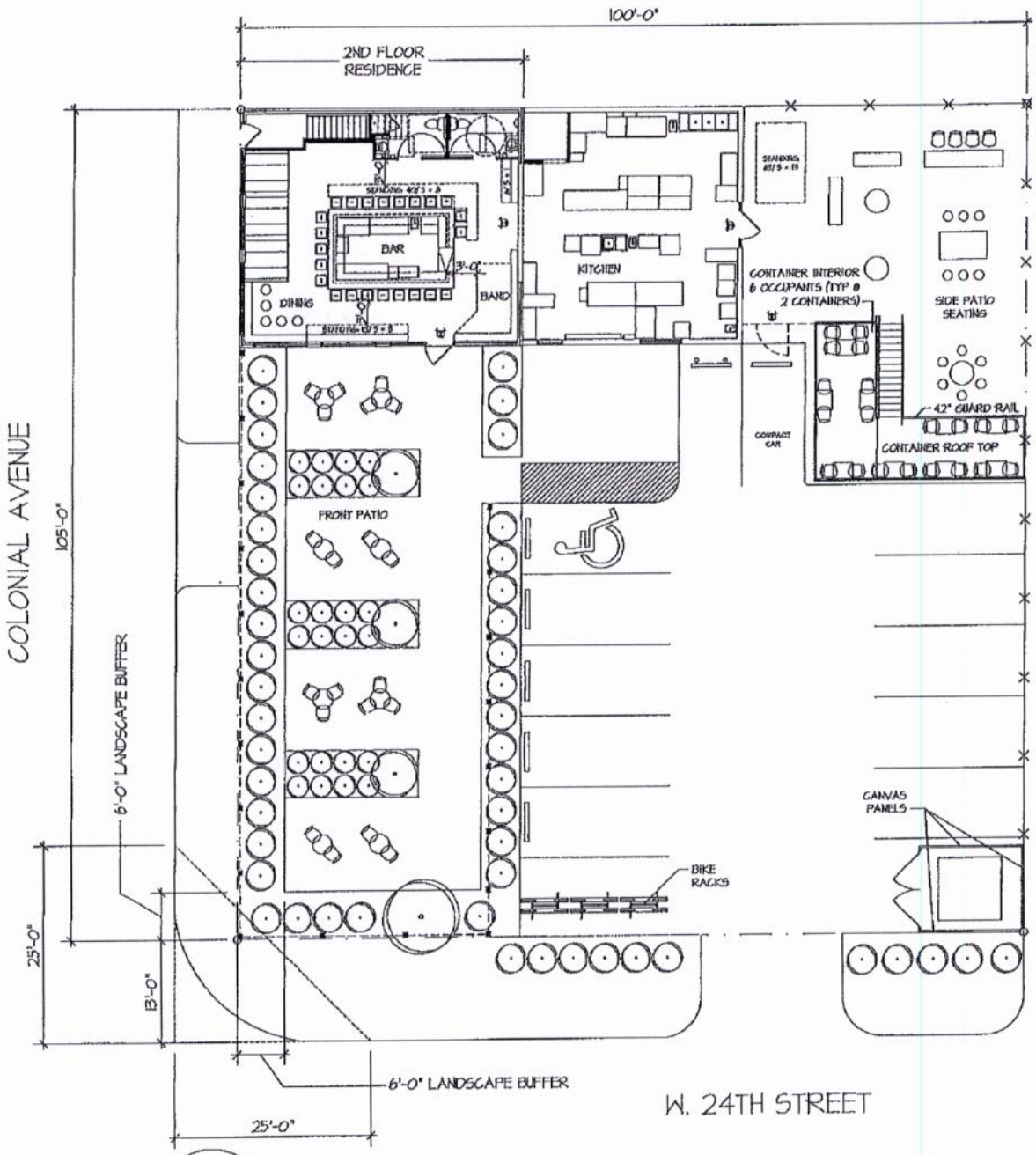
1

TOAST: 2406 COLONIAL AVENUE (NO ENTERTAINMENT)

1" = 20'-0"

COMMONWEALTH OF VIRGINIA
7/10/15
ROBYN J. THOMAS
No. 7487
ARCHITECT

OCCUPANCY CALCULATIONS	
INDOOR SEATING	40
INDOOR STANDING	16
FRONT PATIO SEATING	20
SIDE PATIO SEATING	20
CONTAINER TOP DINING	20
CONTAINERS INTERIORS	12
SIDE PATIO STANDING	14
STAFF	8
TOTAL	150

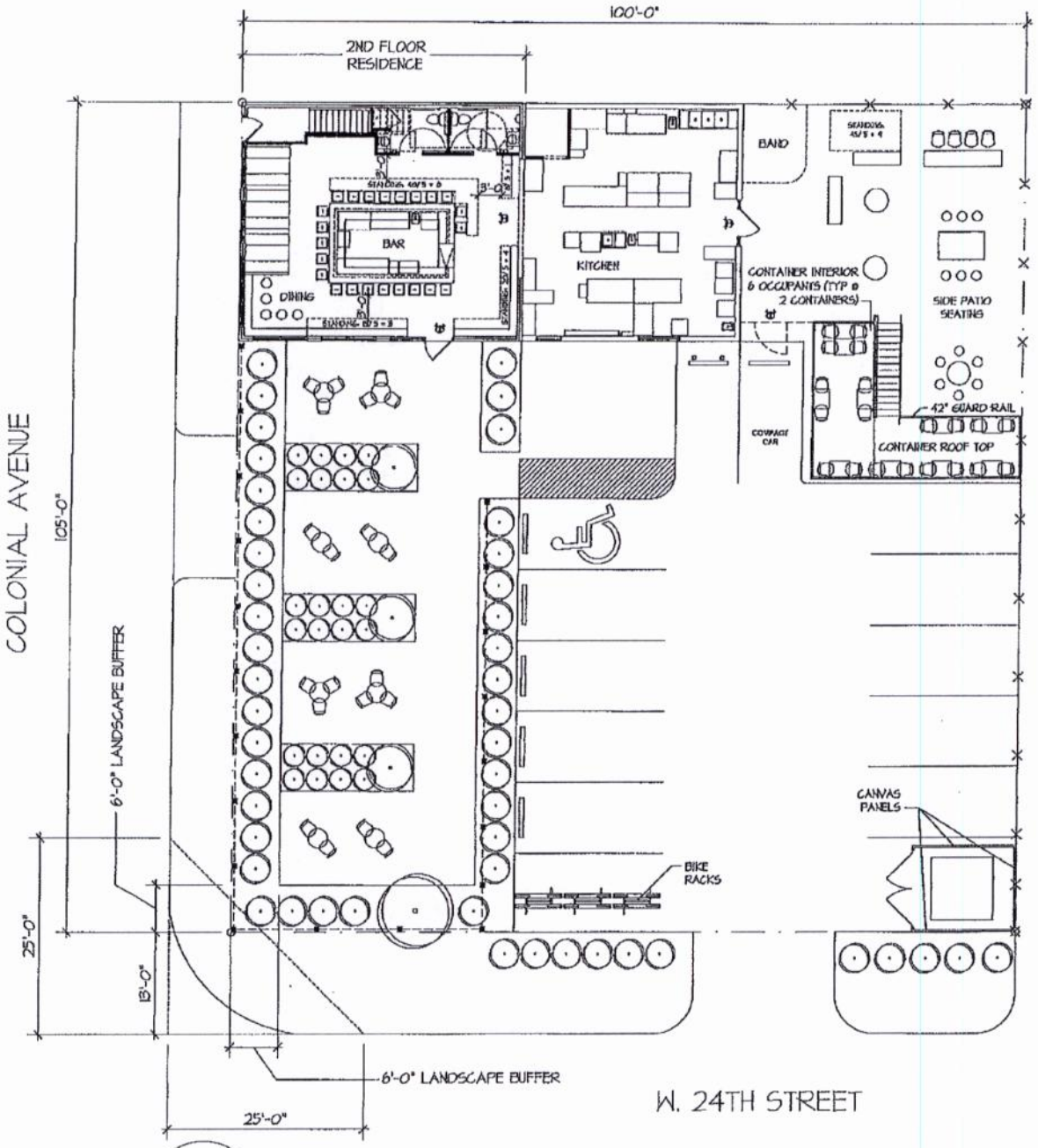


2 TOAST: 2406 COLONIAL AVENUE

1" = 20'-0"

COMMONWEALTH OF VIRGINIA
7/10/15
ROBYN J. THOMAS
No. 7487
ARCHITECT

OCCUPANCY CALCULATIONS	
INDOOR SEATING	40
INDOOR STANDING	12
BAND	5
FRONT PATIO SEATING	20
SIDE PATIO SEATING	20
CONTAINER TOP DINING	20
CONTAINERS INTERIORS	12
SIDE PATIO STANDING	13
STAFF	8
TOTAL	150



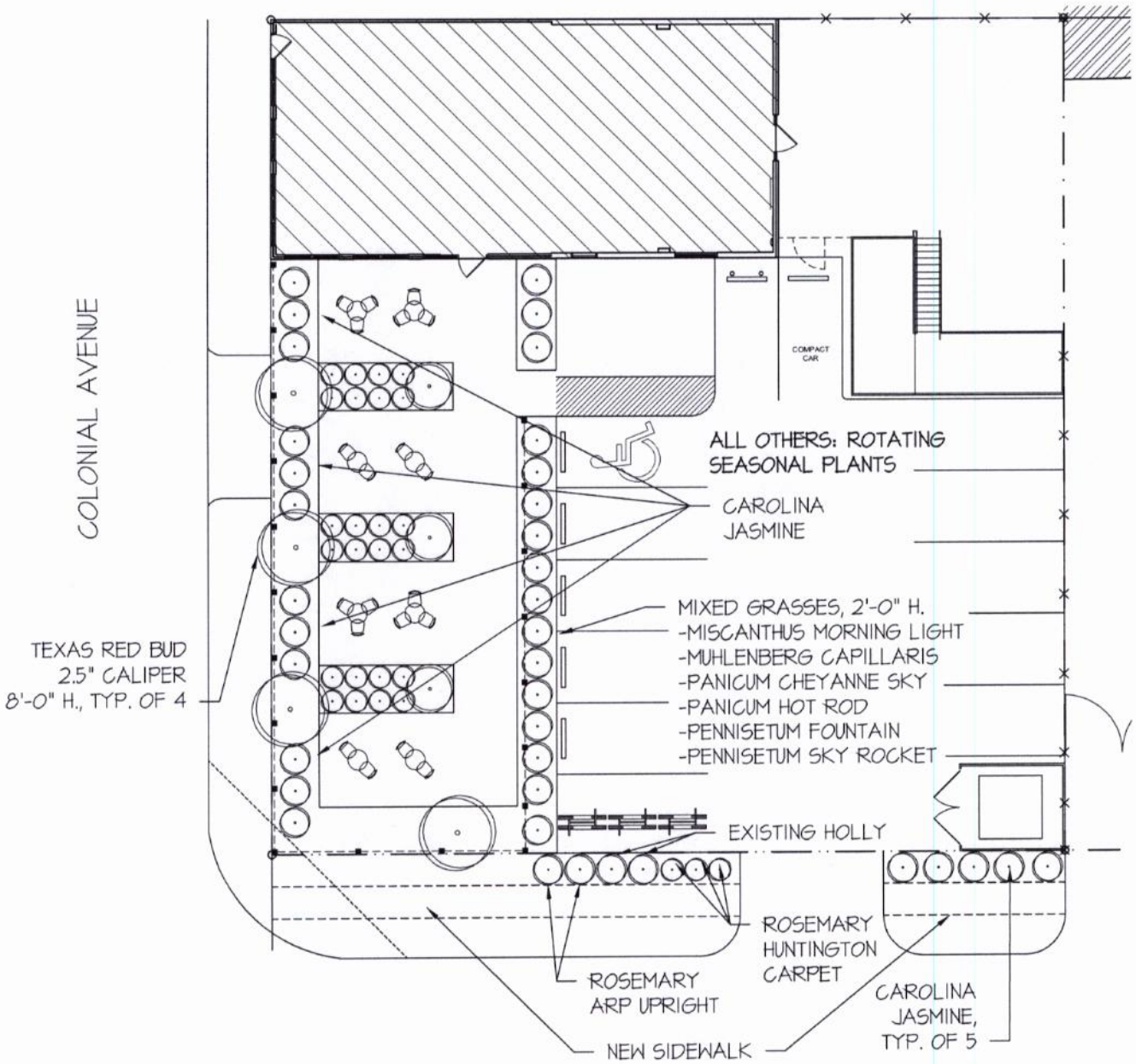
3 TOAST: 2406 COLONIAL AVENUE

1" = 20'-0"

COMMONWEALTH OF VIRGINIA
7/10/15
ROBYN J. THOMAS
No. 7487
ARCHITECT

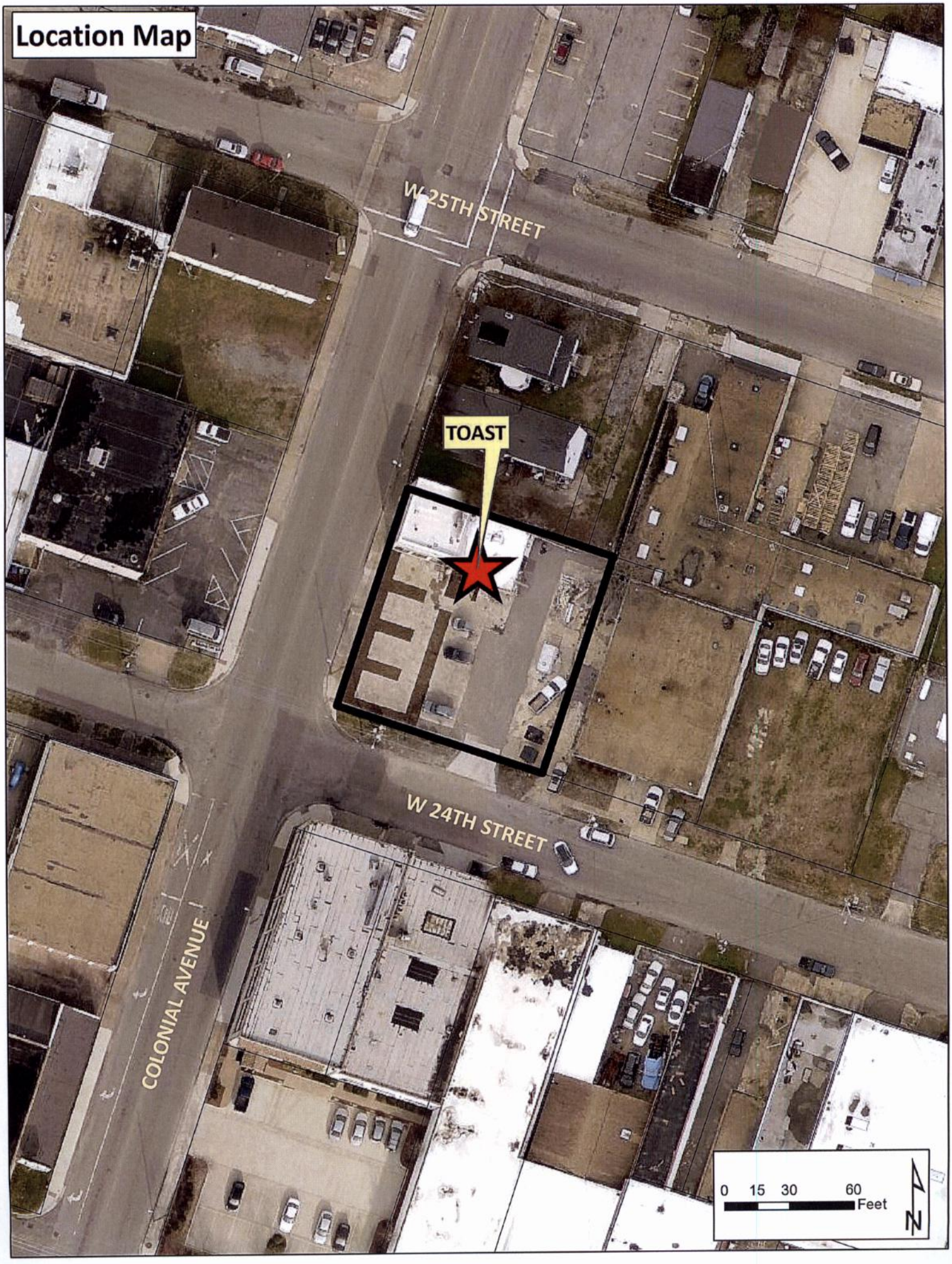
OCCUPANCY CALCULATIONS	
INDOOR SEATING	40
INDOOR STANDING	16
FRONT PATIO SEATING	20
SIDE PATIO SEATING	20
CONTAINER TOP DINING	20
CONTAINERS INTERIORS	12
SIDE PATIO STANDING	9
BAND	5
STAFF	8
TOTAL	150

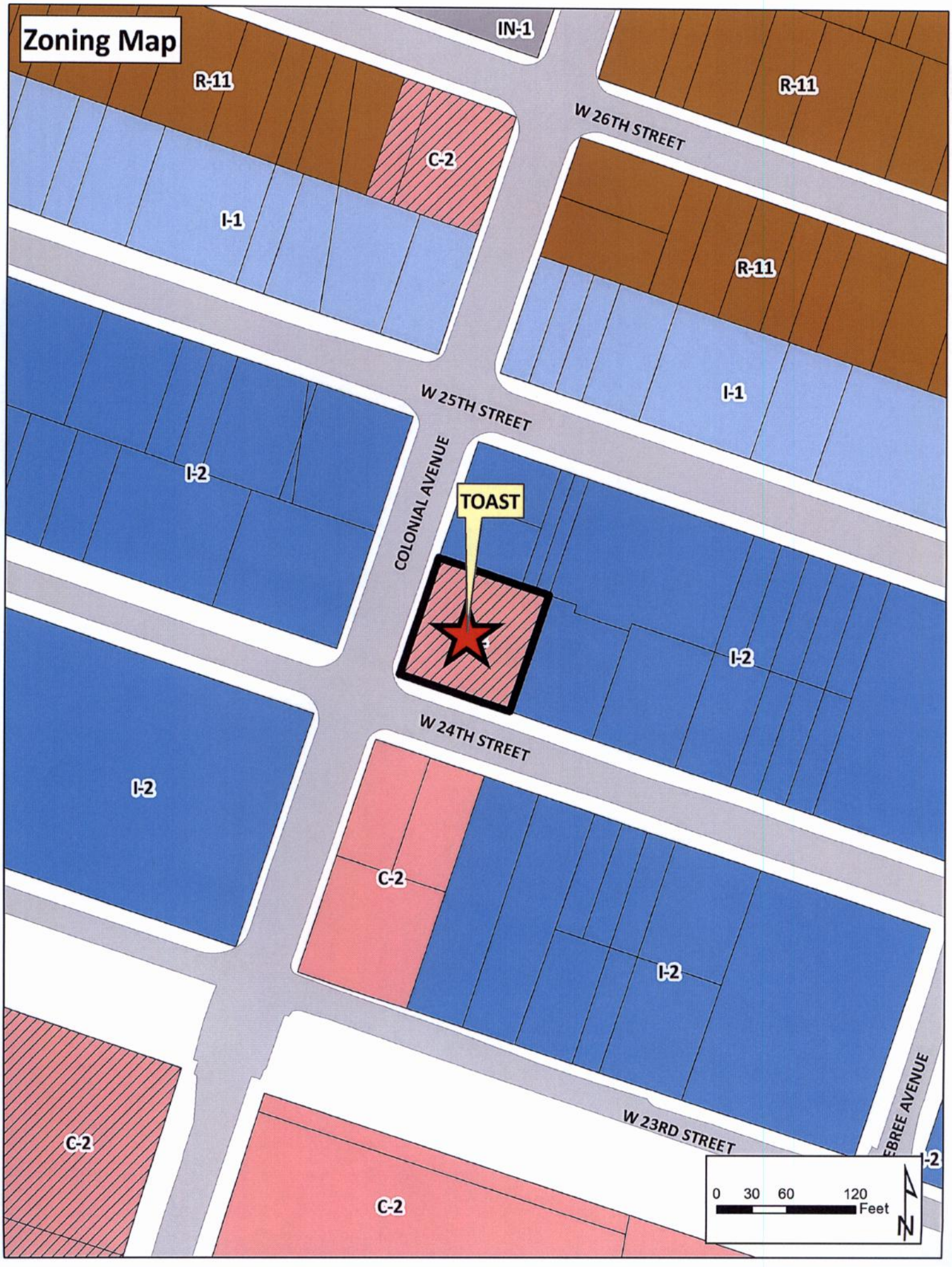
Exhibit C

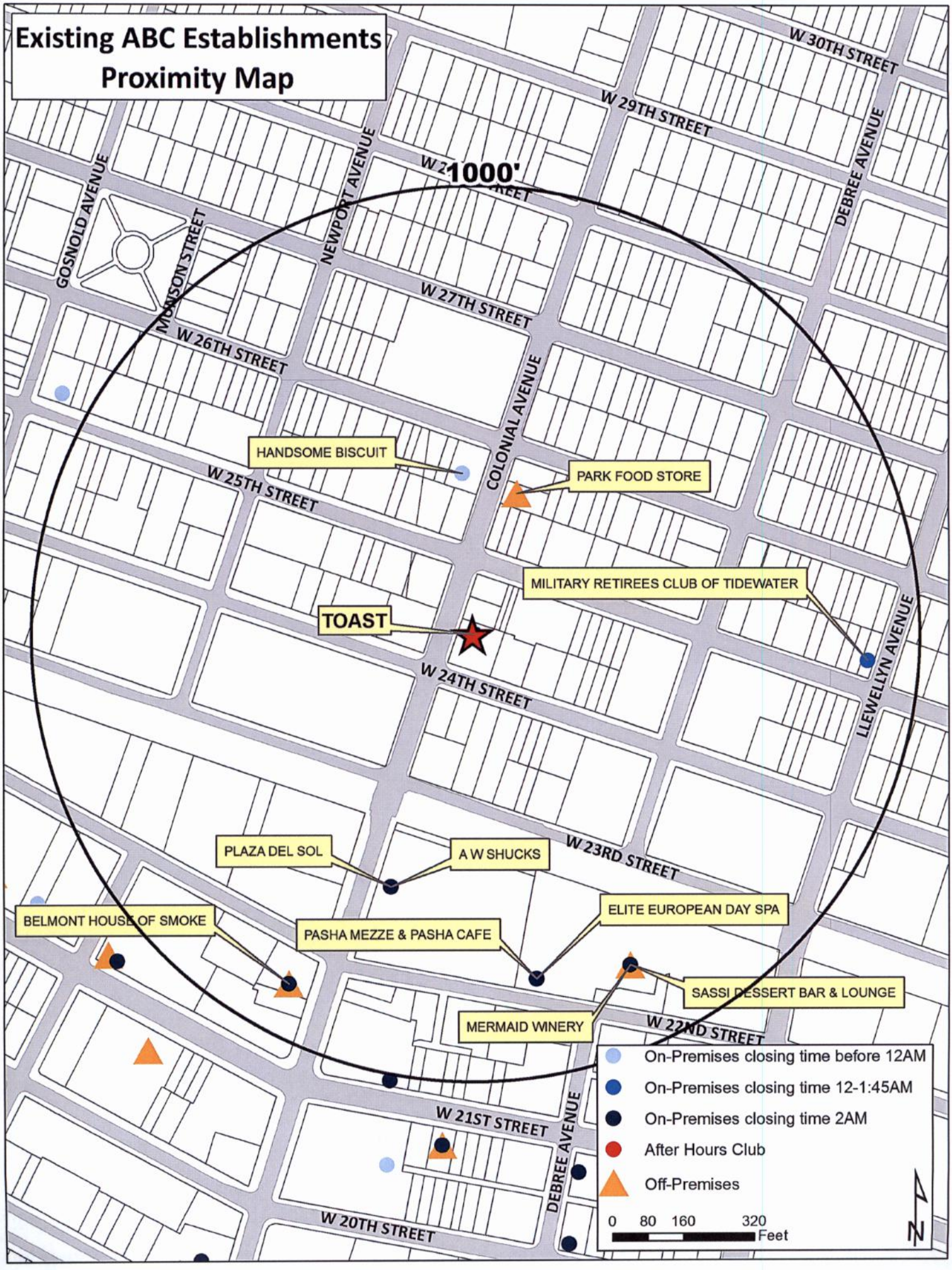


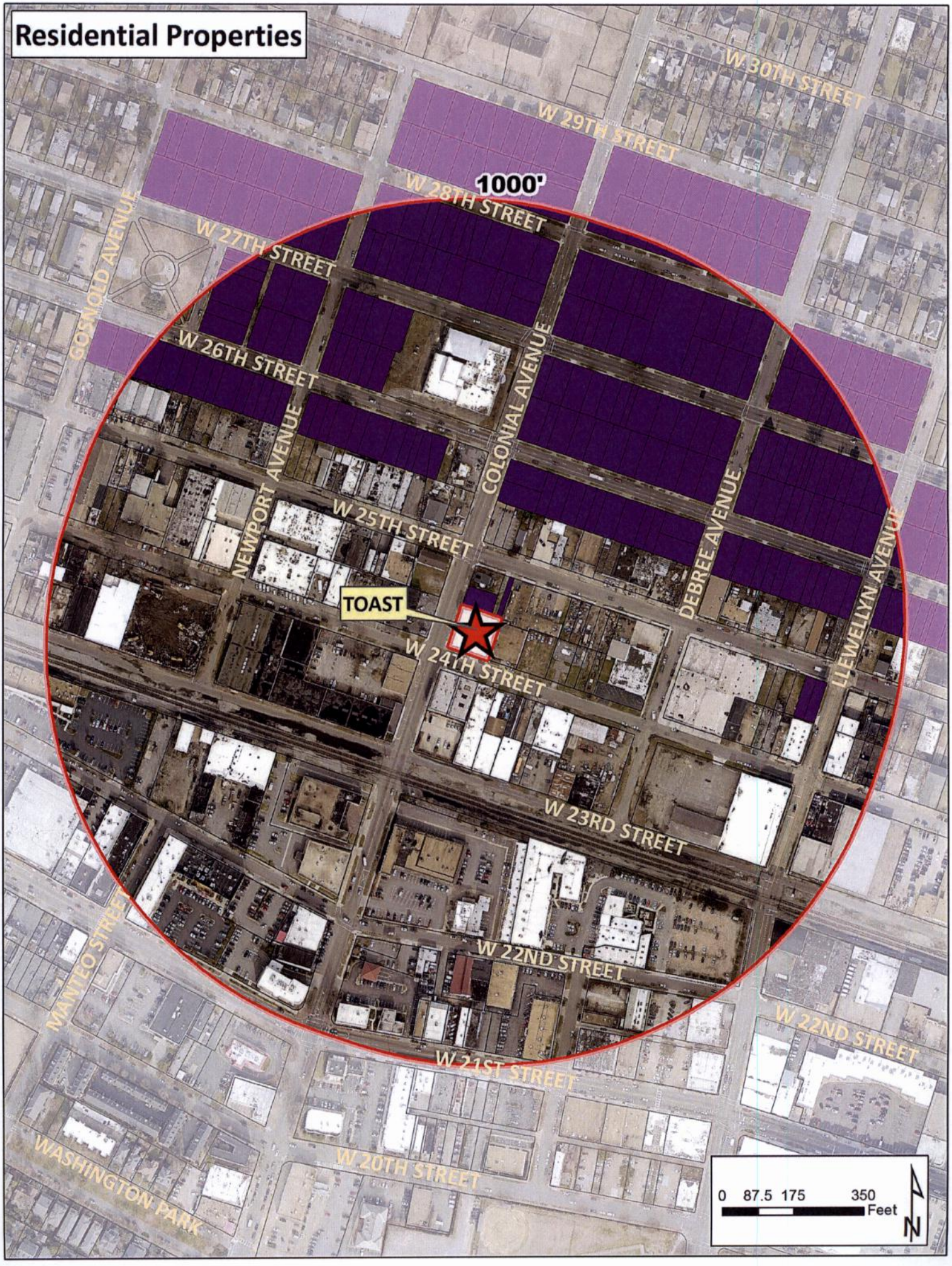
SITE PLAN

SCALE: 1"= 20'-0"


Location Map
W 25TH STREET
TOAST
W 24TH STREET
COLONIAL AVENUE
0 15 30 60
Feet
N


Zoning Map
IN-1
R-11
R-11
W 26TH STREET
C-2
I-1
R-11
I-1
W 25TH STREET
I-2
COLONIAL AVENUE
TOAST
I-2
I-2
W 24TH STREET
C-2
I-2
C-2
W 23RD STREET
EBREE AVENUE
I-2
C-2
0 30 60 120
Feet
N


Existing ABC Establishments
Proximity Map
1000'
W 30TH STREET
W 29TH STREET
DEBREE AVENUE
GOSNOLD AVENUE
MONSON STREET
NEWPORT AVENUE
W 27TH STREET
W 26TH STREET
COLONIAL AVENUE
HANDSOME BISCUIT
PARK FOOD STORE
W 25TH STREET
MILITARY RETIREES CLUB OF TIDEWATER
TOAST
W 24TH STREET
LLEWELLYN AVENUE
PLAZA DEL SOL
A W SHUCKS
W 23RD STREET
BELMONT HOUSE OF SMOKE
PASHA MEZZE & PASHA CAFE
ELITE EUROPEAN DAY SPA
SASSI DESSERT BAR & LOUNGE
MERMAID WINERY
W 22ND STREET
W 21ST STREET
DEBREE AVENUE
W 20TH STREET
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N


Residential Properties
1000'
W 30TH STREET
W 29TH STREET
W 28TH STREET
W 27TH STREET
W 26TH STREET
W 25TH STREET
W 24TH STREET
W 23RD STREET
W 22ND STREET
W 21ST STREET
W 20TH STREET
GOSNOLD AVENUE
NEWPORT AVENUE
COLONIAL AVENUE
DEBREE AVENUE
LLEWELLYN AVENUE
MANTEO STREET
WASHINGTON PARK
TOAST
0 87.5 175 350
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date 12 July 2015

DESCRIPTION OF PROPERTY

Address 2406 Colonial Avenue

Existing Use of Property Restaurant

Proposed Use Restaurant

Current Building Square Footage 2,000

Proposed Building Square Footage 2,000

Trade Name of Business (If applicable) Toast

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Porter (First) John (MI) L

Mailing address of applicant (Street/P.O. Box): 2406 Colonial Avenue

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of applicant (757) 450-4303 Fax ( )

E-mail address of applicant: jlporter@big-thyme.com

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) _____ (First) _____ (MI) _____

Mailing address of applicant (Street/P.O. Box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant (___) _____ Fax (___) _____

E-mail address of applicant: _____

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Magherefteh (First) Ben (Michael, LLC) (MI) _____

Mailing address of property owner (Street/P.O. box): 4125 Portsmouth Blvd

(City) Portsmouth (State) VA (Zip Code) 23701

Daytime telephone number of owner (757) 399-2414 email: _____

CIVIC LEAGUE INFORMATION

Civic League contact: Frank Kriston

Date(s) contacted: 13 July 2015

Ward/Super Ward information: Whibley/Williams

REQUIRED ATTACHMENTS

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: SHALLPOR MAHGERLE TGH **Sign:** _____ 7 / 13 / 15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: John Porter **Sign:** _____ 7 / 13 / 2015
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ **Sign:** _____ / _____ / _____
(Authorized Agent Signature) (Date)

Simons, Matthew

From: Straley, Matthew
Sent: Wednesday, July 15, 2015 9:51 AM
To: 'fjkriston@gmail.com'
Cc: Whibley, Terry; Williams, Angelia M.; Wilson, Denise; Simons, Matthew
Subject: new Planning Commission application - 2406 Colonial Avenue
Attachments: Toast.pdf

Mr. Kriston,

Attached please find the application amend a previously granted special exception to operate an entertainment establishment at 2406 Colonial Avenue.

The purpose of the request is to accommodate a proposed expansion towards the rear of the property, adding additional seating and increasing the occupancy.

The item is tentatively scheduled for the August 27, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov*

Thank you.

Matthew Straley
GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

From: Frank Kriston [mailto:fjkriston@gmail.com]
Sent: Friday, December 04, 2015 2:31 PM
To: Simons, Matthew
Subject: RE: new Planning Commission application - 428 W 24th Street and 430 W 24th Street, Suite A

Yes, to Toast as well.

On Dec 3, 2015 5:44 PM, "Simons, Matthew" <Matthew.Simons@norfolk.gov> wrote:
Frank,
I know I received this email of support several weeks ago... but just to clarify, does the Park Place support mentioned below also include support for John Porter's proposal at the Toast property (2406 Colonial Avenue)?
Or is the Park Place support below only in regards to John Porter's new venture at 428-430 W. 24th Street?

Feel free to call me if you have any questions.
Thanks!

Matthew Simons, AICP, CZA, CFM
City of Norfolk, Department of City Planning
City Planner II – Land Use Services
757-664-4750

From: Frank Kriston [mailto:fjkriston@gmail.com]
Sent: Monday, November 09, 2015 6:56 AM
To: Straley, Matthew
Subject: Re: new Planning Commission application - 428 W 24th Street and 430 W 24th Street, Suite A

Mr. Straley:

Mr. John Porter presented his plans for 428 W. 24th Street and 430 W. 24th Street, Suite A to the Civic League on November 2.

The Park Place Civic League would like to express its support for John Porter's proposals, as it is in line with our Visioning and Engagement Plan.

If you require additional information, please do not hesitate to contact me.

Frank Kriston, President
Park Place Civic League
757-354-1669

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exception for the Resumption of a non-conforming use at 517 Warren Crescent and 533 Mill Street by Work Program Architects**

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: _____
Marcus D. Jones, City Manager

Item Number: R-7

I. **Staff Recommendation: Approval**.

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval.**

III. **Request:** Special Exception to re-establish a non-conforming accessory dwelling unit that was destroyed by fire.

IV. **Applicant: Work Program Architects**

V. **Description:**

- In April 2015 the existing non-conforming garage with an accessory dwelling unit on the second floor was destroyed by fire.
- The current HC-G1 zoning does not permit accessory dwelling units.
- The applicant is requesting to rebuild the historically consistent garage with an accessory dwelling unit on the second floor.
    - The structure may be rebuilt if it has not been discontinued for more than 10 years, the structure is/was architecturally significant, and if a Special Exception has been granted.
    - The proposed design for the garage and accessory dwelling unit has been approved by the Architectural Review Board (ARB).
    - The rebuilt accessory structure will meet the required setbacks, building code, and floodplain requirements.
- The structure must be rebuilt by April 21, 2017 and no reduction of the off-street parking requirements will be permitted.

Staff point of contact: Robert Tajan at 664-4756, Robert.Tajan@norfolk.gov

Attachments:

- Staff Report to CPC dated December, 10 2015 with attachments
- Letter of support
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: December 10, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Robert J. Tajan, AICP,CFM RJT

Staff Report	Item No. 6	
Address	517 Warren Crescent and 533 Mill Street	
Applicant	Work Program Architects	
Request	Special Exception	Resumption of a non-conforming use
Property Owner	Lawrence and Robbin Brett	
Site Characteristics	Site Area/Space	.3 acres/13,570 sq. ft.
	Zoning	HC-G1 (Ghent Historic and Cultural Conservation)
	Neighborhood	Ghent
	Character District	Traditional
Surrounding Area	North	HC-G1: Single-family homes
	East	HC-G1: Single-family homes
	South	HC-G1: Single-family homes
	West	HC-G1: Single-family homes

A. Summary of Request

The applicant proposes to re-establish a non-conforming accessory dwelling unit that was destroyed by fire.

B. Plan Consistency

- *plaNorfolk2030* identifies this site as single family traditional.
  - The identifying land use strategies chapter of *plaNorfolk2030* identifies the single family traditional land use category as a location for single family detached development characterized by houses set back a moderate distance from the street with driveways leading to rear garages on lots of 50 to 70 feet wide and approximately 4,000 to 7,500 square feet.
- Although the construction of a second dwelling unit on the property inconsistent with *plaNorfolk2030,* the proposed Special Exception will allow for the reconstruction of a previously existing historically consistent accessory dwelling unit which is clearly incidental to the existing single-family residence.

C. Zoning Analysis

i. General

- In April 2015, the existing legally non-conforming garage with an accessory dwelling unit on the second floor was destroyed by fire.
  - The original accessory structure was built in 1916.
  - In 1948, the structure is noted to have been a two story brick and frame garage apartment.
  - The 1950 Zoning Ordinance had this area zoned R-3 which permitted one and two family structures.
  - The use was established and existing when the zoning of the property allowed the use as a matter of right; this it is a legally nonconforming structure and use.
- The current HC-G1 zoning does not permit accessory dwelling units.
- In section 12-9, "Discontinuation of nonconforming uses" of the *Zoning Ordinance,* a non-conforming use may be reconstructed and resumed if the following criteria are met:
  - The non-conforming use has not been discontinued for more than 10 years;
  - The building is/was historically or architecturally significant; and
  - A special exception has been granted
- The applicant proposes to rebuild the accessory structure and resume the previous non-conforming accessory dwelling unit with a special exception.
- In section 12-8.2 of the *Zoning Ordinance,* nonconforming structures that have been destroyed by an act of God may be rebuilt if:
  - The nonconforming features are reduced to the greatest extent possible;
  - The reconstruction is completed within two years of the destructive event; and
  - The reconstruction must comply with required building codes and floodplain regulations.

- The proposal will eliminate the encroachment of the previous building into the right-of-way, meet all required setbacks for accessory structures, and upgrade the building to meet the floodplain requirements.
- The parking will match what previously existed on the site although it remains non-conforming given the uses.
    - The parking will remain nonconforming to allow for the new structure to match the massing and layout of the historic structure that was destroyed by fire.

ii. Historic Impacts

- The historic carriage house was destroyed by fire in April 2015.
- In order to build or rebuild any structure visible from the right-of-way within the HC districts, a Certificate of Appropriateness (COA) must be obtained.
- The applicant has received approval from the Architectural Review Board (ARB) for a COA to rebuild the carriage house subject to the following conditions:
    - The wall section shall be a continuously vertical from top to bottom;
    - The pergola shall be reduced in scale and painted a dark color;
    - The window pattern shall be 4/4 on the double hung windows and 3 on the awning windows;
    - The trim shall be wood above the design flood elevation;
    - Half round gutters with round downspouts are to be used; and
    - Roof material shall be fiberglass.

iii. Parking

- The residence is located within the Traditional Character District, which requires two parking spaces per dwelling unit.
- In order to allow for replacement of the historic carriage house, the property will remain nonconforming to the off-street parking requirements.
- Parking for both the residence and the accessory dwelling unit will be accommodated inside the proposed carriage house.

iv. Flood Zone

- The property is in the AE (Elevation 7.6, NAVD '88) Flood Zone.
- The carriage house will be required to meet all floodplain requirements including flood vents in the first floor and flood resistant construction to the design flood elevation of 10.6.
- The replacement of the carriage house will be more resilient to flood waters with the required design elements.

D. Transportation Impacts

No new trips are forecast related to the proposed re-establishment of the previous use and structure on the site.

E. Impact on the Environment

- The existing site meets the requirements for lot coverage within the HC-G1 district.
- There should be no noticeable impact to the surrounding on street parking since the design will be no different than what has been on the site since 1916.

F. Impact on Surrounding Area/Site

By requiring this use to conform to the conditions listed below, the proposed reconstruction of the accessory dwelling unit above the garage should not have a negative effect on the surrounding neighborhood.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

- Notice was sent to the Ghent Neighborhood League on October 28.
- The applicant met with the civic league on September 24 and November 12.

I. Communication Outreach/Notification

- Legal notice was posted on the property on November 10.
- Letters were mailed to all property owners within 300 feet of the property on November 25.
- Legal notification was placed in *The Virginian-Pilot* on November 26 and December 3.

J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

(a) The accessory dwelling unit at 533 Mill Street and the residence at 517 Warren Crescent shall stay in common ownership to ensure there is no reduction in the on-site parking.

(b) The site improvements shall be installed in accordance with site improvement plan, attached hereto and marked "Exhibit A."

(c) Reconstruction of the carriage house shall be completed by April 21, 2017.

Attachments

Location Map
Zoning Map
Application
COA approval
ARB application
Notice to the Ghent Neighborhood League

Proponents and Opponents

Proponents

Applicant/Representative
Peter Johnson – Work Program Architects
208 East Plume Street, Suite 2
Norfolk, VA 23510

Kristen Abney
539 Warren Crescent
Norfolk, VA 23507

Karen Reynes
401 Warren Crescent
Norfolk, VA 23507

Opponents

None

12/08/15 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE RESUMPTION OF A NONCONFORMING USE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 12-9 OF THE ZONING ORDIANANCE OF THE CITY OF NORFOLK, 1992, AS AMENDED ON PROPERTY LOCATED AT 517 WARREN CRESCENT AND 533 MILL STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the resumption of a nonconforming use on property located at 517 Warren Crescent and 533 Mill Street. The property which is the subject of this Special Exception is more fully described as follows:

Property located on the southwest corner of Warren Crescent and Mill Street fronting 125 feet, more or less, along the southern line of Mill Street and 90 feet, more or less, along the western line of Warren Crescent; premises numbered 517 Warren Crescent and 533 Mill Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The total number of off-street parking spaces located on the property shall not be reduced.

(b) The site shall be improved in accordance with the conceptual plan attached hereto and marked as "Exhibit A."

(c) Reconstruction of the carriage house fronting onto Mill Street shall be completed no later than April 21, 2017.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the

requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a

negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

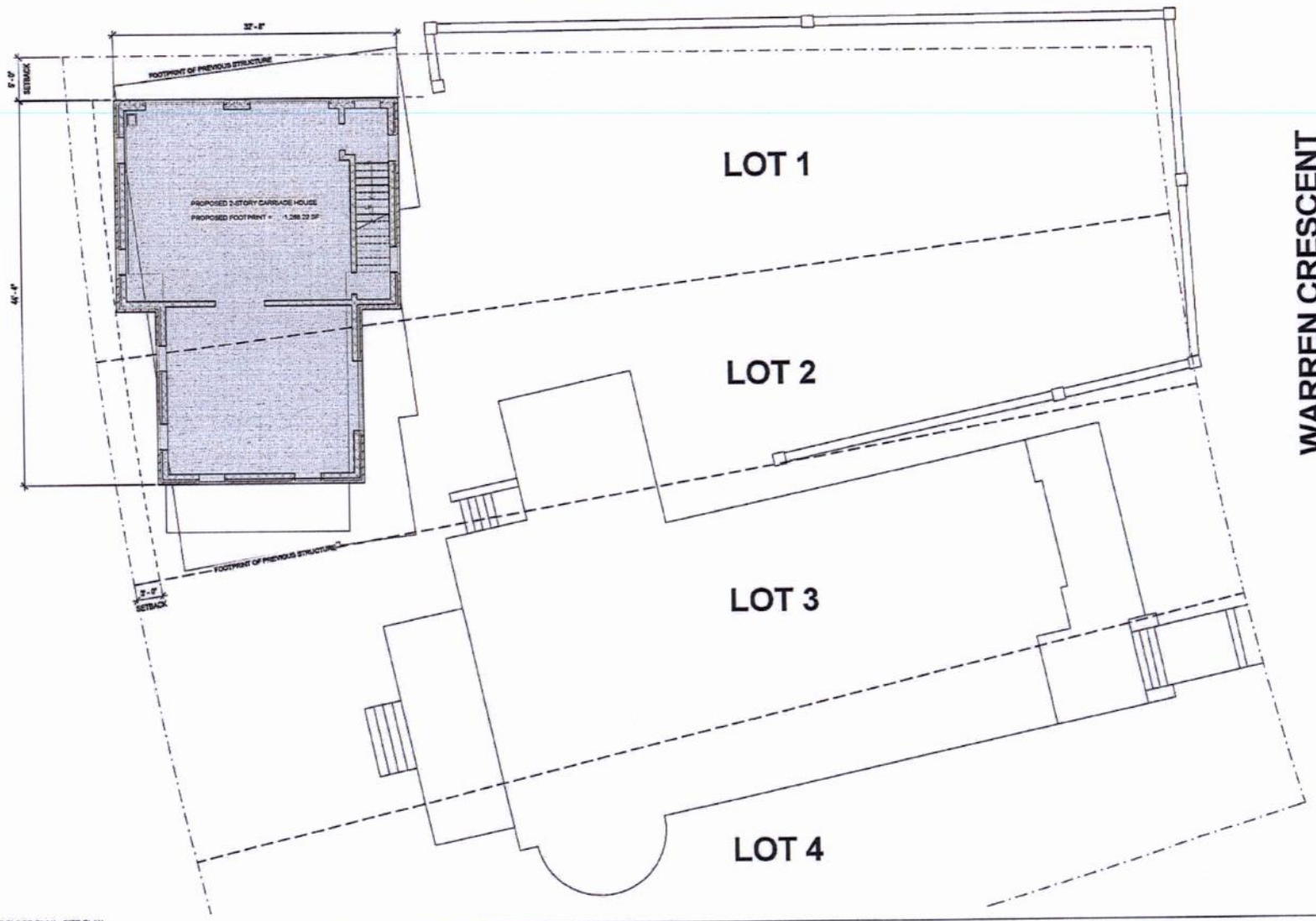
(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (1 page)

Exhibit A



1 FIRST FLOOR PLAN - SITE PLAN
3/16" = 1'-0"

GRAPHIC SCALE:
0' 4' 8' 12' 20'
3/16" =1'-0"

WPA
208 East Paine Street
Monticello Arcade, Suite 2
Norfolk, Virginia 23510
wpadm.com 757.727.5310

PROGRESS SET
NOT FOR CONSTRUCTION

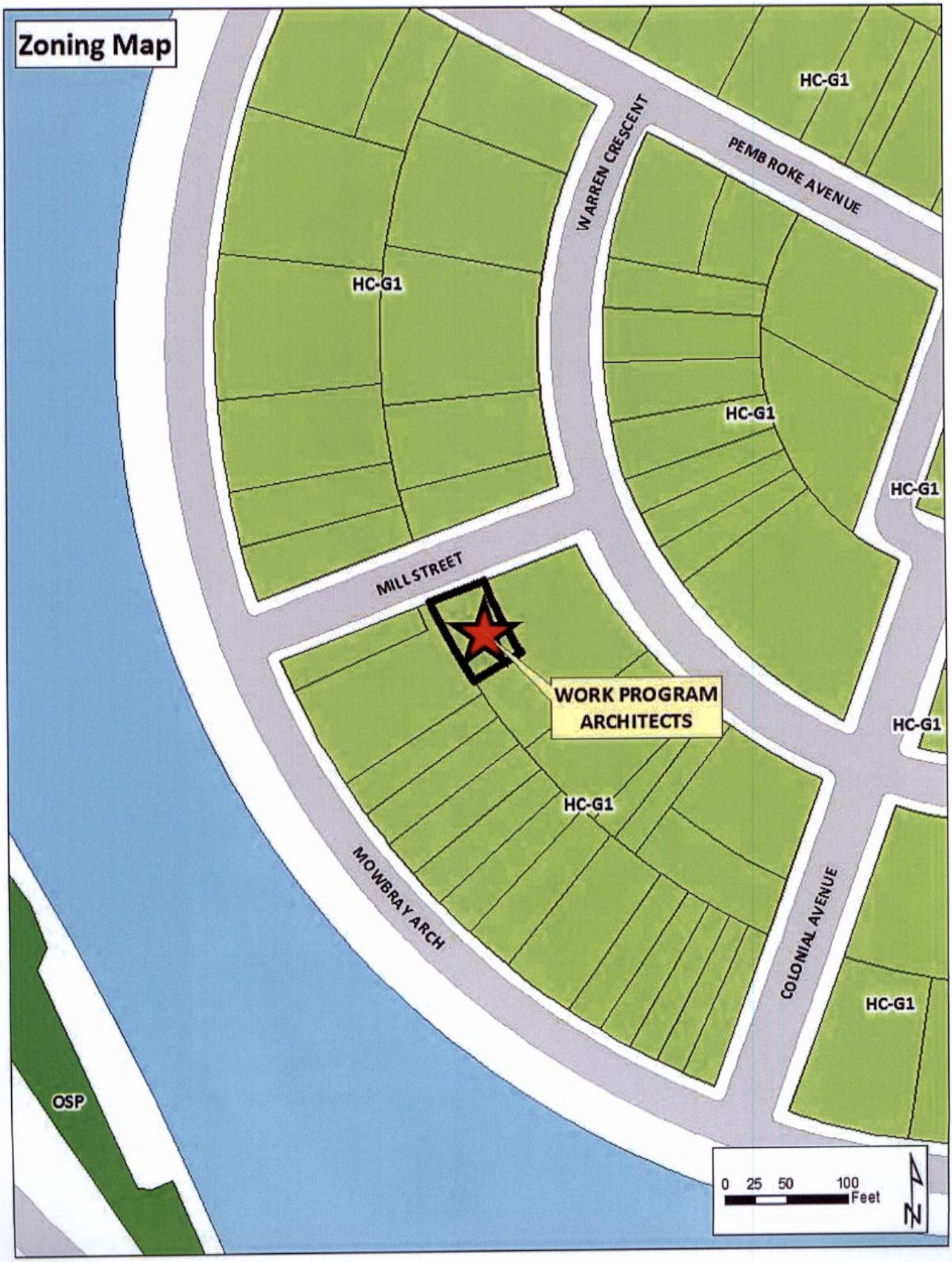
LARRY AND ROBBIN BRETT
GARAGE AND CARRIAGE HOUSE
833 MILL STREET
NORFOLK, VA 23510

PROJECT #	1515
DATE	Issue Date
Project Status	
REVISIONS	

SITE PLAN

A001

Location Map
MILL STREET
WARREN CRESCENT
WORK PROGRAM ARCHITECTS
MOWBRAY ARCH
0 12.5 25 50 Feet
N


Zoning Map
HC-G1
WARREN CRESCENT
PEMBROKE AVENUE
HC-G1
HC-G1
HC-G1
MILL STREET
WORK PROGRAM ARCHITECTS
HC-G1
HC-G1
MOWBRAY ARCH
COLONIAL AVENUE
HC-G1
OSP
0 25 50 100 Feet
N

APPLICATION
SPECIAL EXCEPTION

Special Exception for: Accessory Dwelling Unit Replacement

Date of application: 10-26-2015

DESCRIPTION OF PROPERTY

Property location: (Street Number) 517 (Street Name) Warren Crescent

Existing Use of Property Single Family Residence

Current Building Square Footage N/A

Proposed Use

Replace a historical Garage/Accessory Dwelling Unit that was destroyed by fire on April 21, 2015. The previous carriage house was built in 1906. The proposed replacement reflects the design and massing of the historical structure as closely as was deemed practical while reducing square footage and complying with current setback requirements.

Proposed Square Footage 1,550 SF

Proposed Hours of Operation:

Weekday From _____ To _____

Friday From _____ To _____

Saturday From _____ To _____

Sunday From _____ To _____

Trade Name of Business (If applicable) N/A

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

APPLICANT
(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) _____ (First) _____ (MI) _____

Mailing address of applicant (Street/P.O. Box):_____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant ( ) _____ Fax ( ) _____

E-mail address of applicant: _____

AUTHORIZED AGENT (if applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) _____ (First) _____ (MI) _____

Mailing address of applicant (Street/P.O. Box):_____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant ( ) _____ Fax ( ) _____

E-mail address of applicant:_____

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last)_____ (First) _____ (MI)_____

Mailing address of property owner (Street/P.O. box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of owner ( ) _____ email: _____

CIVIC LEAGUE INFORMATION

Civic League contact: KAREN REYNES, GNL

Date(s) contacted: PRESENTED DESIGN 9/24/15, PRESENTING SPECIAL EXCEPTION 11/12/15

Ward/Super Ward information: WARD 2 / SUPERWARD 6

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
  - Application fee includes a non-refundable $5 technology surcharge.
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- ✓ One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.

CERTIFICATION:
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Lawrence Brett (Property Owner) **Sign:** [signature] 10/26/15 (Date)

Print name: Peter Johnston (Applicant) **Sign:** [signature] 10/26/15 (Date)

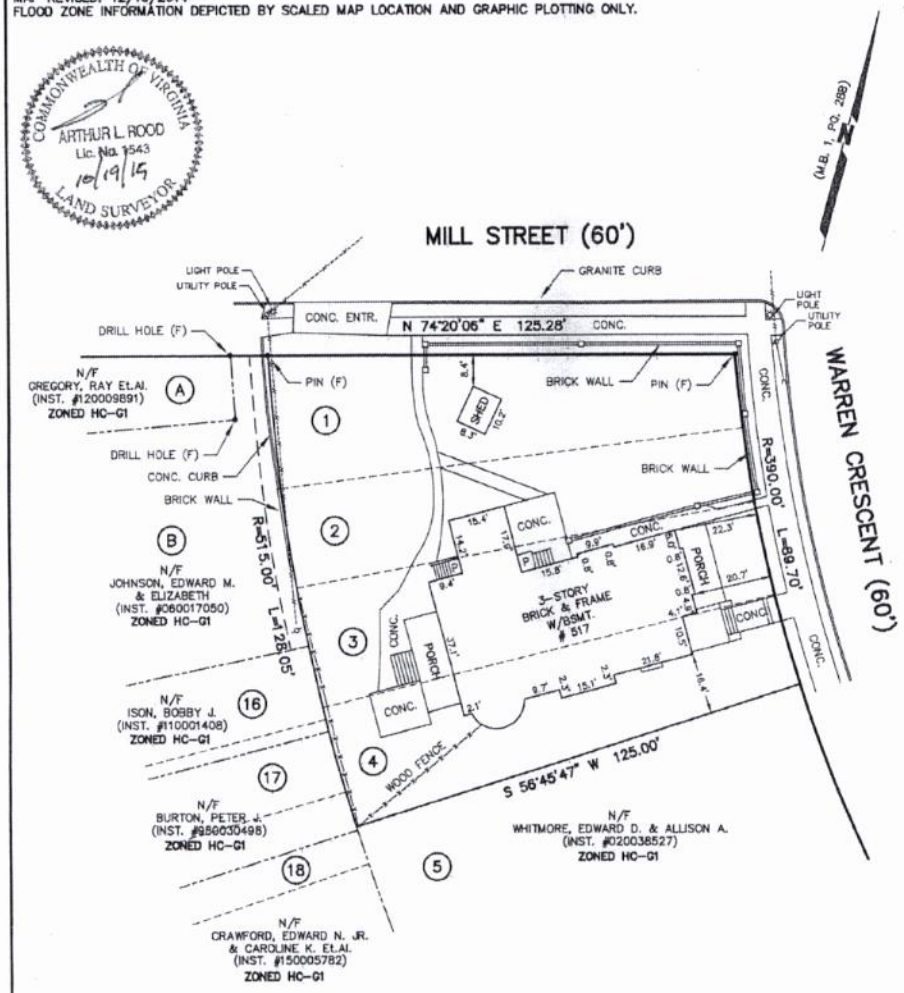
ONLY NEEDED IF APPLICABLE:

Print name: Peter Johnston (Authorized Agent Signature) **Sign:** [signature] 10/26/15 (Date)

THIS IS TO CERTIFY THAT I, ON OCTOBER 19, 2015 SURVEYED THE PROPERTY SHOWN ON THIS PLAT.

NOTE:
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY OR ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT THE PROPERTY SHOWN HEREON. A CURRENT TITLE REPORT WAS NOT FURNISHED.
NOTE:
ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP (FIRM) THIS PROPERTY APPEARS TO FALL IN
FLOOD ZONE(S): AE & X (SHADED)
COMMUNITY NAME AND NUMBER: NORFOLK 510104
MAP/PANEL NUMBER: 510104 0130 G
MAP REVISED: 12/16/2014
FLOOD ZONE INFORMATION DEPICTED BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY.

COMMONWEALTH OF VIRGINIA
ARTHUR L. ROOD
Lic. No. 1543
10/19/15
LAND SURVEYOR



PHYSICAL SURVEY
OF
LOTS 1, 2, 3 & 4, BLOCK 2
PLAN OF THE GHENT CO.
AND THE NORFOLK CO.
NORFOLK, VIRGINIA
FOR
LAWRENCE BRETT & ROBBIN A. BRETT

SCALE: 1"=25'
DATE: 10/19/2015
REFERENCE: M.B. 1, PG. 28-B
F.B. T-119, PG. 62-64
FILE NO. 63,065

ROOD
LAND SURVEYING, P.C.
5737 BARTEE STREET
NORFOLK, VA. 23502
TEL.: (757) 466-1111
FAX: (757) 466-9384

63,065 S-

THE CITY OF NORFOLK
CITY PLANNING

Certificate of Appropriateness

November 9, 2015

Mr. Peter Johnston
WPA
208 E. Plume Street, Suite 2
Norfolk, VA 23510

Re: 533 Mill Street—Ghent Historic District—#15-73

Dear Mr. Johnston:

On November 9, 2015 the Architectural Review Board (ARB) reviewed your request for a Certificate of Appropriateness for to rebuild the carriage house.

The ARB approved your request for a Certificate of Appropriateness for carriage house was approved as submitted. This meets the *City of Norfolk Historic District Design Guidelines* for *Accessory Structures:* number (5) "Design the accessory structure to be compatible in style to the primary building and surrounding properties by using similar features such as roof type, siding, openings, and architectural details. However, because it is a secondary structure, if it should not be more ornamented than the primary structure, nor should it distract from the primary structure."

The approval was made with the following conditions:

- The wall section shall be a continuous vertical from top to bottom;
- Scale the pergola down and paint a dark color;
- The window pattern be 4/4 on the double hung windows and 3 on the awning windows;
- The trim shall be wood above the flood proofing shall be wood;
- Half round gutters with round downspouts;
- Roof material shall be fiberglass.

This approval is subject to approval of the Special Exception of the resumption of the non-conforming use.

Enclosed are two copies of the stamped approved plans. Please retain this letter and enclosed plans, as loss of these documents could necessitate resubmitting to the Architectural Review Board.

Sincerely,

Leonard M. Newcomb, III
Assistant Director, Planning

City of Norfolk, Virginia
Architectural Review Board Application

810 Union Street, Suite 508
Norfolk, VA 23503
757/823-1451 Phone
Susan.mcbride@norfolk.gov

Project Name & Address (if applicable): 533 Mill St., Norfolk, VA - Carriage House

Applicant Name: Work Program Architects

Applicant Address: 208 E. Plume St., Ste.2, Norfolk, VA 23510

Applicant Phone: 757-227-5310 Applicant E-mail: peter@wparch.com

Property Owner (if different): Larry and Robbin Brett

Property Owner Address: 517 Warren Crescent, Norfolk, VA

Phone: 757-477-3023 E-mail: LBrettiii@aol.com

Property Owner Signature: Larry Brett Robbin Brett

Brief project description/scope:

New Single-Family Residence on replatted lot to replace historical structure that burned down in April 2015. The exterior is to be brick veneer at ground floor, and cedar shakes at upper floor. The roof is to be architectural shingles to match existing house at 517 Warren Crescent. The roof of the 1-story portion to the rear serves as a roof-top deck for the dwelling unit. The building has been sited differently than the previous structure to accomodate new setback requirements. The structure is designed to be wet-floodproof construction up to an elevation of 11'. The BFE for this site is 7.6'.

Type of Application (*check all that apply*):

- ✓ New Construction, Additions & Substantial Renovations
- _____ Sign, Canopy & Outdoor Dining
- _____ Landscaping
- _____ Discussion
- _____ Demolition

BEFORE you submit (*check all that apply*):

✓ Have you met with your respective Civic League or homeowner's association for approval and comments?

If you are encroaching into the public right-of-way have you met with the respective City agencies?

Agency/Contact: _____ Date: _____

Agency/Contact: _____ Date: _____

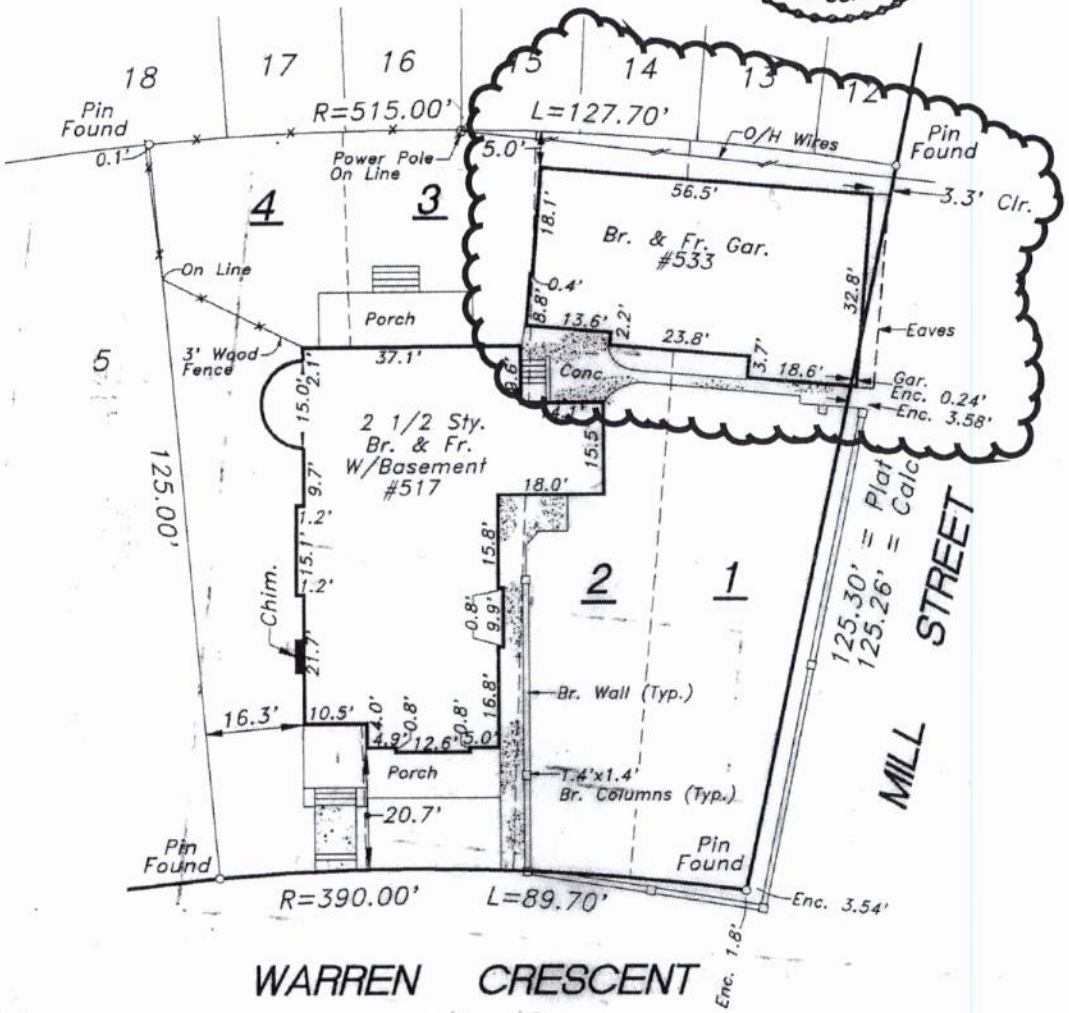
Agency/Contact: _____ Date: _____

Submit five (5) collated, hard copies and one (1) digital copy. Digital copy must have all the pages in the direction that they will be read. The completed application is due by 12:00 p.m. on the day of the meeting deadline.

THIS IS TO CERTIFY THAT I ON JANUARY 16, 1999 SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN.

SIGNED :

COMMONWEALTH OF VIRGINIA
CRAIG B. DAVENPORT
No. 2055
1/16/99
LAND SURVEYOR



WARREN CRESCENT

Note:
All Fences Shown Are 5' Wood Unless Noted.

Physical Survey
Of
LOTS 1, 2, 3 & 4, BLOCK 2,
PLAN OF THE GHENT CO. & NORFOLK CO.
Norfolk, Virginia
For
LAWRENCE BRETT & ROBBINA BRETT

NOTES :

1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY / ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN.

2) LEE S. ROOD, P.C. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. THIS SURVEY DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE SUBJECT TO FLOODING. FOR FURTHER INFORMATION, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.

3) ELEVATIONS SHOWN HEREON REFER TO N.G.V.D. OF 1929.

LEE S. ROOD, P.C.
Land Surveyors
5737 BARTEE STREET
NORFOLK, VIRGINIA 23502
Ph. (757) 466-1111

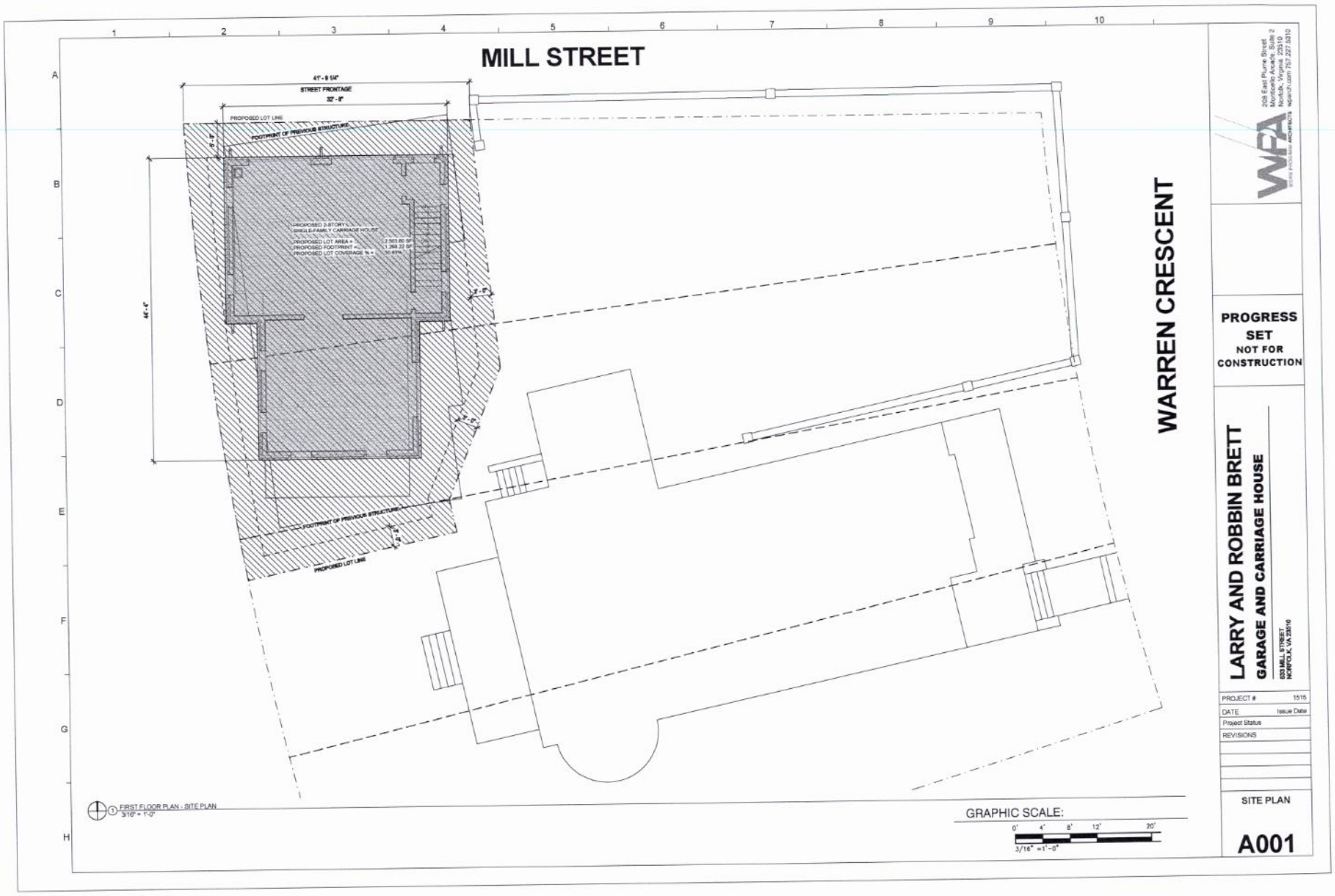
NOTE:
AS SHOWN ON THE FLOOD INSURANCE RATE MAP, THIS PROPERTY APPEARS TO FALL IN :

FLOOD ZONE (S) "A4" "B"
COMMUNITY NO. 510104
PANEL NO. 17D DATED: 4/17/84
BASE FLOOD ELEVATION = 8.5

SCALE: 1"=25' | DATE: 1/16/99 | REFERENCE: NORFOLK M.B.1, PG.28B | F.B. 230 Pg. 16,17

REF. 14,602 & 19,614

-50.505-99



VWPA
208 East Plume Street
Monticello Arcade, Suite 2
Norfolk, Virginia 23510
757 227 9310

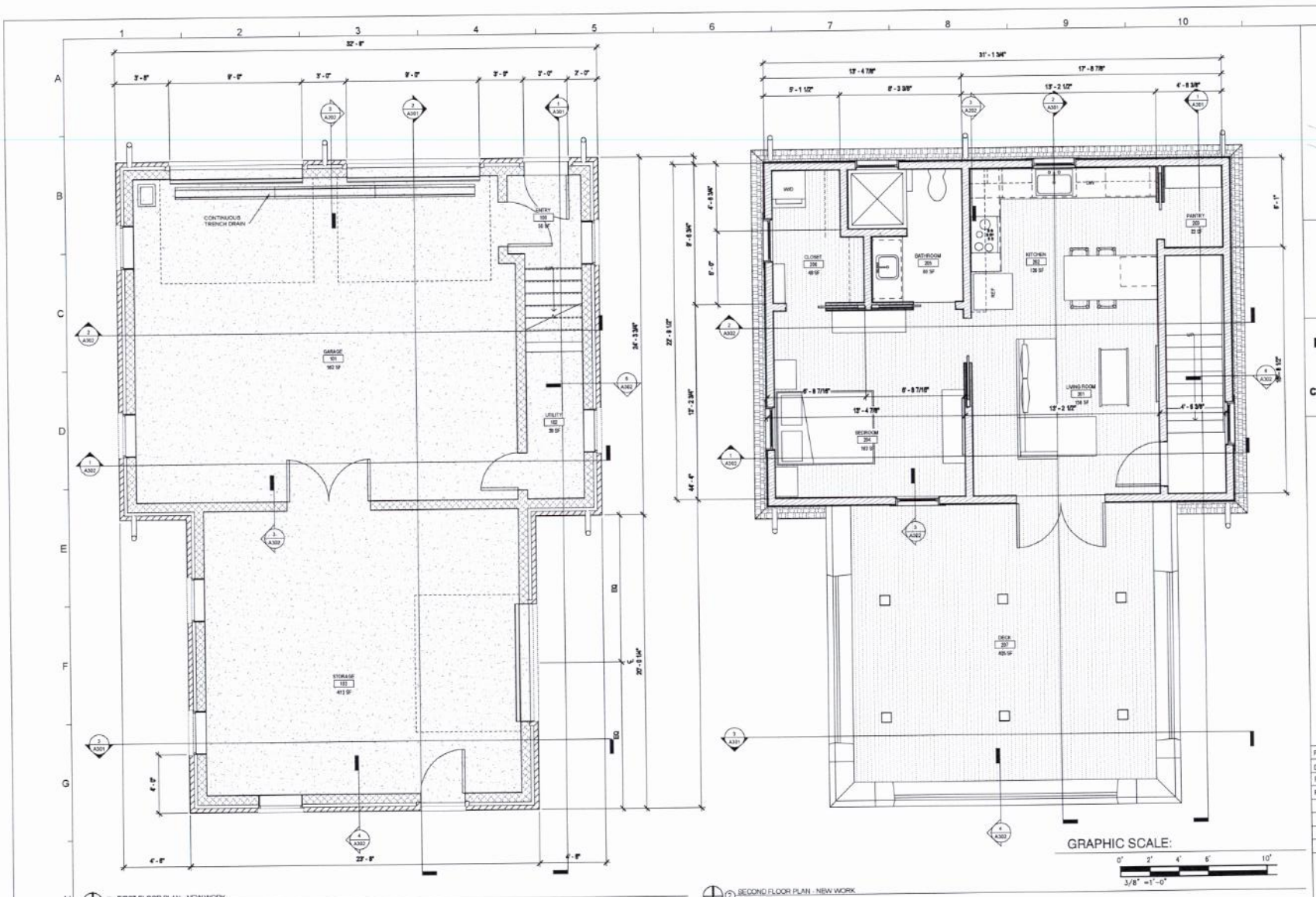
PROGRESS SET
NOT FOR CONSTRUCTION

LARRY AND ROBBIN BRETT
GARAGE AND CARRIAGE HOUSE
833 MILL STREET
NORFOLK, VA 23510

PROJECT #	1515
DATE	Issue Date
Project Status	
REVISIONS	

SITE PLAN

A001



1 FIRST FLOOR PLAN - NEW WORK
3/8" = 1'-0"

2 SECOND FLOOR PLAN - NEW WORK
3/8" = 1'-0"

WFA
WATERS FROGGMAN ARCHITECTS
208 East Plume Street
Monticello Arcade, Suite 2
Norfolk, Virginia 23510
wparch.com 757.227.8310

PROGRESS SET
NOT FOR CONSTRUCTION

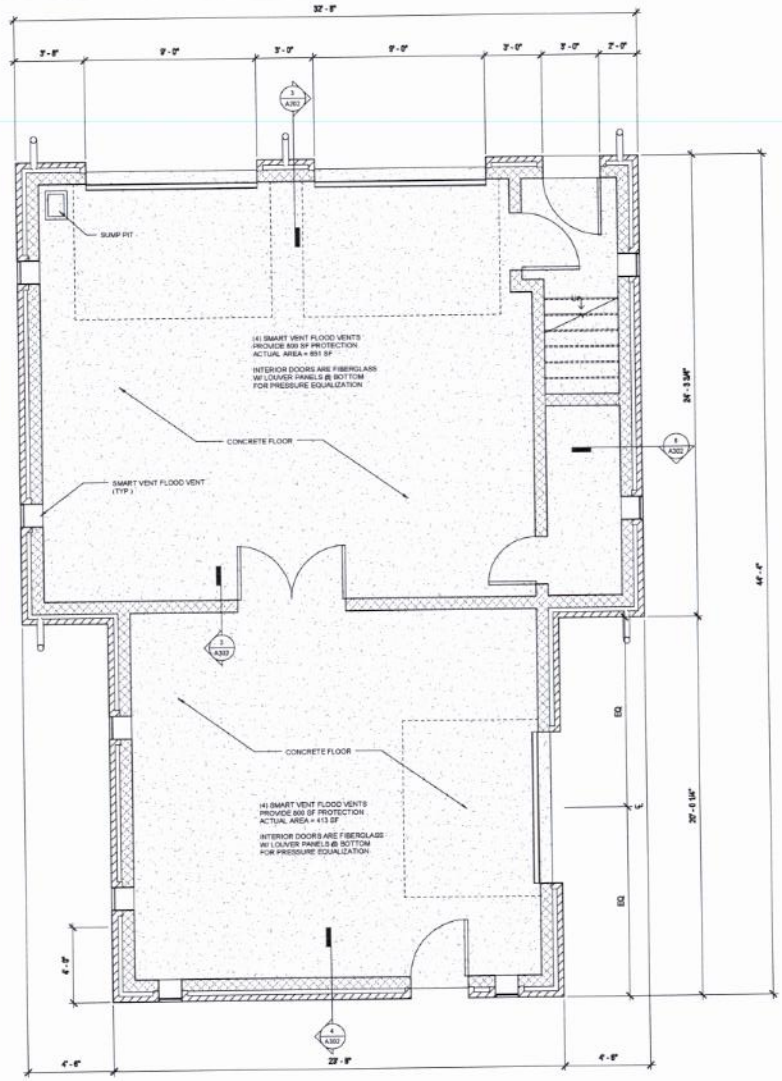
LARRY AND ROBBIN BRETT
GARAGE AND CARRIAGE HOUSE

533 MILL STREET
NORFOLK, VA 23510

PROJECT #	1515
DATE	Issue Date
Project Status	
REVISIONS	

FLOOR PLANS

A101



1 FIRST FLOOR PLAN - FLOOD PROTECTION
3/8" = 1'-0"

GRAPHIC SCALE:

0' 2' 4' 6' 10'

3/8" = 1'-0"

WFA
WORKS FROM ARCHITECTS
208 East Plume Street
Monticello Arcade, Suite 2
Norfolk, Virginia 23510
wparch.com 757.227.5310

PROGRESS SET
NOT FOR CONSTRUCTION

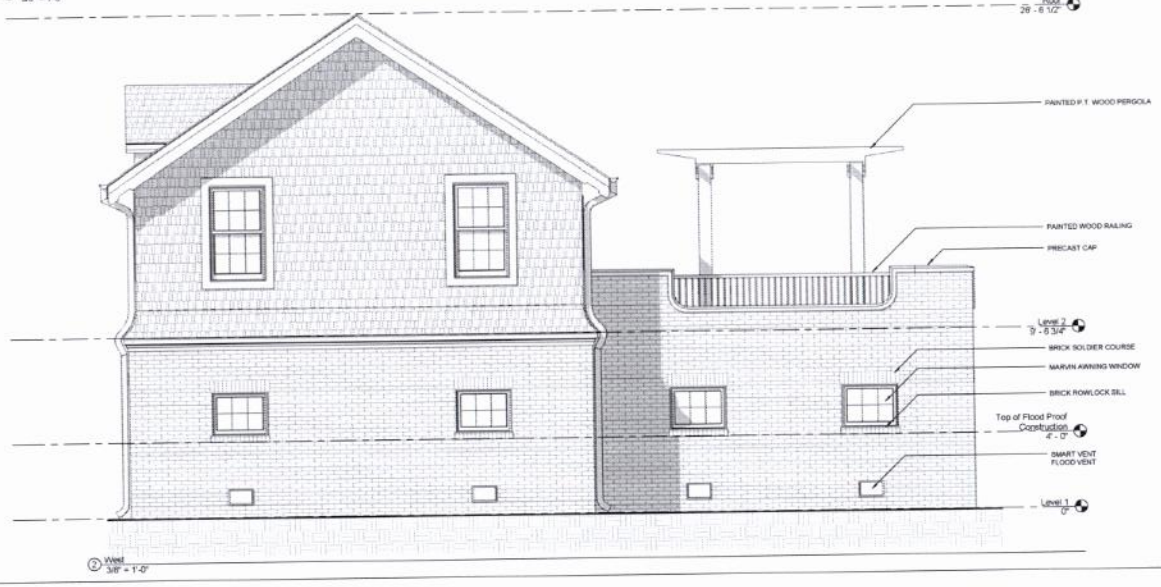
LARRY AND ROBBIN BRETT
GARAGE AND CARRIAGE HOUSE

333 MILL STREET
NORFOLK, VA 23510

PROJECT #	1515
DATE	Issue Date
Project Status	
REVISIONS	

FLOOD PROTECTION

A102



GRAPHIC SCALE:

0' 2' 4' 6' 10'

3/8" =1'-0"

WPA
209 East Plume Street
Monticello Arcade, Suite 2
Norfolk, Virginia 23510
wparch.com 757.227.3010

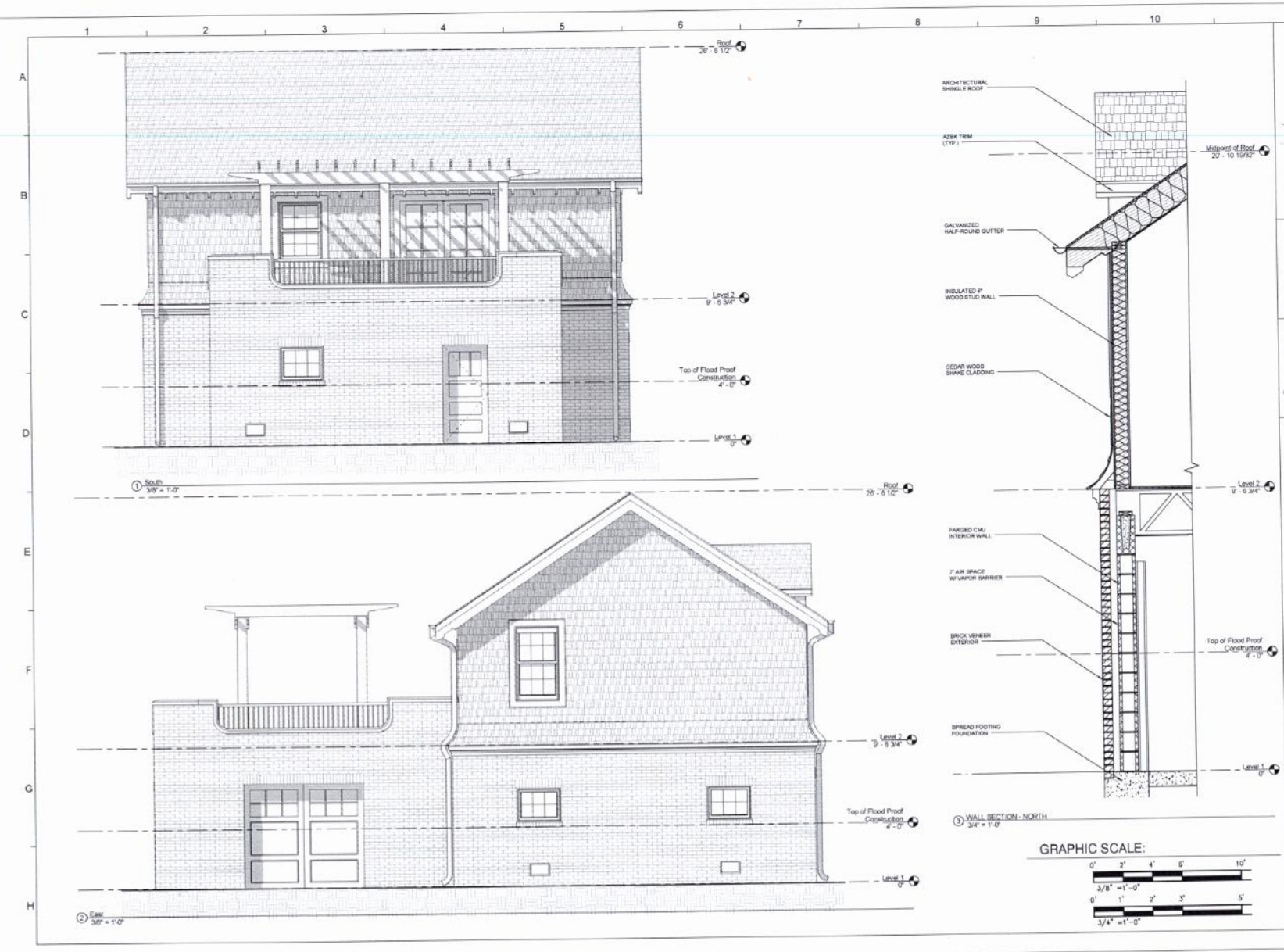
PROGRESS SET
NOT FOR CONSTRUCTION

LARRY AND ROBBIN BRETT
GARAGE AND CARRIAGE HOUSE
833 MELL STREET
NORFOLK, VA 23510

PROJECT #	1515
DATE	Issue Date
Project Status	
REVISIONS	

ELEVATIONS

A201



WFA
WORKE FOOD RAM ARCHITECTS
208 East Plume Street
Monticello Arcade, Suite 2
Norfolk, Virginia 23510
wparch.com 757.227.5310

PROGRESS SET
NOT FOR CONSTRUCTION

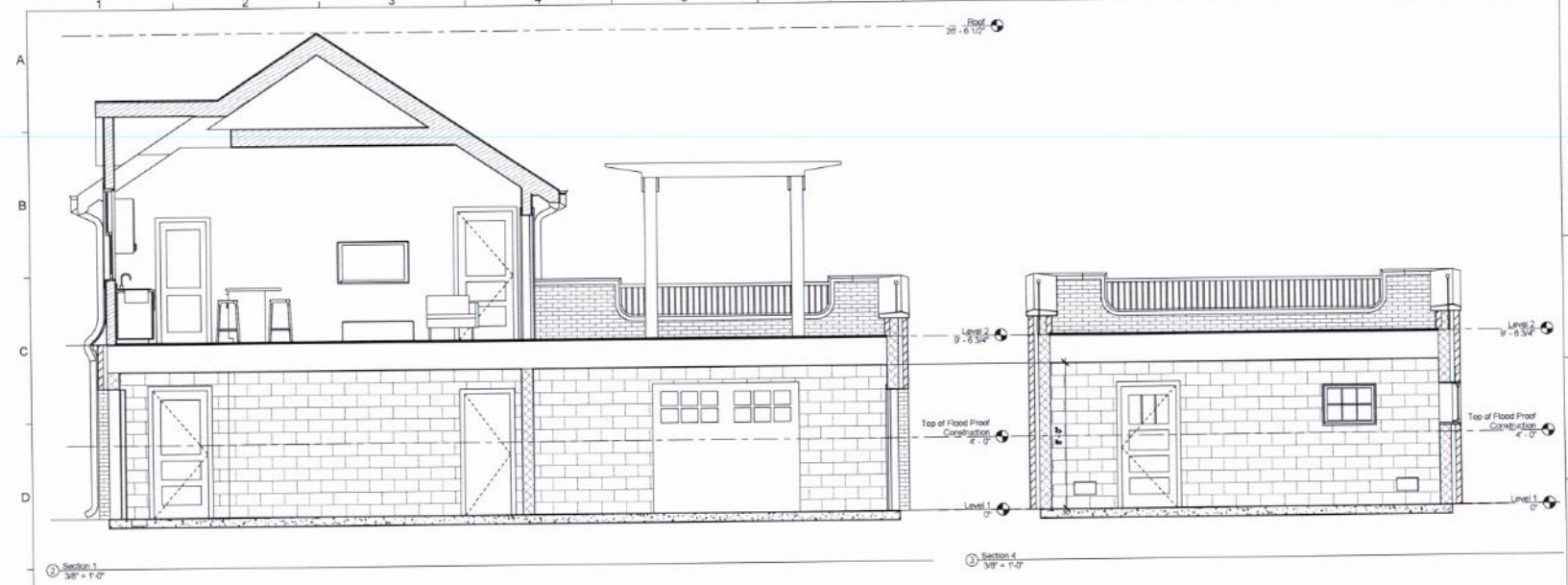
LARRY AND ROBBIN BRETT
GARAGE AND CARRIAGE HOUSE

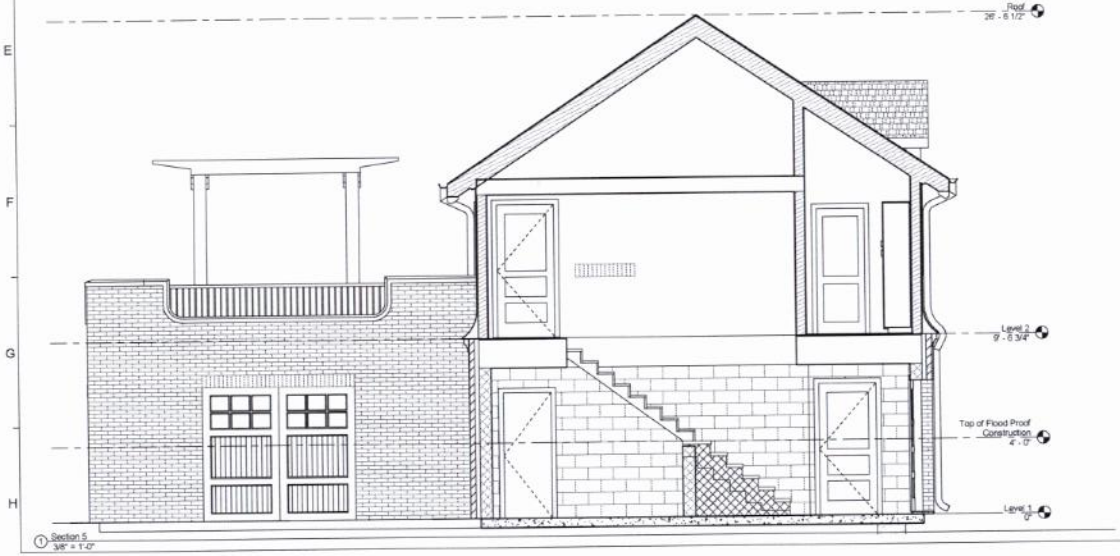
533 MILL STREET
NORFOLK, VA 23510

PROJECT #	1515
DATE	Issue Date
Project Status	
REVISIONS	

ELEVATIONS & WALL SECTION

A202





GRAPHIC SCALE:

0' 2' 4' 6' 10'

3/8" =1'-0"

WPA
208 East Plume Street
Monticello Arcade, Suite 2
Norfolk, Virginia 23510
wparch.com 757.227.3310

PROGRESS SET
NOT FOR CONSTRUCTION

LARRY AND ROBBIN BRETT
GARAGE AND CARRIAGE HOUSE

833 MILL STREET
NORFOLK, VA 23510

PROJECT #	1515
DATE	Issue Date
Project Status	
REVISIONS	

SECTIONS

A301

WPA
203 East Plume Street
Monticello Arcade, Suite 2
Norfolk, Virginia 23510
wparch.com 757.227.3310

PROGRESS SET
NOT FOR CONSTRUCTION

LARRY AND ROBBIN BRETT
GARAGE AND CARRIAGE HOUSE
539 MILL STREET
NORFOLK, VA 23510

PROJECT #	1515
DATE	Issue Date
Project Status	
REVISIONS	

HISTORICAL STRUCTURE

A701

WPA
208 East Plume Street
Monticello Arcade, Suite 2
Norfolk, Virginia 23510
wparch.com 757 227 5510

PROGRESS SET
NOT FOR CONSTRUCTION

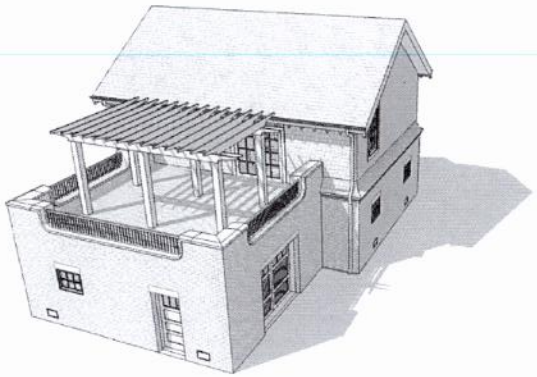
LARRY AND ROBBIN BRETT
GARAGE AND CARRIAGE HOUSE

533 MILL STREET
NORFOLK, VA 23510

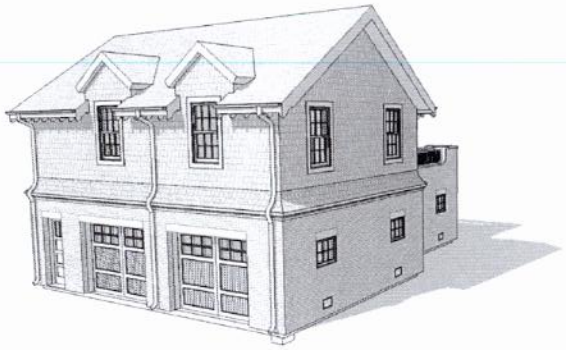
PROJECT #	1515
DATE	Issue Date
Project Status	
REVISIONS	

PROPOSED STRUCTURE

A702



1 Exterior - Southeast



2 Exterior - Northwest

3 3D View 1

4 Living Room

WPA
208 East Plume Street
Monticello Arcade, Suite 2
Norfolk, Virginia 23510
wparch.com 757.227.5310

PROGRESS SET
NOT FOR CONSTRUCTION

LARRY AND ROBBIN BRETT
GARAGE AND CARRIAGE HOUSE

933 MILL STREET
NORFOLK, VA 23510

PROJECT #	1515
DATE	Issue Date
Project Status	
REVISIONS	

3D VIEWS

A901

Tajan, Robert

From: Straley, Matthew
Sent: Wednesday, October 28, 2015 1:37 PM
To: info@ghentva.org; Emily Birknes
Cc: Whibley, Terry; Winn, Barclay; Wilson, Denise; Tajan, Robert
Subject: new Planning Commission application - 533 Mill Street
Attachments: 1515_Brett_Carriage House_Special Exception App.pdf

Ms. Birknes,

Attached please find the application for a special exception for the resumption of a nonconforming use at 533 Mill Street in accordance with the provisions of section 12-9(a)(1) of the *Zoning Ordinance of the City of Norfolk*, 1992, as amended.

The purpose of this request is to rebuild a previously existing carriage house that was destroyed by fire.

The item is tentatively scheduled for the December 10, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Bobby Tajan at (757) 664-4756, robert.tajan@norfolk.gov*

Thank you.

Matthew Straley
GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exception to allow the establishment at 4408 Colley Avenue to offer limited entertainment options and increase outdoor seating—Starving Artist Café**

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/7

Approved: _____
Marcus D. Jones, City Manager

Item Number: R-8

I. **Staff Recommendation:** **Approval.**

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval.**

III. **Request:** Special Exception – entertainment establishment with alcoholic beverages

IV. **Applicant:** **Kim Keene**

V. **Description:**

- This special exception allows the establishment to offer limited entertainment options and increase outdoor seating.
- Proposed entertainment: options include painting parties, a 5-member band, and renting out the establishment for private parties.
- A previous special exception was granted to Starving Artist Café to operate a restaurant that serves alcoholic beverages in January of 2015.

Staff point of contact: Sarah Richards at 664-7470, sarah.richards@norfolk.gov

Attachments:

- Staff Report to CPC dated December 10, 2015 with attachments
- Letter of support – Highland Park Civic League
- Proponents and Opponents
- Ordinances

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: December 10, 2015
Executive Secretary: George M. Homewood, AICP, CFM
Planner: Sarah Richards SGR

Staff Report	Item No. 11	
Address	**4408 Colley Avenue**	
Applicant	**Starving Artist Café - Kim Keene**	
Request	**Special Exception**	**Entertainment establishment with alcoholic beverages**
Property Owner	Robert E. Schlegel & Son, LLC	
Site Characteristics	Site Area/Space	5,364 sq. ft./1,175 sq. ft.
	Zoning	C-2 (Corridor Commercial)
	Neighborhoods	Highland Park
	Character District	Traditional
Surrounding Area	North	C-2: Brock & Co. Beauty Salon
	East	Conditional C-2: Colley Self Storage
	South	C-2: PJ's 19th Hole
	West	C-2: Private Marina

A. Summary of Request

- A previous special exception was granted to Starving Artist Café to operate a restaurant that serves alcoholic beverages in January of 2015.
- This special exception would allow the establishment to offer limited entertainment options and increase outdoor seating.
- Proposed entertainment: options include painting parties, a 5-member band, and renting out the establishment for private parties.

B. Plan Consistency

- The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.
- The *Central Hampton Boulevard Area Plan* identifies this site as a location for office, research, retail, or multiunit residential.

C. Zoning Analysis

i. General

- The site is located in the C-2 District, which permits the proposed use by special exception.

	Previous (Starving Artist Café)	Proposed (Starving Artist Café)
Hours of Operation	6:00 a.m. until 12:00 midnight, seven days a week	Same
Hours for the Sale of Alcoholic Beverages	10:00 a.m. until 12:00 midnight, seven days a week	Same
Capacity	37 seats indoors 10 seats outdoors 49 total capacity	Same without entertainment. With entertainment: 47 seats indoors 0 seats outdoors 49 total capacity

- Special Exception history:

City Council Approval	Applicant	Request
January 2015	Kim Keene	• Eating and Drinking Establishment
Pending	Kim Keene	• Entertainment Establishment

ii. Parking

- A change in use from Eating and Drinking Establishment to Entertainment Establishment does not require the applicant to provide additional parking spaces.
- On-street parking is also available on this portion of Colley Ave.
- The proposed establishment is not proposing an increase in occupancy or building floor area and no additional parking impacts are anticipated.

iii. Flood Zone

The property is located mainly in the X (Shaded) Flood Zone, which is a moderate-risk flood zone.

- The southeast corner of the property is located partially in the AE 7.6 flood zone, which is a high-risk flood zone.
- A small portion of the property toward the front of the lot is located in Zone X, a low-risk flood zone.
- Any substantial modifications to the building would require the building to comply with current flood regulations.

D. Transportation Impacts

Institute of Transportation Engineers figures estimate that this new restaurant will generate 48 additional vehicle trips per day by increasing total indoor seating at this location by 10 seats above currently approved levels.

E. Impact on the Environment

- There are currently no opportunities for landscaping site improvements to this existing building.

F. Impact on Surrounding Area/Site

- By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative effect on the surrounding neighborhood.
- There have been no calls for service to this property.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

The application was sent to the Highland Park Civic League on October 27th. On November 12th, the Civic League voted "no objection" to the application.

I. Communication Outreach/Notification

- Legal notice was posted on the property on November 3.
- Letters were mailed to all property owners within 300 feet of the property on November 25.

- Legal notification was placed in *The Virginian-Pilot* on November 26 and December 3.

J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

(a) The hours of operation for the establishment shall be limited to 6:30 a.m. until 12:00 midnight, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours of operation for the sale of alcoholic beverages and for entertainment shall be limited to 10:00 a.m. until 12:00 midnight, seven days per week.

(c) The minimum number of seats for the establishment shall be 32 seats indoors and 0 seats outdoors, and the total occupant capacity, including employees, shall not exceed 49 people. The maximum number of seats indoors when there is entertainment is 47.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(e) Entertainment shall be limited to live bands having no more than 5 members. No other form of entertainment is permitted.

(f) There shall be no dancing and no dance floor provided.

(g) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(i) The establishment shall maintain a current, active business license at all

times while in operation.

(j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(l) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(m) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(n) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(o) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(p) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by

reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(q) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(r) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(s) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(t) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.

(u) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

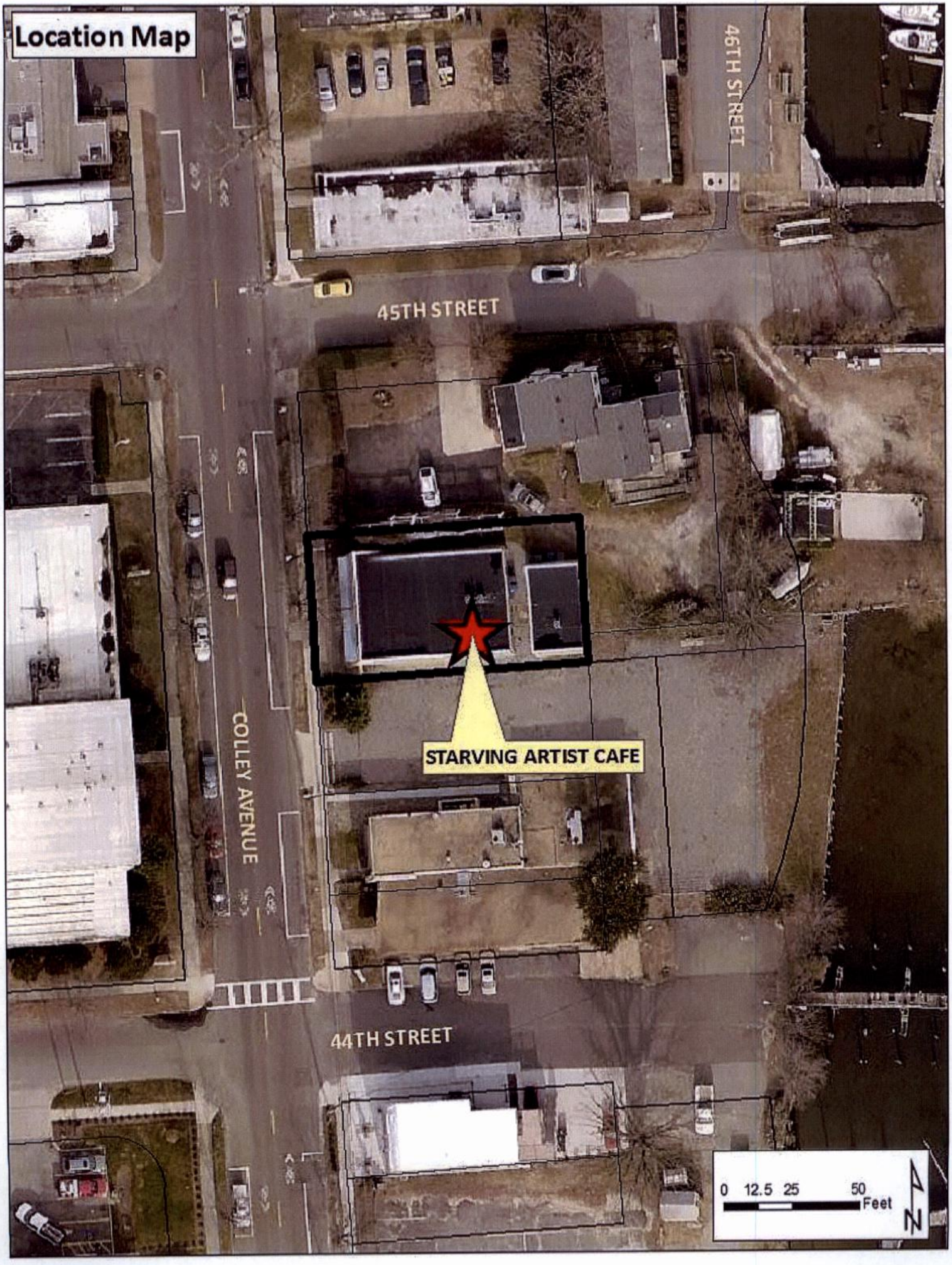
(7) The emergency action plan required under the Fire Prevention Code;

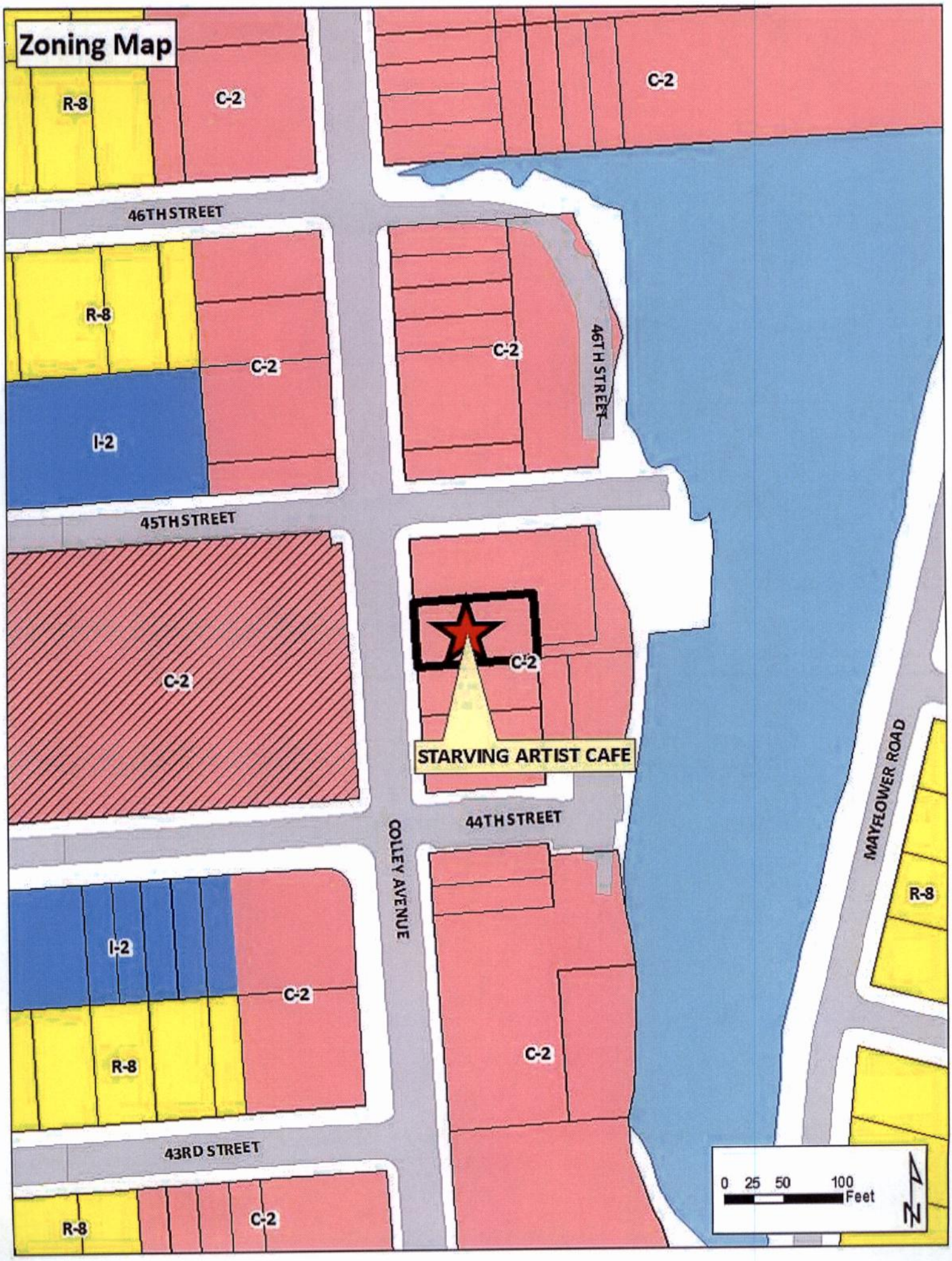
(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

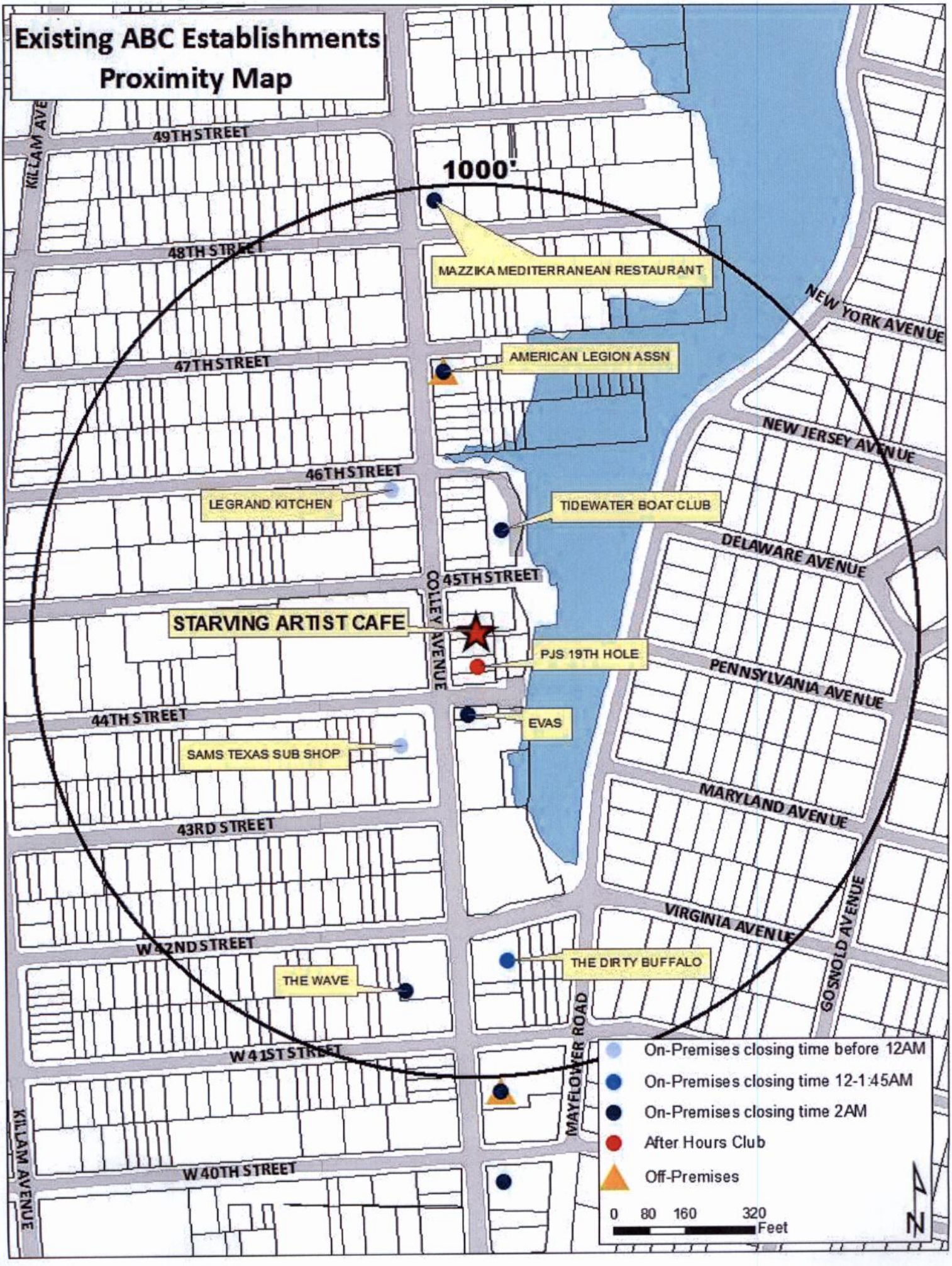
(9) The establishment's designated driver program

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments
Application
Notice to the Highland Park Civic League
Letter of "No Objection" from the Highland Park Civic League


Location Map
46TH STREET
45TH STREET
COLLEY AVENUE
STARVING ARTIST CAFE
44TH STREET
0 12.5 25 50
Feet
N


Zoning Map
R-8
C-2
C-2
46TH STREET
R-8
C-2
C-2
46TH STREET
I-2
45TH STREET
C-2
C-2
STARVING ARTIST CAFE
44TH STREET
COLLEY AVENUE
MAYFLOWER ROAD
I-2
C-2
R-8
C-2
43RD STREET
R-8
C-2
R-8
0 25 50 100
Feet
N


Existing ABC Establishments
Proximity Map
1000'
49TH STREET
48TH STREET
47TH STREET
46TH STREET
45TH STREET
44TH STREET
43RD STREET
W 42ND STREET
W 41ST STREET
W 40TH STREET
KILLAM AVE
KILLAM AVENUE
COLLEY AVENUE
MAYFLOWER ROAD
GOSNOLD AVENUE
NEW YORK AVENUE
NEW JERSEY AVENUE
DELAWARE AVENUE
PENNSYLVANIA AVENUE
MARYLAND AVENUE
VIRGINIA AVENUE
MAZZIKA MEDITERRANEAN RESTAURANT
AMERICAN LEGION ASSN
LEGRAND KITCHEN
TIDEWATER BOAT CLUB
STARVING ARTIST CAFE
PJS 19TH HOLE
EVAS
SAMS TEXAS SUB SHOP
THE DIRTY BUFFALO
THE WAVE
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

Proponents and Opponents

Proponents

Kim Keene – Applicant
1024 Jamestown Crescent
Norfolk, VA 23508

Opponents

None

12/10/2015 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT KNOWN AS "STARVING ARTIST CAFE" ON PROPERTY LOCATED AT 4408 COLLEY AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Kim Keene authorizing the operation of an entertainment establishment named "Starving Artist Cafe" on property located at 4408 Colley Avenue. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 25 feet, more or less, along the eastern line of Colley Avenue beginning 75 feet, more or less, from the southern line of 45th street and extending southwardly; premises numbered 4408 Colley Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The hours of operation for the establishment shall be limited to 6:30 a.m. until 12:00 midnight, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours for the sale of alcoholic beverages and for entertainment shall be limited to 10:00 a.m. until 12:00 midnight, seven days per week.

(c) The seating for the establishment shall not be less than 32 seats indoors, shall not have any seats outdoors, and the total occupant capacity, including employees, shall not exceed 49 people. The maximum number of seats indoors when entertainment is being provided shall be limited to 47.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(e) Entertainment shall be limited to live bands having no more than five (5) members.

(f) There shall be no dancing and no dance floor provided.

(g) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(i) The establishment shall maintain a current, active business license at all times while in operation.

(j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(l) During all hours of operation, the establishment

operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(m) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(n) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(o) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(p) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(q) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(r) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.

(s) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time; and

(9) The establishment's designated driver program.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted

general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on

the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting an eating and drinking establishment on this property, adopted on February 10, 2015 (Ordinance No. 45,856). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:
Exhibit A (5 pages)
Exhibit B (2 pages)

EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date OCT. 26, 2015

Trade name of business STARVING ARTIST CAFE

Address of business 4408 COLLEY AVE

Name(s) of business owner(s)* KIM KEENE, BRIDGET VARNEY (ALLY KEENE)

Name(s) of property owner(s)* ROBERT SCHLEGEL - "Robert E. Schlegel & son, LLC"

Name(s) of business manager(s)/operator(s) KIM KEENE, BRIDGET VARNEY

Daytime telephone number (757) 305.9290

*If business or property owner is a partnership, all partners must be listed.
*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales and Entertainment		
Weekday	From 6:30 AM	To MIDNIGHT	Weekday	From 10 AM	To MIDNIGHT
Friday	From 6:30 AM	To MIDNIGHT	Friday	From 10 AM	To MIDNIGHT
Saturday	From 6:30 AM	To MIDNIGHT	Saturday	From 10 AM	To MIDNIGHT
Sunday	From 6:30 AM	To MIDNIGHT	Sunday	From 10 AM	To MIDNIGHT

2. Type of ABC license applied for (check all applicable boxes):
☑ On-Premises ☐ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:
☑ Beer ☑ Wine ☑ Mixed Beverage

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510

Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☑ No

4a If yes, please describe type and number of each game to be provided:

_____

_____

5. Will patrons ever be charged to enter the establishment?
☐ Yes ☑ No

5a. If yes, why:

_____

_____

5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?
☐ Yes ☑ No

6a. If yes, explain:

_____

_____

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☑ No

7a. If yes, explain:

_____

_____

8. Will there ever be a minimum age limit?
☐ Yes ☑ No

Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

_____

_____

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Signature of Applicant

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

LAYOUT 1
(INCLUDES OUTDOOR SEATING)

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

   a. Indoor
   Number of seats (not including bar seats) 33 ← # REDUCES IF
   Number of bar seats 4 BAND IS
   Standing room _____ PLAYING.

   b. Outdoor
   Number of seats 10

   c. Number of employees 2

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 49

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

   5 MEMBER BAND
   PAINT PARTIES.

3. Will a dance floor be provided?
   ☐ Yes ☒ No

   3a. If yes,
   Square footage of establishment _____
   Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510

LAYOUT 2

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

   a. Indoor
   Number of seats (not including bar seats) 43 ± # REDUCES ~~BY~~ IF
   Number of bar seats 4 BAND IS PLAYING
   Standing room _____

   b. Outdoor
   Number of seats —

   c. Number of employees 2

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 49

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

   5 MEMBER BAND
   PAINT PARTIES.

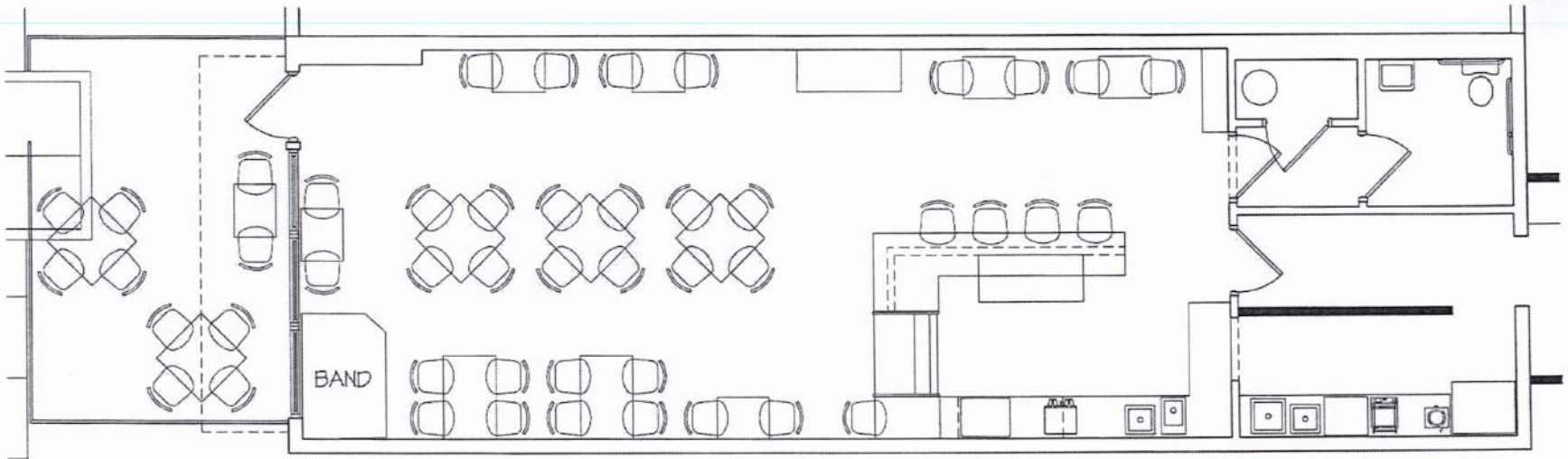
3. Will a dance floor be provided?
   ☐ Yes ☒ No

   3a. If yes,
   Square footage of establishment _____
   Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510

Exhibit B

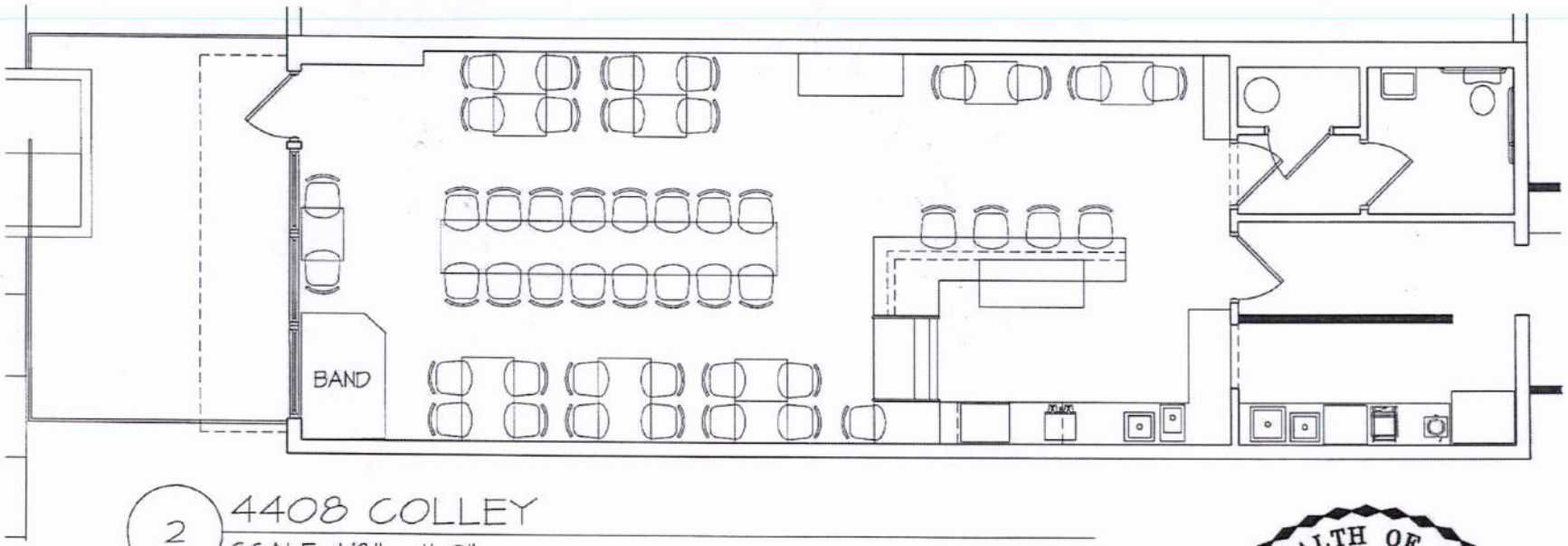


1 4408 COLLEY

SCALE: 1/8" = 1'-0"

OCCUPANCY CALCULATIONS	
OUTDOOR SEATING	10
INDOOR SEATING	37
STAFF	2
TOTAL	49

COMMONWEALTH OF VIRGINIA
10/23/2015
ROBYN J. THOMAS
No. 7487
ARCHITECT



2 4408 COLLEY

SCALE: 1/8" = 1'-0"

OCCUPANCY CALCULATIONS	
OUTDOOR SEATING	0
INDOOR SEATING	47
STAFF	2
TOTAL	49

COMMONWEALTH OF VIRGINIA
10/23/2015
ROBYN J. THOMAS
No. 7487
ARCHITECT

APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date OCT. 26TH 2015

DESCRIPTION OF PROPERTY

Address 4408 COLLEY AVE. NORFOLK VA 23508

Existing Use of Property STARVING ARTIST CAFE

Proposed Use GALLERY - COFFEE SHOP W/ BEER & WINE

Current Building Square Footage ~~2800~~ 2923

Proposed Building Square Footage 2923

Trade Name of Business (If applicable) Starving Artist Cafe

APPLICANT
(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) KEENE (First) KIM (MI) ____

Mailing address of applicant (Street/P.O. Box): 1024 JAMESTOWN CRES.

(City) NORFOLK (State) VA (Zip Code) 23508

Daytime telephone number of applicant (757) 305-9290 Fax ( )

E-mail address of applicant: HELLO@STARVINGARTISTNORFOLK.COM

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510

AUTHORIZED AGENT (if applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) VARNEY (First) Bridget (MI) D

Mailing address of applicant (Street/P.O. Box): 1024 JAMESTOWN CRES.

(City) NORFOLK (State) VA (Zip Code) 23508

Daytime telephone number of applicant 757 497-4076 Fax ( )

E-mail address of applicant: bdvarney@yahoo.com

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

(Robert E. Schlegel & son, LLC)

3. Name of property owner: (Last) SCHLEGEL (First) ROBERT (MI) E. JR

Mailing address of property owner (Street/P.O. box): 4408 COLLEY AVE.

(City) NORFOLK (State) VA (Zip Code) 23508

Daytime telephone number of owner ( ) _____ email: _____

CIVIC LEAGUE INFORMATION

Civic League contact: HIGHLAND PARK

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Robert E. Schlegel Jr **Sign:** [signature] / _____ / _____
(Property Owner or Authorized Agent of Signature) (Date)

Print name: [signature] **Sign:** KIM KEENE 10, 26, 2015
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ **Sign:** _____ / _____ / _____
(Authorized Agent Signature) (Date)

Richards, Sarah

From: HighlandParkCivicLeagueSecreta <highlandpark_cl@yahoo.com>
Sent: Wednesday, November 18, 2015 10:35 AM
To: Straley, Matthew; ryderd@verizon.net
Cc: Whibley, Terry; Winn, Barclay; Wilson, Denise; Richards, Sarah
Subject: Re: new Planning Commission application - 4408 Colley Avenue

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Straley:

On November 12, 2015, the Highland Park Civic League reviewed the Application for Adult Use Special Exception – Entertainment Establishment submitted on behalf of Starving Artist Cafe, 4408 Colley Avenue. By majority vote, the civic league has no objection to the Application.

If you have any questions or need any additional information, please feel free to contact me at 757-619-2880 or Wendy Hazel at 757-717-5557.

Thank you for your consideration.

Dale Ryder, President
Highland Park Civic League

From: "Straley, Matthew" <Matthew.Straley@norfolk.gov>
To: "ryderd@verizon.net" <ryderd@verizon.net>; "highlandpark_cl@yahoo.com" <highlandpark_cl@yahoo.com>
Cc: "Whibley, Terry" <Theresa.Whibley@norfolk.gov>; "Winn, Barclay" <barclay.winn@norfolk.gov>; "Wilson, Denise" <Denise.Wilson@norfolk.gov>; "Richards, Sarah" <Sarah.Richards@norfolk.gov>
Sent: Tuesday, October 27, 2015 3:24 PM
Subject: new Planning Commission application - 4408 Colley Avenue

Mr. Ryder,

Attached please find the application for a special exception to operate an entertainment establishment with alcoholic beverages at 4408 Colley Avenue.

The item is tentatively scheduled for the December 10, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Sarah Richards at (757) 664-7470, sarah.richards@norfolk.gov*

Thank you.

Matthew Straley
GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special exception to operate an automobile and truck repair facility at 5633 E. Virginia Beach Boulevard – JM&M Automotive**

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved: _____
Marcus D. Jones, City Manager

Item Number: R-9

I. **Staff Recommendation: Approval.**

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval.**

III. **Request:** Special exception – automobile and truck repair.

IV. **Applicant: JM&M Automotive**

V. **Description:**

- Automobile Sales and Service is permitted in the C-2 district by special exception.
  - The applicant is proposing to fleet maintenance, and not servicing the general public.

	Proposed
Hours of Operation	7:30 a.m. to 5:00 p.m., seven days a week

- The site contains a 3,814 square foot office building and a second building where the automobile repair would occur.
- In the Suburban Character area, offices are required to have one parking space per 250 square feet of building and automobile repair facilities are required to have three parking space per bay.
  - The office building is required to have 15 parking spaces.
  - There are three bays which would require nine parking spaces.
- There is a total of 26 spaces which exceeds the required parking.

Staff point of contact: Susan Pollock at 664-4765, susan.pollock@norfolk.gov

Attachments:

- Staff Report to CPC dated December 10, 2015 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: December 10, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Susan Pollock Hart, CFM

Staff Report	Item No. 7	
Address	**5633 East Virginia Beach Boulevard**	
Applicant	**JM&M Automotives**	
Request	**Special Exception**	**Automobile and Truck Repair**
Property Owner	Joseph E. Kenner	
Site Characteristics	Site/Building Area	31,101 sq. ft./3,864 sq. ft.
	Zoning	C-2 (Corridor Commercial)
	Future Land Use	Commercial
	Neighborhood	Poplar Hall
	Character District	Suburban
Surrounding Area	North	C-2: Moving service; automobile repair; beauty salon
	East	C-2: Automobile sales
	South	R-6 (Single -Family): Single-family homes
	West	C-2: Kitchen and bath wholesaler

A. Summary of Request

The applicant proposes to operate an automobile repair facility for fleet maintenance.

B. Plan Consistency

- The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.
- The Identifying Land Use Strategies chapter of *plaNorfolk2030* includes an action calling for the city to work to bring existing automobile sales and repair establishments into compliance with applicable codes, with an emphasis on buffering, landscaping, and parking.
  - In order to be fully consistent with *plaNorfolk2030*, improvements should be made to this site to bring it closer to compliance with applicable codes.

C. Zoning Analysis

i. General

- The use is permitted in the C-2 district by special exception.

	Proposed
Hours of Operation	7:30 a.m. to 5:00 p.m., seven days a week

ii. Parking

- The site contains a 3,814 square foot office building and a second building where the automobile repair would occur.
- In the Suburban Character area, offices are required to have one parking space per 250 square feet of building and automobile repair facilities are required to have three parking space per bay.
  - The office building is required to have 15 parking spaces.
  - There are three bays which would require nine parking spaces.
- There is a total of 26 spaces which exceeds the required parking.

iii. Flood Zone

The property is located in the X (Low to Moderate) Flood Zone which is a low risk flood zone.

D. Transportation Impacts

Institute of Transportation Engineers (ITE) figures estimate that a proposed automotive and truck repair operation on this site will generate 61 new vehicle trips per day.

E. Impact on the Environment

- The applicant proposes to install an eight foot tall opaque fence along the rear property line to buffer the site from the adjacent residential.

- There is currently a ten-foot wide planted buffer area abutting the front of the building along East Virginia Beach Boulevard, and some additional plantings along the rear property line of the site to accommodate stormwater management.

F. Impact on Surrounding Area/Site

- The site is surrounded to the east and west sides by commercial uses as well as across East Virginia Beach Boulevard.
    - Buildings on the adjacent properties to the east and west sit on the side property lines and act as a buffer for this site.
    - The applicant is proposing an eight-foot opaque fence along the rear property line in addition to the existing landscaping to buffer the residential properties to the rear.
- There have been no calls for police service or crime reports at this location over the past year.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

The application was sent to the Poplar Hall Civic League on October 27.

I. Communication Outreach/Notification

- Legal notice was posted on the property on November 3.
- Letters were mailed to all property owners within 300 feet of the property on November 25.
- Legal notification was placed in *The Virginian-Pilot* on November 26 and December 3.

J. Recommendation

Staff recommends that the request for a special exception to operate an automobile and truck repair facility be **approved** subject to the conditions listed below:

(a) The hours of operation for the facility shall be from 7:30 a.m. until 5:00 p.m., seven days a week.

(b) The site shall only be used for fleet maintenance and shall not be open to the general public.

(c) The use of temporary signs shall comply with Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended). The use of feather flags, pennants, and streamers is prohibited.

(d) Subject to any limitation or preemption that may exist by operation of state law, an oil/water separator or other device approved by the city's Department of Public Works sufficient to capture leaks or spills related to the operation of the facility shall be installed and a hazardous materials management plan shall be prepared and submitted to the Department of Planning detailing the methods to be employed on the property in order to minimize the infiltration into groundwater or surface waters of petroleum-based materials or other waste associated

with the dispensing and handling of fuel or other potentially hazardous liquids. The use allowed by this special exception shall not commence until after this management plan is approved. Once approved, the plan shall be fully and continuously implemented.

(e) All nonconforming fences and signs on the site shall be removed.

(f) There shall be no razor wire permitted on the site and any existing razor wire shall be removed.

(g) Test driving of the vehicles shall not occur within the neighborhood located in the vicinity of the site.

(h) The parking lot shall be striped in accordance with attached site plan, subject to any revisions required by the City to be made during the Site Plan Review process.

(i) There shall be no storage of wrecked or inoperative vehicles in the building or on the property without a work order or an insurance claim form.

(j) All repair work shall be done inside the building. No repair work may take place outside.

(k) No exterior storage, placement or any otherwise display of tires or other vehicle parts is allowed.

(l) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the existing and proposed buildings.

(m) During all hours of operation, the facility operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(n) The property shall be kept in a clean and sanitary condition at all times.

(o) The establishment shall maintain a current, active business license at all times while in operation.

(p) Subject to any limitation or preemption that may exist by operation of state law, an oil/water separator or other device approved by the city's Department of Public Works sufficient to capture leaks or spills related to the operation of the facility shall be installed and a hazardous materials management plan shall be prepared and submitted to the Department of Planning detailing the methods to be employed on the property in order to minimize the infiltration into groundwater or surface waters of petroleum-based materials or other waste associated with the dispensing and handling of fuel or other potentially hazardous liquids. The use allowed by this special exception shall not commence until after this management plan is

approved. Once approved, the plan shall be fully and continuously implemented.

Attachments

Location Map
Zoning Map
1000' radii map of similar automobile establishments
Application
Notice to the Poplar Hall Civic League

Proponents and Opponents

Proponents

Michael J. Bonin, Jr.
2524 Prudden Trace
Chesapeake, Virginia 23323

Joshua Stokes
5374 Leicester Court
Virginia Beach, VA 23462

Opponents

None

12/8/2015 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF AN AUTOMOBILE AND TRUCK REPAIR FACILITY NAMED "J M & M AUTOMOTIVE" ON PROPERTY LOCATED AT 5633 EAST VIRGINIA BEACH BOULEVARD.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of an Automobile and Truck Repair facility named "J M & M Automotive" on property located at 5633 East Virginia Beach Boulevard. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 100 feet, more or less, along the southern line of East Virginia Beach Boulevard beginning 300 feet, more or less, from the eastern line of Briar Hill Road and extending eastwardly; premises numbered 5633 East Virginia Beach Boulevard.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The hours of operation for the facility shall be limited to 7:30 a.m. until 5:00 p.m., seven days per week. No use of the facility outside of the hours of operation listed herein shall be permitted.

(b) The facility shall only be used for automobile and truck fleet maintenance work and shall not be open to the general public.

(c) The use of temporary signs shall comply with Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended). The use of feather signs, flag signs, and pennants is expressly prohibited.

(d) Subject to any limitation or preemption that may exist by operation of state law, an oil/water separator or other device approved by the city's Department of Public Works sufficient to capture leaks or spills related to the operation of the facility shall be installed and a hazardous materials management plan shall be prepared and submitted to the Department of Planning detailing the methods to be employed on the property in order to minimize the infiltration into groundwater or surface waters of petroleum-based materials or other waste associated with the dispensing and handling of fuel or other potentially hazardous liquids. The use allowed by this special exception shall not commence until after this management plan is approved. Once approved, the plan shall be fully and continuously implemented.

(e) All nonconforming fences and signs on the site shall be removed.

(f) There shall be no razor wire permitted on the site and any existing razor wire shall be removed.

(g) Test driving of the vehicles shall not occur within the neighborhood located in the vicinity of the site.

(h) The parking lot shall be striped in accordance with attached site plan, subject to any revisions required by the City to be made during the Site Plan Review process.

(i) There shall be no storage of wrecked or inoperative vehicles in the building or on the property without a work order or an insurance claim form.

(j) There shall be no storage of wrecked or inoperative vehicles in the building or on the property without a work order or an insurance claim form.

(k) No vehicle associated with this facility shall be parked or displayed in any public right-of way, on any unimproved surface, or within any sight distance triangle.

(l) All repair work shall be done inside the building.

No repair work may take place outside.

(m) No exterior storage, placement or any otherwise display of tires or other vehicle parts is allowed.

(n) All bollards on the site shall be painted and maintained free of visible corrosion.

(o) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the existing and proposed buildings.

(p) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so at to keep such areas free of litter and refuse.

(q) The property shall be kept in a clean and sanitary condition at all times.

(r) The establishment shall maintain a current, active business license at all times while in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare.

Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

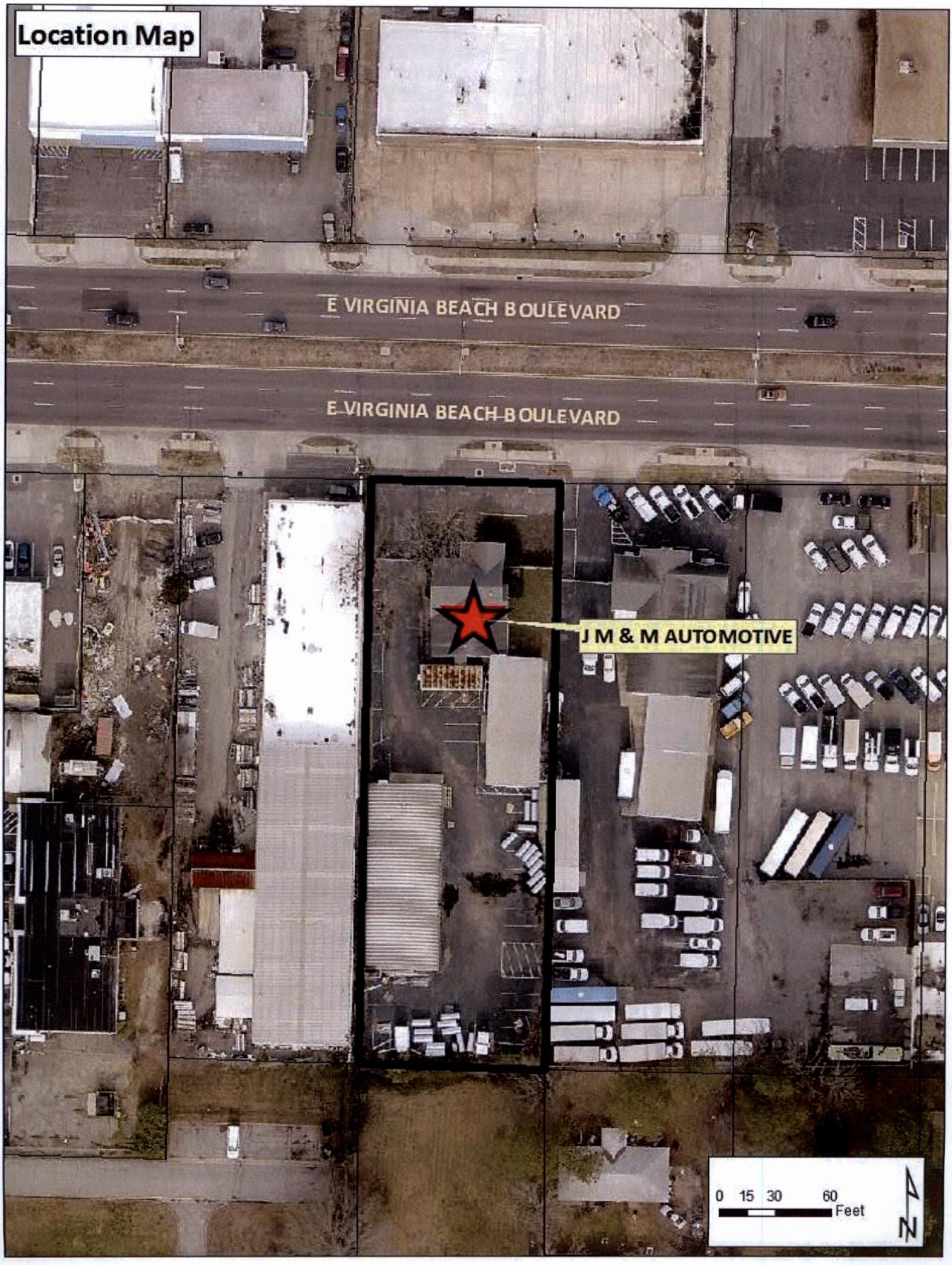
(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

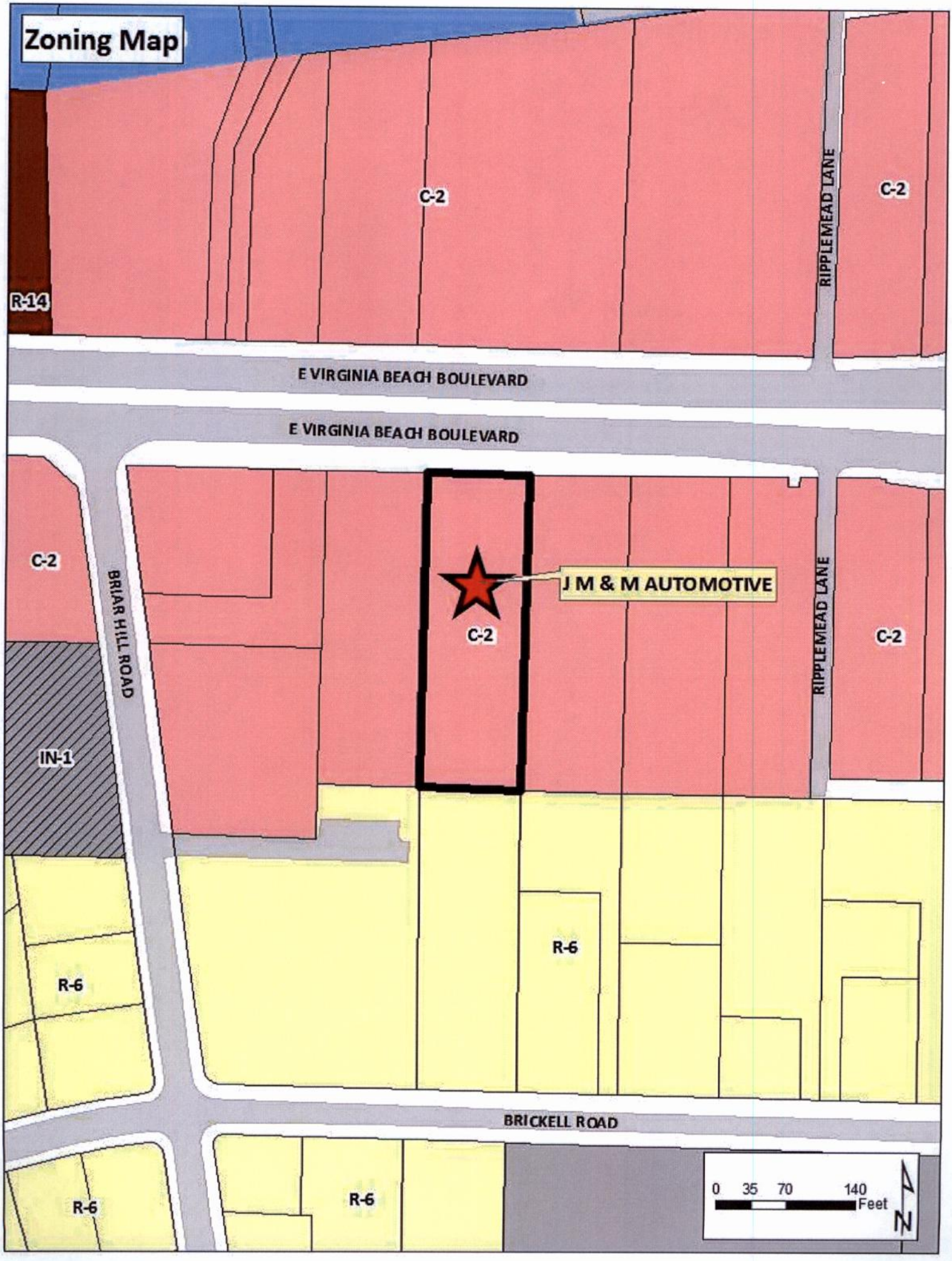
(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

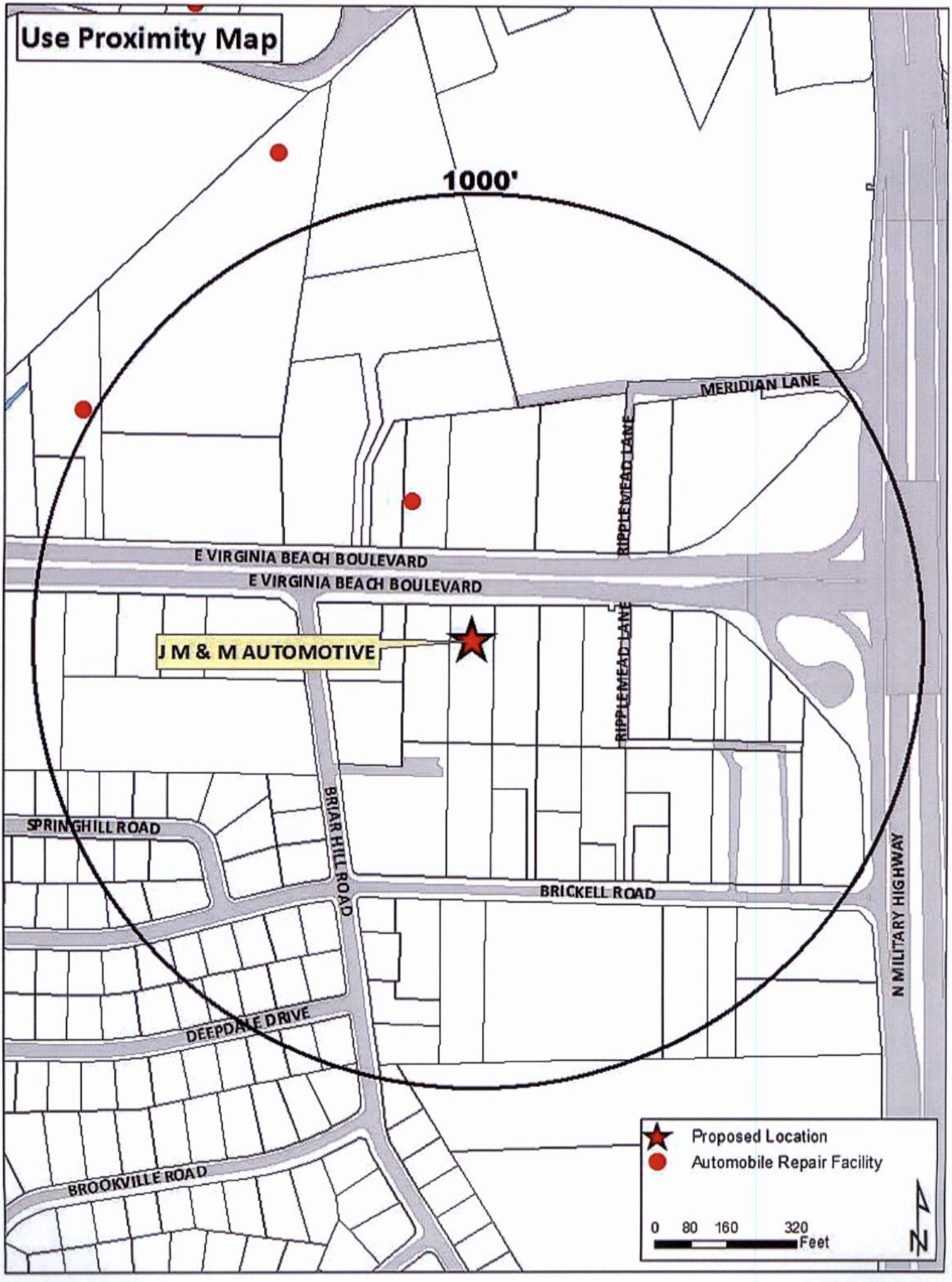
(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the

date of its adoption.


Location Map
E VIRGINIA BEACH BOULEVARD
E VIRGINIA BEACH BOULEVARD
J M & M AUTOMOTIVE
0 15 30 60
Feet
N


Zoning Map
C-2
R-14
RIPPLEMEAD LANE
C-2
E VIRGINIA BEACH BOULEVARD
E VIRGINIA BEACH BOULEVARD
C-2
BRIAR HILL ROAD
J M & M AUTOMOTIVE
C-2
RIPPLEMEAD LANE
C-2
IN-1
R-6
R-6
BRICKELL ROAD
R-6
R-6
0 35 70 140
Feet
N


Use Proximity Map
1000'
MERIDIAN LANE
RIPPLEMEAD LANE
E VIRGINIA BEACH BOULEVARD
E VIRGINIA BEACH BOULEVARD
J M & M AUTOMOTIVE
RIPPLEMEAD LANE
BRIAR HILL ROAD
SPRINGHILL ROAD
BRICKELL ROAD
N MILITARY HIGHWAY
DEEPDALE DRIVE
BROOKVILLE ROAD
Proposed Location
Automobile Repair Facility
0 80 160 320
Feet
N

APPLICATION
SPECIAL EXCEPTION

Special Exception for: Automotive (Fleet Maintenance

Date of application: _____

DESCRIPTION OF PROPERTY

Property location: (Street Number) 5633 (Street Name) E Virginia Beach Blvd

Existing Use of Property Vehicle Maintenance for electrical company

Current Building Square Footage 3864

Proposed Use Fleet Maintenance to be proformed in existing Quonset.

Proposed Square Footage ____

Proposed Hours of Operation:

Weekday	From 730	To 5
Friday	From 730	To 5
Saturday	From 730	To 5
Sunday	From 730	To 5

Trade Name of Business (If applicable) J M + M Automotive

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

APPLICANT
(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Loyd (First) Michael (MI) S

Mailing address of applicant (Street/P.O. Box): 5633 E Virginia Beach Blvd

(City) Norfolk (State) Va (Zip Code) 23502

Daytime telephone number of applicant ( ) 724 4111 Fax ( )

E-mail address of applicant: mikeandmikeservices@gmail.com

AUTHORIZED AGENT (if applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box):

(City) (State) (Zip Code)

Daytime telephone number of applicant ( ) Fax ( )

E-mail address of applicant:

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner. (Last) John (First) Kerner (MI) E.

Mailing address of property owner (Street/P.O. box): 100 Stafford Ct

(City) Williamsburg (State) VA (Zip Code) 23185

Daytime telephone number of owner ( ) 2061509 email: AHansen@kernergroup.com

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

CIVIC LEAGUE INFORMATION

Civic League contact: Poplar Hall - Marvin Rawls Mabob_rawls@yahoo.co

Date(s) contacted: 10-5-15

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
  - Application fee includes a non-refundable $5 technology surcharge.
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- ✓ One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.

CERTIFICATION:
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Michael Loyd **Sign:** _____ 10/5/15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: _____ **Sign:** _____ / / _____
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ **Sign:** _____ / / _____
(Authorized Agent Signature) (Date)

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

CIVIC LEAGUE INFORMATION

Civic League contact: Poplar Hall - Marvin Rawls Mabob_rawls@yahoo.com

Date(s) contacted: 10-5-15

Ward/Super Ward information: _____

CERTIFICATION:
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

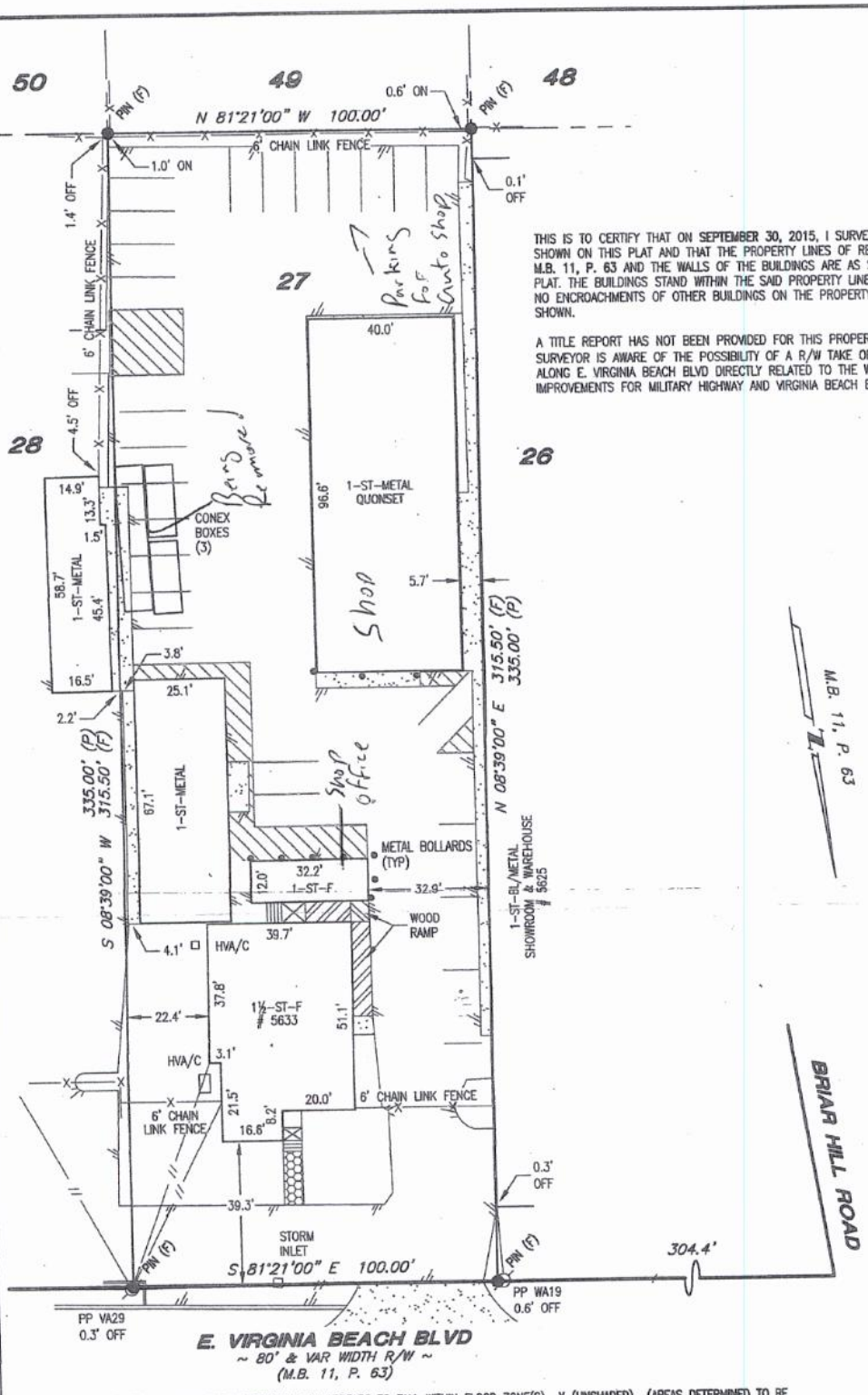
Print name: John E. Kerner **Sign:** _____ / 10/14 / 2015
(Property Owner or Authorized Agent of Signature) (Date)

Print name: _____ **Sign:** _____ / ____ / ____
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ **Sign:** _____ / ____ / ____
(Authorized Agent Signature) (Date)

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)



THIS IS TO CERTIFY THAT ON SEPTEMBER 30, 2015, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE PROPERTY LINES OF RECORD AS SHOWN IN M.B. 11, P. 63 AND THE WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT. THE BUILDINGS STAND WITHIN THE SAID PROPERTY LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY, EXCEPT AS SHOWN.

A TITLE REPORT HAS NOT BEEN PROVIDED FOR THIS PROPERTY BUT THIS SURVEYOR IS AWARE OF THE POSSIBILITY OF A R/W TAKE OR ACQUISITION ALONG E. VIRGINIA BEACH BLVD DIRECTLY RELATED TO THE WIDENING AND IMPROVEMENTS FOR MILITARY HIGHWAY AND VIRGINIA BEACH BLVD.

FLOOD INFORMATION: THE PROPERTY SHOWN HEREON APPEARS TO FALL WITHIN FLOOD ZONE(S) X (UNSHADED) (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON F.E.M.A.'S FLOOD INSURANCE RATE MAP (F.I.R.M.) FOR THE CITY OF NORFOLK, VIRGINIA, COMMUNITY PANEL NO. 510104 0145 F DATED SEPTEMBER 9, 2009.

- FOX LAND SURVEYING, LLC IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. THIS SURVEY DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE SUBJECT TO FLOODING. FOR FURTHER INFORMATION, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS WHICH MAY AFFECT SAID PROPERTY AS SHOWN. THIS PLAT DOES NOT INTEND TO REPRESENT A SUBDIVISION OF LAND.

FOX LAND SURVEYING, LLC
SIGNED BY:

COMMONWEALTH OF VIRGINIA
TRAVIS M. FOX
Lic. No. 2878
10/2/15
LAND SURVEYOR

LAND SURVEYING
SITE DESIGN
MAPPING

FOX LAND SURVEYING

2981 RIDDICK LANE
VIRGINIA BEACH · VA · 23456
foxlandsurvey.com 757·615·1675

SCALE: 1" = 30'

PHYSICAL SURVEY
OF
LOT 27
MAP OF
HARDY TRACT

PLAT RECORDED IN MAP BOOK 11 AT PAGE 63 (P.A. Co.) IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF NORFOLK, VIRGINIA

NORFOLK, VIRGINIA
Exclusively For
MIKE & MIKE SERVICES, INC.

SHEET 1 OF 1

DRW/chk: TMF	NOFOLK, VIRGINIA	F.B. 3 P. 66-67	01 OCTOBER, 2015	JN: 015-057

Pollock, Susan

From: Straley, Matthew
Sent: Tuesday, October 27, 2015 3:06 PM
To: 'Poplarhallcivicleague@yahoo.com'
Cc: Riddick, Paul; Williams, Angelia M.; Goldin, Jamie; Pollock, Susan
Subject: new Planning Commission application - 5633 E Virginia Beach Boulevard
Attachments: JM&M Automotive.pdf

Mr. Rawls,

Attached please find the application for a for a special exception to operate an automobile and truck repair facility at 5633 E. Virginia Beach Boulevard.

The item is tentatively scheduled for the December 10, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov*

Thank you.

Matthew Straley
GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exceptions for an entertainment establishment and the sale of alcoholic beverages for off-premises consumption at 330 – 404 W. 22nd Street – Mermaid Winery**

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: _____
Marcus D. Jones, City Manager

Item Number: R-10

I. **Staff Recommendation:** **Approval**.

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval.**

III. **Request:** Entertainment establishment and the sale of alcoholic beverages for off-premises consumption

IV. **Applicant:** **Mermaid Winery**

V. **Description:**

- The request proposes to allow the existing entertainment establishment, Mermaid Winery, to expand into the space previously occupied by Sassi Cakes.
- This establishment plans to serve alcoholic beverages for both on and off-premises consumption.

Staff point of contact: Susan Pollock at 664-4765, susan.pollock@norfolk.gov

Attachments:

- Staff Report to CPC dated December 10, 2015 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: December 10, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Susan Pollock Hart, CFM

Staff Report	Item No. 13	
Address	**330-404 W. 22nd Street, Suites 104-106**	
Applicant	**Mermaid Winery**	
	Special Exceptions	**a.** Special exception to operate an entertainment establishment with alcoholic beverages. **b.** Special exception for the sale of alcoholic beverages for off-premises consumption.
Property Owner	Palace Station, LLC	
Site Characteristics	Site Area/ Building Area	125,189 square feet/5,203 square feet
	Zoning	C-2 (Corridor Commercial) and PCO-21st Street (21st Street Pedestrian Commercial Overlay)
	Neighborhood	Ghent Business District
	Character District	Traditional
Surrounding Area	North	Railroad
	East	I-1 (Limited Industrial): Guy's Upholstering
	South	C-2 and PCO-21st Street districts: Palace Shops; Therapy Center of Ghent
	West	C-2 and PCO-21st Street districts: Ghent Market Shoppes

A. Summary of Request

- The requests propose to allow the existing entertainment establishment, Mermaid Winery, to expand into the space previously occupied by Sassi Cakes.
- This establishment plans to serve alcoholic beverages for both on and off-premises consumption.

B. Plan Consistency

The proposed special exceptions are consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

The proposed use is permitted by special exception in the 21st Street PCO.

	Sassi Cakes	Mermaid Winery	Proposed
Hours of Operation	9:00 a.m. to 2:00 a.m., seven days a week	10:00 a.m. to 2:00 a.m., seven days a week	Same as Mermaid
Hours for Entertainment	11:00 a.m. to 2:00 a.m., seven days a week	10:00 a.m. to 2:00 a.m., seven days a week	11:00 a.m. to 2:00 a.m. seven days a week
Hours for Sale of Alcohol	11:00 a.m. to 2:00 a.m., seven days a week	11:00 a.m. to 2:00 a.m., seven days a week	Same as Mermaid
Hours for Off-Premises Alcohol Sale	N/A	10:00 a.m. to 12:00 midnight seven days a week	Same as Mermaid
Seating Capacity	58 seats indoors 36 seats outdoors 99 Total capacity	30 seats indoors 32 seats outdoor 81 total capacity	Same as Mermaid New space 64 seats indoors 26 seats outdoor 114 total capacity
Entertainment	Four piece band Disc Jockey Karaoke Comedy Poetry reading Spoken word	Five piece band	Five piece band Disc Jockey

ii. Parking

- The existing portion of the entertainment establishment is not changing and the proposed expansion is replacing an entertainment establishment but will have six additional seats.
- One additional parking space is required and parking can be accommodated within the Palace Station Shops.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low risk flood zone.

D. Transportation Impacts

Institute of Transportation Engineers figures estimate that this new restaurant will generate 29 additional vehicle trips per day by increasing total indoor seating at this location by 6 seats above currently approved levels.

E. Impact on the Environment

- The site was developed under current development standards including landscaping and stormwater management.
- The applicant has also provided additional landscaping, in the form of grape vines and rain barrels on site.

F. Impact on Surrounding Area/Site

- By requiring this use to conform to the conditions listed below, the proposed expansion of an entertainment establishment should not have a negative effect on the surrounding businesses.
- Over the past year there have been 47 calls for service for the shopping center with most of the calls pertaining to alarms, vandalism, larceny, and traffic violations.
  - There have been 2 arrests made.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

Notice was sent to the Ghent Neighborhood League and Ghent Business Association on October 27.

I. Communication Outreach/Notification

- Legal notice was posted on the property on November 3.
- Letters were mailed to all property owners within 300 feet of the property on November 25.
- Legal notification was placed in *The Virginian-Pilot* on November 26 and December 3.

J. Recommendation

Staff recommends that the special exceptions be **approved** subject to the conditions shown below:

Entertainment Establishment Conditions

(a) The hours of operation for the establishment, shall be limited 10:00 a.m. to 2:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours of operation for the establishment, for the sale of alcoholic beverages and for entertainment shall be limited to 11:00 am. To 2:00 a.m., seven days a week.

(c) For suite 106, the minimum number of seats shall be 30 indoor and the maximum number of outdoor seats shall be 32, and the total occupant capacity, including employees, shall not exceed 81 people.

(d) For suites 104 and 105, when a disc jockey and dance floor is provided the minimum number of seats shall be 46 indoor and the maximum number of seats shall be six outdoor and the total occupant capacity, including employees, shall not exceed 80 people. When other entertainment is provided, the minimum number of indoor seats shall be 64 indoor and the maximum number of seats shall be 26 outdoor, and the total occupant capacity, including employees, shall not exceed 114 people.

(e) The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

(f) No smoking shall be permitted anywhere in the outdoor dining area[s].

(g) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(h) Entertainment shall be limited to live bands having no more than 5 members or a disc jockey. No other form of entertainment is permitted.

(i) The dance floor shall not exceed 130 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.

(j) The layout of the establishment shall adhere to the specifications of the

floor plans attached hereto and marked as "Exhibit B."

(k) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(l) The establishment shall maintain a current, active business license at all times while in operation.

(m) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(n) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(o) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(p) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(q) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(r) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall

govern.

(s) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(t) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(u) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.

(v) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(w) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 146 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(x) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Sale of Alcoholic Beverages for Off-Premises Consumption - Conditions

(a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 10:00 a.m. until 1200 midnight, seven days a week.

(b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

(c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.

(d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.

(e) No beer shall be sold in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.

(f) The facility shall maintain a current, active business license at all times while in operation.

(g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

(j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Attachments

Location map
Zoning map
1000' radii map of similar ABC establishments
Applications
Notice to the civic league and business association

Proponents and Opponents

Proponents
Jennifer Eichert
330 W. 22nd Street
Norfolk, Virginia 23517

Opponents
None

12/09/2015

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "MERMAID VINEYARD AND WINERY" ON PROPERTY LOCATED AT 330 WEST 22nd STREET, SUITES 104, 105 AND 106.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Mermaid Vineyard and Winery, LLC, authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Mermaid Vineyard and Winery" on property located at 330 West 22nd Street, suites 104, 105 and 106. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 228 feet, more or less, along the northern line of West 22nd Street and 185 feet, more or less, along the western line of Llewellyn Avenue; property also fronts 180 feet, more or less, along the northern line of West 22nd Street beginning 385 feet, more or less, from the western line of Llewellyn Avenue and extending westwardly; premises numbered 330 West 22nd Street, suites 104, 105 and 106.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 10:00 a.m. until 12:00 midnight, seven days per week. No alcoholic beverages shall be sold for off-premises consumption outside the hours listed herein.

(b) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of

Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

(c) No alcoholic beverages other than those defined by state law as "beer," "wine cooler," or "low alcohol beverage cooler," shall be sold.

(d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.

(e) No beer in bottles or cans of 12 oz. capacity or smaller shall be sold in any package containing fewer than four (4) bottles or cans. No refillable containers or containers that are filled one time, on site, and which have less than 22 oz. capacity shall be sold. No wine shall be sold in containers less than 375 ml each.

(f) The facility shall maintain a current, active business license at all times while in operation.

(g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," and labeled, "Off-Premise Sale of Alcoholic Beverage" attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific

condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

(j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992, entitled "Signs."

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to

interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting the operation of an Establishment for the Sale of Alcoholic Beverages for Off-premises Consumption on this property, adopted on February 28, 2012, (Ordinance No. 44,582) and all provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (2 pages)

EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: 10/20/2015

Name of business: Mermaid Vineyard & Winery, LLC. 104 + 105+ (404-)

Address of business: 330 W. 22nd Street, Suites 106, Norfolk, VA 23517

Name(s) of business owner(s)*: Jennifer Eichert, George Eichert (LLC same as name of business)

Name(s) of property owner(s)*: Palace Station LLC, Claus Ihlemann

Name(s) of business manager(s)/operator(s): Karl Gallant, Thomas Pasko, Justin Burns Jennifer Eichert, George Eichert, Michael Cocart

Daytime telephone number (757): 233-4155

*If business or property owner is partnership, all partners must be listed.
*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales		
Weekday	From 10 AM	To 12 AM	Weekday	From 10 AM	To 12 AM
Friday	From 10 AM	To 12 AM	Friday	From 10 AM	To 12 AM
Saturday	From 10 AM	To 12 AM	Saturday	From 10 AM	To 12 AM
Sunday	From 10 AM	To 12 AM	Sunday	From 10 AM	To 12 AM

2. Type of alcoholic beverage applied for:
☒ Beer ☒ Wine ☐ Mixed Beverage

3. Alcoholic beverages to be sold:
☒ Room temperature ☒ Refrigerated

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(Revised September, 2015)

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

Will not sell the above beverage sizes.

Signature of applicant/owner

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810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

12/10/2015 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT KNOWN AS "MERMAID VINEYARD AND WINERY" ON PROPERTY LOCATED AT 330 WEST 22ND STREET, SUITES 104, 105 AND 106.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Mermaid Vineyard & Winery, LLC authorizing the operation of an entertainment establishment known as "Mermaid Vineyard and Winery" on property located at 330 West 22nd Street, suites 104, 105 and 106. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 228 feet, more or less, along the northern line of West 22nd Street and 185 feet, more or less, along the western line of Llewellyn Avenue; property also fronts 180 feet, more or less, along the northern line of West 22nd Street beginning 385 feet, more or less, from the western line of Llewellyn Avenue and extending westwardly; premises numbered 330 West 22nd Street, suites 104, 105 and 106.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The hours of operation for the establishment shall be limited to 11:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours for the sale of alcoholic beverages and for entertainment shall be limited to 11:00 a.m. until 2:00 a.m. the following morning, seven days per week.

(c) The seating for the area known as suite 106 shall

not be less than 30 seats indoors, shall not be more than 32 seats outdoors, and the total occupant capacity, including employees, shall not exceed 81 people.

(d) The seating and occupancy for the area known as suites 104 and 105 shall vary depending on whether disc jockey entertainment is being provided, as follows:

(1) When disc jockey entertainment is being provided, there shall be no fewer than 46 seats indoors, no more than six (6) seats outdoors, and the total occupant capacity, including employees, shall not exceed 80 people.

(2) At all other times, there shall be no fewer than 64 seats indoors, no more than 26 seats outdoors, and the total occupant capacity, including employees, shall not exceed 114 people.

(e) No smoking shall be permitted anywhere in the outdoor dining area.

(f) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(g) Entertainment shall be limited to live bands having no more than five (5) members or a disc jockey. No other form of entertainment is permitted.

(h) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it remains only within the shaded areas and the unshaded accesses, aisles, and other areas shown on the floor plans remain unobstructed.

(i) The dance floor shall not exceed 130 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.

(j) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(k) The establishment shall maintain a current, active business license at all times while in operation.

(l) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(m) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(n) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(o) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via

either a printed card placed on each table and on the bar or a description printed on the menu.

(p) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(q) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(r) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(s) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(t) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the

establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(u) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(v) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.

(w) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(x) The business shall provide in-house security or

retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 146 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(y) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of

neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exceptions permitting entertainment establishments on this property, adopted on February 28, 2012 (Ordinance No. 44,581) and on December 16, 2014 (Ordinance No. 45,820). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the

date of its adoption.

ATTACHMENTS:
Exhibit A (5 pages)
Exhibit B (3 pages)

EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date 10/20/2015

Trade name of business Mermaid Vineyard & Winery, LLC

Address of business 330 W. 22nd Street, Suite 106 (404-104+105+), Norfolk, VA 23517

Name(s) of business owner(s)* Jennifer Eichert, George Eichert (same as property owner)

Name(s) of property owner(s)* Palace Station LLC, Claus Ihlemann

Name(s) of business manager(s)/operator(s) Jennifer Eichert, George Eichert, Justin Burrus, Michael Cozart, Thomas Pasko, Karl Gallant

Daytime telephone number (757) 233-4155

*If business or property owner is a partnership, all partners must be listed.
*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales and Entertainment		
Weekday	From 10AM	To 2 AM	Weekday	From 11 AM	To 2 AM
Friday	From 10AM	To 2 AM	Friday	From 11 AM	To 2 AM
Saturday	From 10AM	To 2 AM	Saturday	From 11 AM	To 2 AM
Sunday	From 10AM	To 2 AM	Sunday	From 11 AM	To 2 AM

2. Type of ABC license applied for (check all applicable boxes):
☒ On-Premises ☒ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:
☒ Beer ☒ Wine ☐ Mixed Beverage

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(Revised September 2015)

Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

4a If yes, please describe type and number of each game to be provided:

N/A

5. Will patrons ever be charged to enter the establishment?
☐ Yes ☒ No

5a. If yes, why:

N/A

5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?
☒ Yes ☐ No

6a. If yes, explain:

Private parties will consist of: business meetings, wine tastings, networking functions, wedding receptions and anniversaries.

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

7a. If yes, explain:

8. Will there ever be a minimum age limit?
☒ Yes ☐ No

Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

Wine will be manufactured and available for sale. The wine will also be available for wholesale.

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Signature of Applicant

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Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised September 2015)

LAYOUT 1.
TASTING ROOM.

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

   a. **Indoor**
   Number of seats (not including bar seats) 64
   Number of bar seats
   Standing room 9
   BAND 5

   b. **Outdoor**
   Number of seats 26

   c. **Number of employees** 10

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 114

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

   5 MEMBER BAND.

3. Will a dance floor be provided?
   ☐ Yes ☑ No

   3a. If yes,
   Square footage of establishment _____
   Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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(Revised January, 2015)

Layout 2

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

See attached for Layout 1

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

   a. **Indoor**
   Number of seats (not including bar seats) 46
   Number of bar seats 0
   Standing room 9
   Dancing 10

   b. **Outdoor**
   Number of seats 6

   c. **Number of employees** 4
   Band 5

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 80

2. Entertainment
   List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

The maximum amount of Entertainment will consist of five amplified or unamplified musicians, DJ inside building.

3. Will a dance floor be provided?
   ☒ Yes ☐ No

   3a. If yes,
   Square footage of establishment 2,359 SF
   Square footage of dance floor 130 SF

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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Norfolk, Virginia 23510
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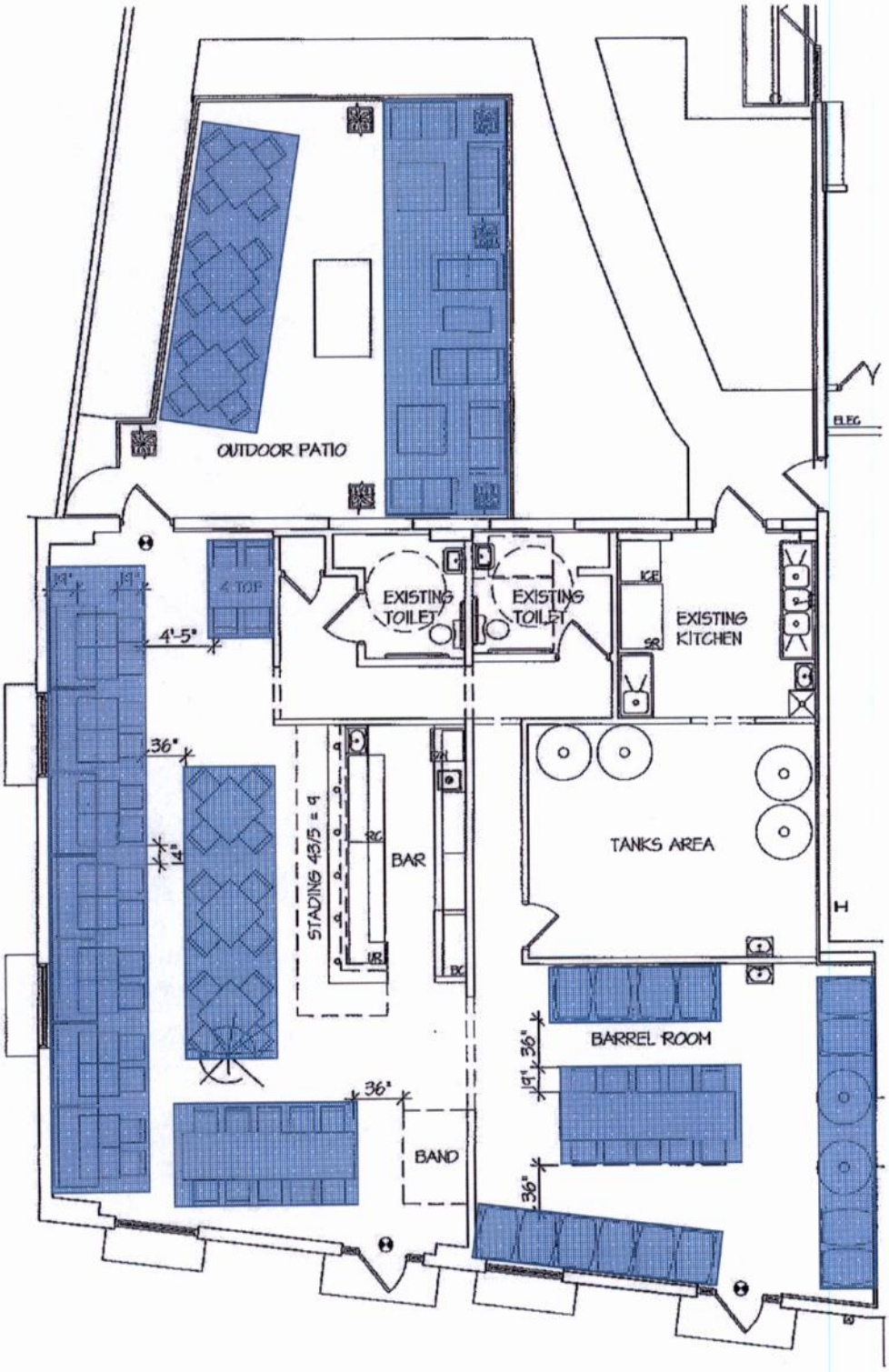
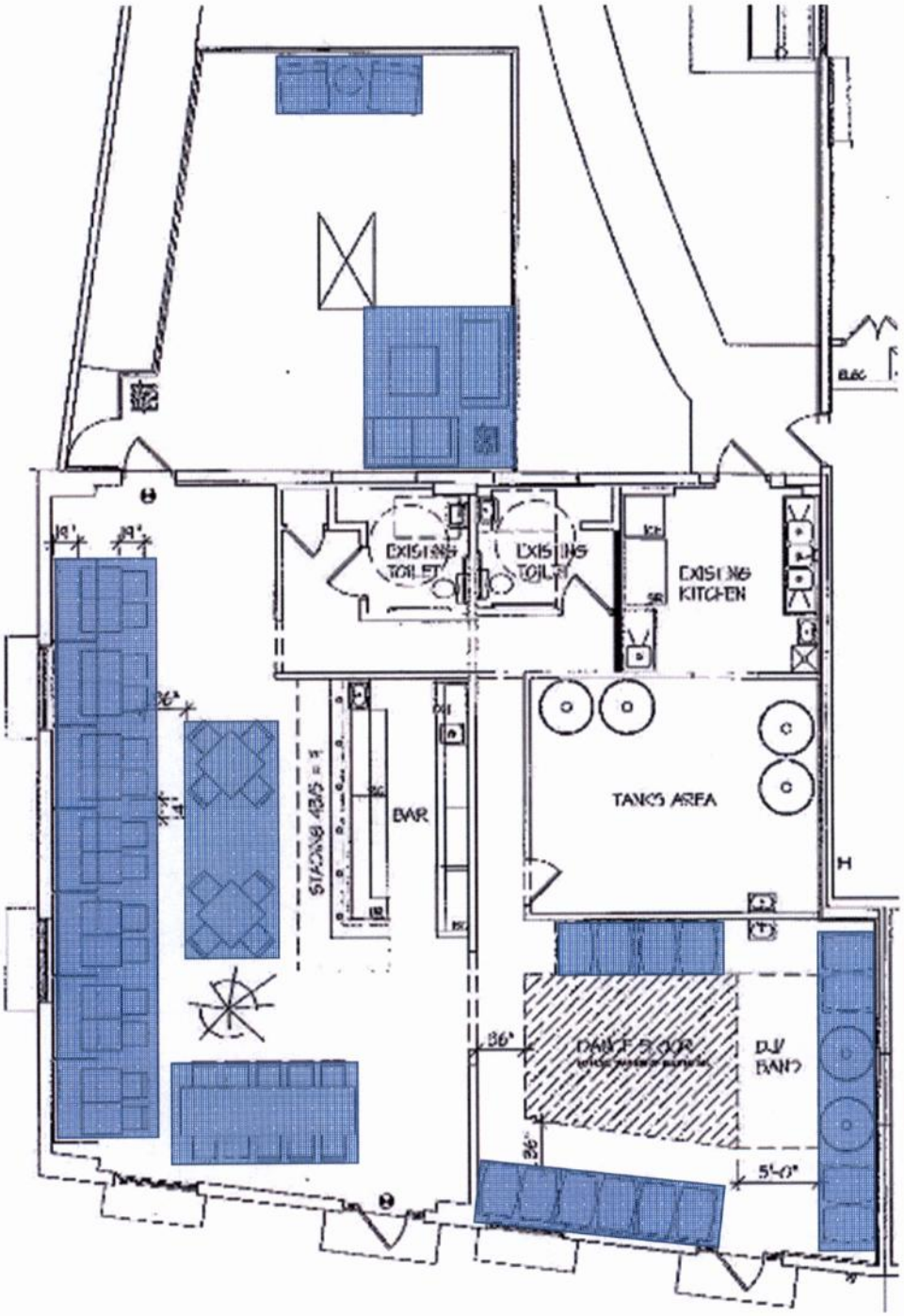
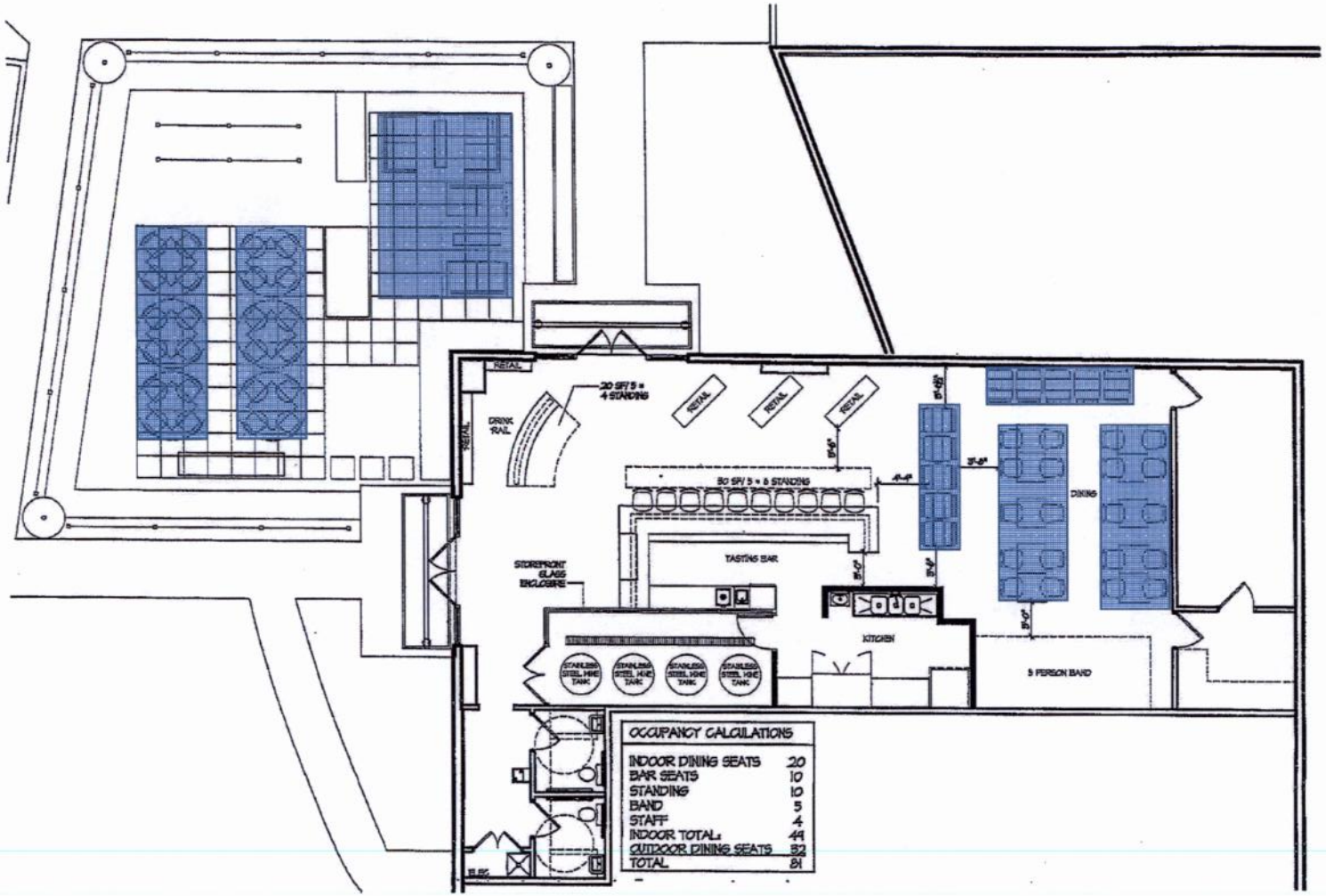
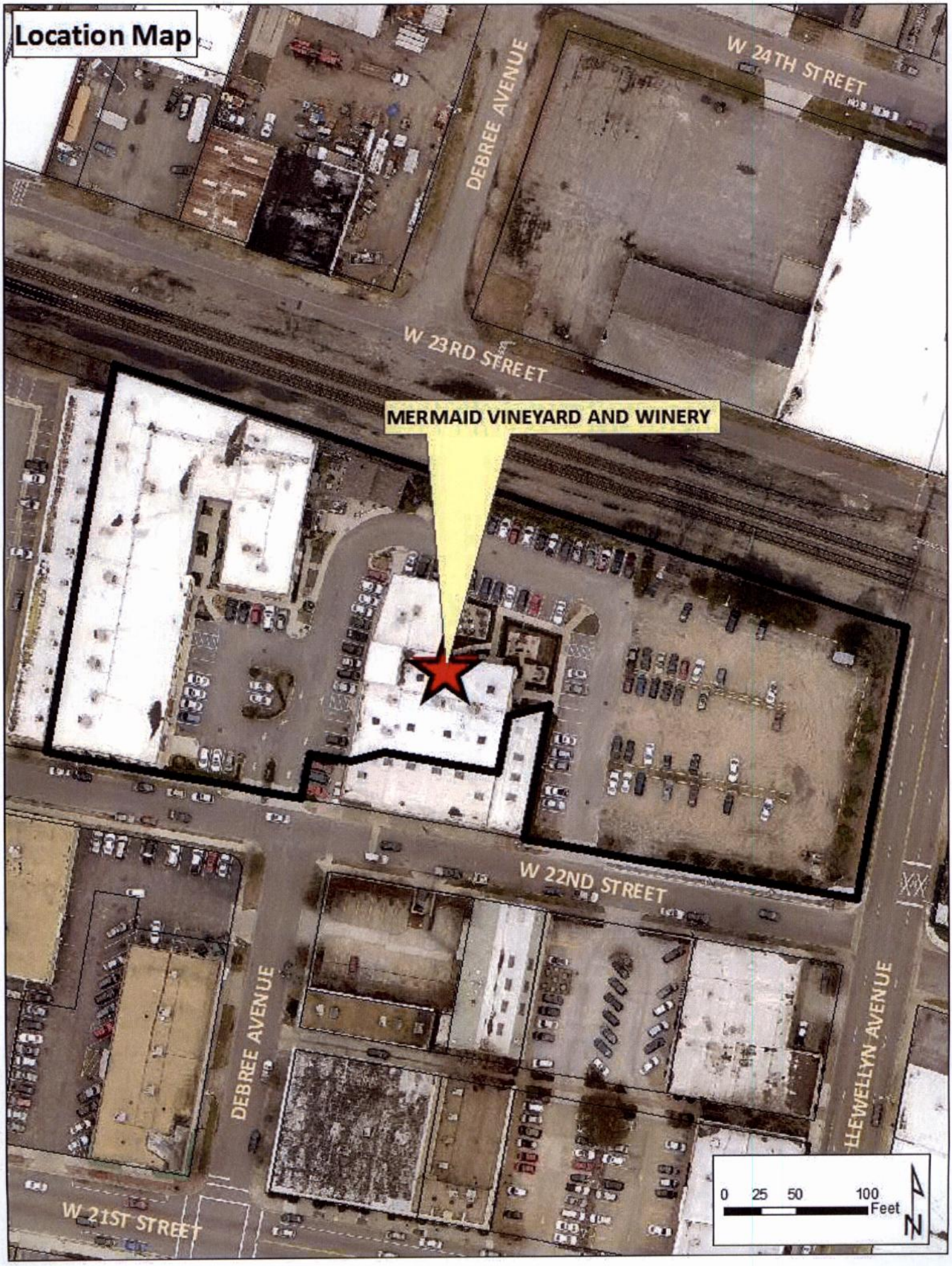
(Revised September 2015)

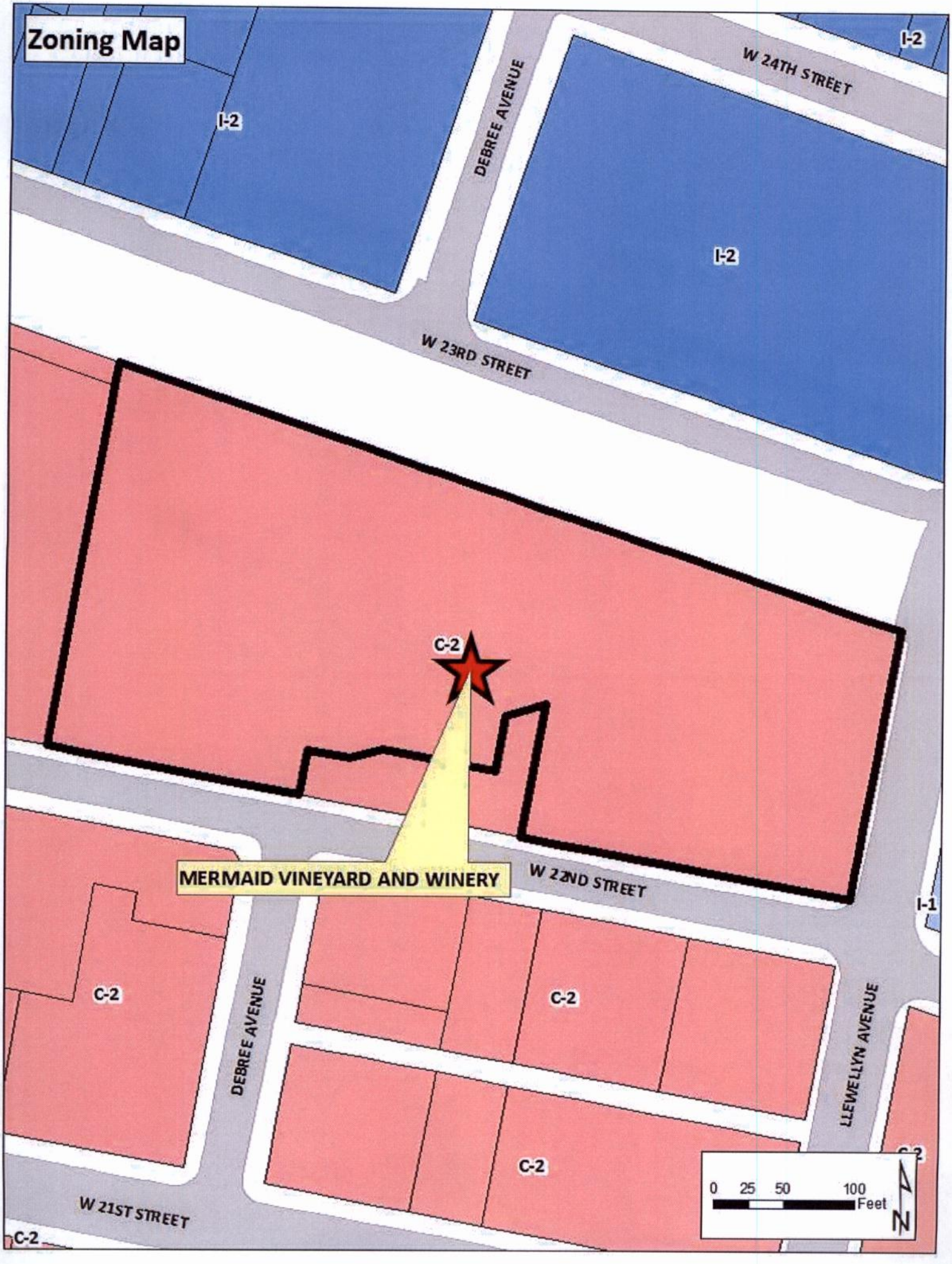
Exhibit B

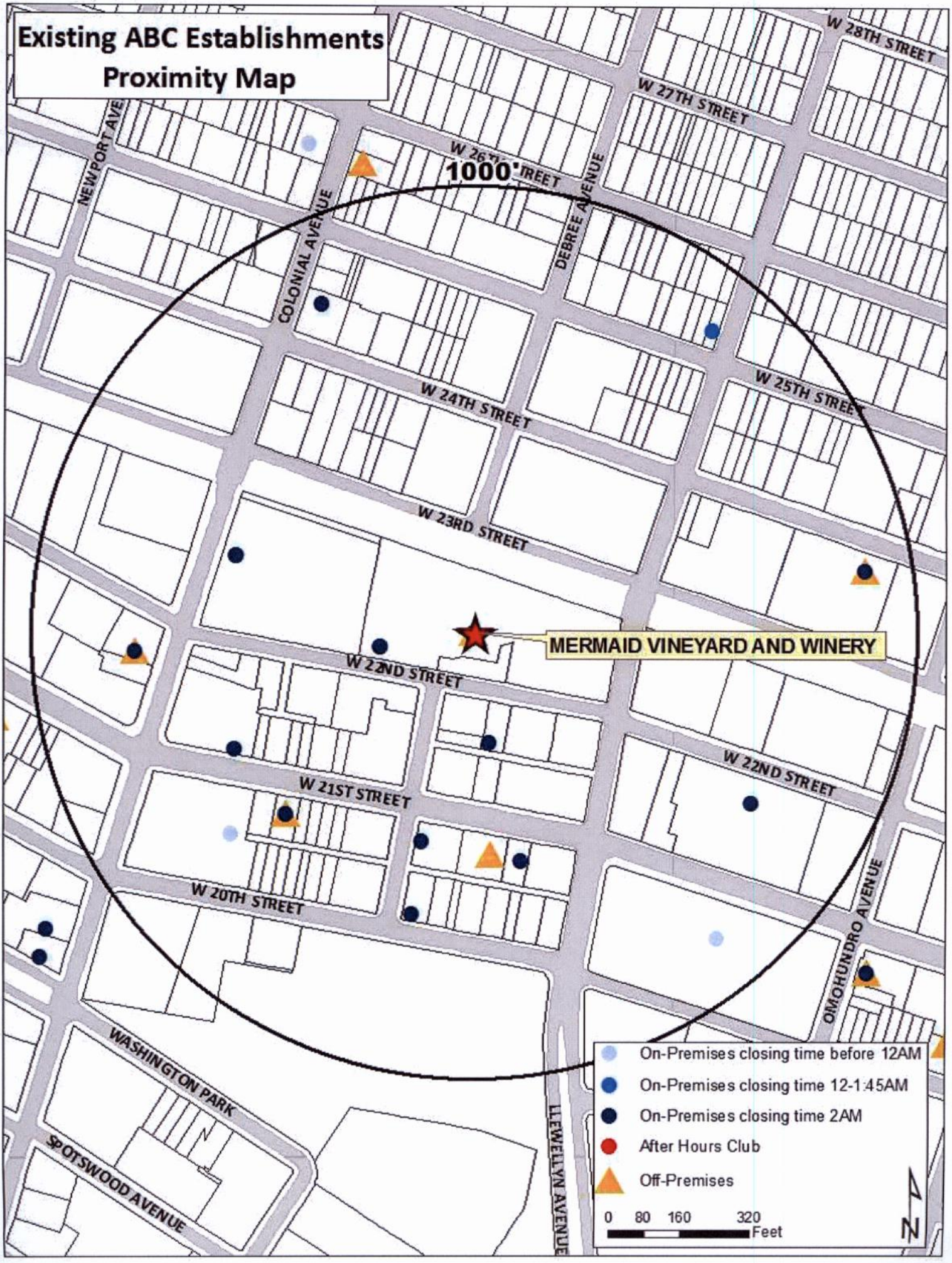

OUTDOOR PATIO
EXISTING TOILET
EXISTING TOILET
EXISTING KITCHEN
ICE
SR
4 TOP
4'-5"
36"
14"
STADING 43/5 = 9
BAR
TANKS AREA
BARREL ROOM
36"
36"
36"
BAND
ELEC


EXISTING TOILET
EXISTING TOILET
EXISTING KITCHEN
BAR
TANKS AREA
DANCE FLOOR
DJ BAND
36"
54'-0"


RETAIL
DRINK RAIL
20 SIT/5 + 4 STANDING
RETAIL
RETAIL
RETAIL
RETAIL
30 SIT/5 + 5 STANDING
TASTING BAR
STOREFRONT GLASS ENCLOSURE
DINING
KITCHEN
5 PERSON BAND
STAINLESS STEEL MIXING TANK
STAINLESS STEEL MIXING TANK
STAINLESS STEEL MIXING TANK
STAINLESS STEEL MIXING TANK
OCCUPANCY CALCULATIONS
INDOOR DINING SEATS 20
BAR SEATS 10
STANDING 10
BAND 5
STAFF 4
INDOOR TOTAL: 44
OUTDOOR DINING SEATS 32
TOTAL 81


Location Map
W 24TH STREET
DEBREE AVENUE
W 23RD STREET
MERMAID VINEYARD AND WINERY
W 22ND STREET
DEBREE AVENUE
LLEWELLYN AVENUE
W 21ST STREET
0 25 50 100
Feet
N


Zoning Map
I-2
DEBREE AVENUE
W 24TH STREET
I-2
I-2
W 23RD STREET
C-2
MERMAID VINEYARD AND WINERY
W 22ND STREET
I-1
C-2
C-2
DEBREE AVENUE
LLEWELLYN AVENUE
C-2
W 21ST STREET
C-2
0 25 50 100
Feet
N


Existing ABC Establishments
Proximity Map
1000'
MERMAID VINEYARD AND WINERY
W 28TH STREET
W 27TH STREET
W 26TH STREET
W 25TH STREET
W 24TH STREET
W 23RD STREET
W 22ND STREET
W 21ST STREET
W 20TH STREET
NEWPORT AVE
COLONIAL AVENUE
DEBREE AVENUE
OMOHUNDRO AVENUE
LLEWELLYN AVENUE
WASHINGTON PARK
SPOTSWOOD AVENUE
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date 10/20/2015

DESCRIPTION OF PROPERTY

Address 404- 330 W. 22nd Street, Ste 104+105, +106 Norfolk, VA 23517

Existing Use of Property Entertainment Establishment

Proposed Use Winemaking and Tasting Room

Current Building Square Footage ~~2,759~~ . 2,444

Proposed Building Square Footage ~~2,759~~ 5,203

Trade Name of Business (If applicable) Mermaid Winery

APPLICANT
(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Eichert (First) Jennifer (MI) C

Mailing address of applicant (Street/P.O. Box): 330 W. 22nd Street, Suite 106

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of applicant (757) 233-4155 Fax ( ) N/A

E-mail address of applicant: jennifer@mermaidwinery.com

AUTHORIZED AGENT (if applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) N/A (First) _____ (MI) ____

Mailing address of applicant (Street/P.O. Box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant ( ) _____ Fax ( ) _____

E-mail address of applicant: _____

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

PALACE STATION, LLC

3. Name of property owner: (Last) Ihlemann (First) Claus (MI) ____

Mailing address of property owner (Street/P.O. box): 301 W. 21st Street

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of owner (757) 623-3100 email: claus@decorumfurniture.com

CIVIC LEAGUE INFORMATION

Civic League contact: ~~Henry Conde~~ Emily Birkes / GBA

Date(s) contacted: Will contact.

Ward/Super Ward information: Ward 2

REQUIRED ATTACHMENTS

- Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
    - Application fee includes a non-refundable $5 technology surcharge.
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
    - Existing and proposed building structures
    - Driveways
    - Parking
    - Landscaping
    - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing restroom facilities, seats/tables, bar, dance floor with dimensions, band area, disc jockey area, standing room and ingress and egress (see attached example).
- Completed Exhibit A, Description of Operations (attached).

CERTIFICATION
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: PALACE STATION LLC CLAUS IHLEMANN **Sign:** [signature] 10 / 23/2015
(Property Owner) (Date)

Print name: Jennifer Eichert **Sign:** [signature] 10/ 20 /2015
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name:_____ **Sign:**_____/_____/_____
(Authorized Agent Signature) (Date)

Exhibit A
Entertainment Establishment – FLOOR PLAN B
Floor Plan(s)

1. Seating (Approved floor plan must be attached)

   a. **Indoor**
   Number of seats 20 (not including bar seats)
   Number of bar seats 10
   Number of tables 10

   b. **Outdoor**
   Number of seats 30
   Number of tables 6

   c. **Number of employees** 4

   Total Occupancy (Indoor and Outdoor and employees) 81

2. Describe type tables and booth (i.e., rounds of 4, booth seats 6, etc.)

   10 2-Tops 6 4-Tops ____ 6 Tops

   Other:

---

3. Will indoor or outdoor entertainment be provided?
   (Entertainment consists of anything more than one, unamplified musician)
   ☒ Yes ☐ No

   4a. If yes, describe in detail:
   The maximum amount of Entertainment will consist of five amplified or unamplified musicians inside the building.

4. Will a dance floor be provided?
   ☐ Yes ☒ No

   4a. If yes, square footage of establishment ____
   square footage of dance floor ____

APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

Date of Application: 10/20/2015

DESCRIPTION OF PROPERTY

Property location: (Street Number) 404-330 (Street Name) W. 22nd Street, Suite 104+105 + 106

Existing Use of Property Entertainment Establishment

Current Building Square Footage 2,759

Proposed Use Winemaking + Tasting Room

Proposed Building Square Footage 2,759

Trade Name of Business (If applicable) Mermaid Winery

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Eichert (First) Jennifer (MI) C

Mailing address of applicant (Street/P.O. Box): 330 W. 22nd Street, Suite 106

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of applicant (757) 233-4155 Fax ( ) N/A

E-mail address of applicant: jennifer@mermaidwinery.com

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised September, 2015)

AUTHORIZED AGENT (if applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) _____ (First) _____ (MI) _____

Mailing address of applicant (Street/P.O. Box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant ( ) _____ Fax ( ) _____

E-mail address of applicant: _____

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

PALACE STATION LLC

3. Name of property owner: (Last) Ihlemann (First) Claus (MI) _____

Mailing address of property owner (Street/P.O. box): 301 W. 21st Street

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of owner (757) 623-3100 email: claus@decorumfurniture.com

CIVIC LEAGUE INFORMATION

Civic League contact: ~~Henry Conde~~ Emily Barnes / GBA

Date(s) contacted: Will contact

Ward/Super Ward information: Ward 2

CERTIFICATION:
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: PALACE STATION LLC CLAUS THLEMANN **Sign:** _____ 10/23/2015
(Property Owner) (Date)

Print name: Jennifer Eichert **Sign:** _____ 10/20/2015
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ **Sign:** _____ / _____ / _____
(Authorized Agent Signature) (Date)

EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: 10/20/2015

Name of business: Mermaid Vineyard & Winery, LLC

Address of business: 330 W. 22nd Street, Suites 104 & 105 (404-106), Norfolk, VA 23517

Name(s) of business owner(s)*: Jennifer Eichert, George Eichert (LLC same as name of business)

Name(s) of property owner(s)*: Palace Station LLC, Claus Ihlemann

Name(s) of business manager(s)/operator(s): Jennifer Eichert, George Eichert, Michael Cozart, Karl Gallant, Thomas Pasko, Justin Burns

Daytime telephone number (757): 233-4155

*If business or property owner is partnership, all partners must be listed.
*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales		
Weekday	From 10 AM	To 12 AM	Weekday	From 10 AM	To 12 AM
Friday	From 10 AM	To 12 AM	Friday	From 10 AM	To 12 AM
Saturday	From 10 AM	To 12 AM	Saturday	From 10 AM	To 12 AM
Sunday	From 10 AM	To 12 AM	Sunday	From 10 AM	To 12 AM

2. Type of alcoholic beverage applied for:
☒ Beer ☒ Wine ☐ Mixed Beverage

3. Alcoholic beverages to be sold:
☒ Room temperature ☒ Refrigerated

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised September, 2015)

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

Will not sell the above beverage sizes.

Signature of applicant/owner

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

Pollock, Susan

From: Straley, Matthew
Sent: Tuesday, October 27, 2015 3:49 PM
To: 'info@ghentva.org'; 'Emily Birknes'; 'Ben Crumpler'; 'Ian_holder@ml.com'
Cc: Whibley, Terry; Winn, Barclay; Wilson, Denise; Pollock, Susan
Subject: new Planning Commission applications - 330-404 W. 22nd Street, Suites 104-106
Attachments: Mermaid Winery_Entertainment.pdf; Mermaid Winery ABC-Off.pdf

Ms. Birknes and Mr. Holder,

Attached please find the following applications for 330-404 W. 22nd Street, Suites 104-106:

a. Expansion of a previously granted special exception to operate an entertainment establishment with alcoholic beverages.
b. Expansion of a previously granted special exception for the sale of alcoholic beverages for off-premises consumption.

The item is tentatively scheduled for the December 10, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov*

Thank you.

Matthew Straley
GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

Ghent Neighborhood League
P O Box 11431
Norfolk, VA 23517

December 4, 2015

Dear Norfolk Planning Commissioners:

The Ghent Neighborhood League recently received a copy of an application for Mermaid Winery at 330-404 W. 22nd Street , Suites 104-106 for:

a. Expansion of a previously granted special exception to operate an entertainment establishment with alcoholic beverages.

b. Expansion of a previously granted special exception for the sale of alcoholic beverages for off-premises consumption.

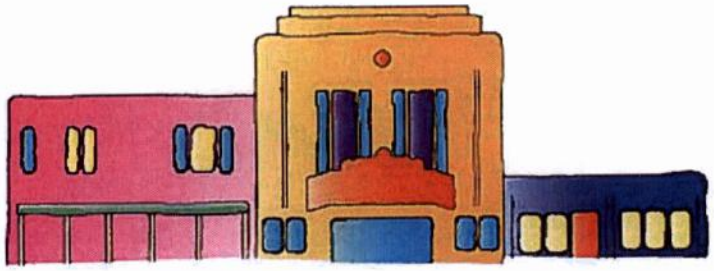
Jennifer Eichert, the business owner and applicant, provided a brief overview of the pending applications at our November 19, 2015 Monthly Ghent Neighborhood League Meeting. GNL Board Members and Members in attendance had **no objections to the above noted requests.**

We thank the Commission for the opportunity to provide neighborhood input on these pending applications.

With this, the Board of Ghent Neighborhood League wishes to extend to Commissioners and Planning Staff our appreciation and warm wishes during this holiday season!

Regards,

Joan McEnery
Commercial Review Committee Chairperson
Ghent Neighborhood League



Ghent Business Association

December 11, 2015

City Council
City of Norfolk
City Hall
Norfolk, VA 23510

To whom it may concern,

The GBA would like to express its support for the request for special exceptions by Mermaid Winery. We are very excited to see another thriving independent entrepreneur expanding in our neighborhood.

Sincerely,

Ted Enright
Corresponding Secretary
Development Committee Chairman
Ghent Business Association

P.O. Box 11571 • Norfolk, VA 23517

C: Dir., Department of Planning

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Amendments to the *Code of the City of Norfolk, Virginia, 1979*, as amended; Chapter 5. – "Amusements;" Article II. – "Public Dance Halls;"** to remove Section 5-23 "Minimum seating requirements", and Section 5-26 "Minors prohibited if alcoholic beverages are sold; exception"; and to amend Section 5-22.1 "Security requirements", section 5-24 "Closing hours", Section 5-40 "Application generally", and Section 5-42 "Referral of application to City Manager."

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: Citywide

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-11**

I. **Staff Recommendation:** Approval

II. **Request:** An ordinance to remove the mandatory minimum seating requirements and the prohibition of minors whenever alcoholic beverages are served or sold at public dance halls.

III. **Applicant:** City of Norfolk.

IV. **Description:**

- This agenda item is to amend Chapter 5, Article II of the City Code in order to remove certain operational requirements for public dance halls that have been largely superseded by the modern practice of regulating through the special exception permit process.
  - In particular, an application for a special exception to authorize the operation of an Entertainment Establishment known as "Mambo Room" at 419 West 22nd Street includes a full roster of operational conditions to mitigate any negative impacts that might otherwise result.
  - Although the Mambo Room is essentially a dance school, it technically meets the definition of a "public dance hall" under City Code because it will be open to the public on occasions when special events and performances are being held.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

V. **Analysis**

- The City first began regulating the operation of public dance halls in 1919.
  - The law at that time prohibited people who were "under the influence of liquor" or "not of good fame" from being inside the dance hall.
- In 1944, the City added more limitations, including a rule prohibiting minors in the hall whenever "alcoholic beverages are sold or dispensed for consumption."
- The next amendment to these rules, adopted in 1967, added a requirement that the dance hall provide one seat for every patron "present at any one time."
- A survey of other Virginia cities shows that, in addition to Norfolk, Newport News, Richmond, Roanoke, Suffolk, and Virginia Beach all impose operational rules for dance halls.
  - However, none of the other cities impose a mandatory minimum seating requirement.
  - Because Norfolk carefully regulates Entertainment Establishments through its special exception process, the minimum seating rule adopted in 1967 and the prohibition against minors adopted in 1944 have effectively been obviated by the more specialized conditions imposed in the special exception.
  - Therefore, it is recommended that these older, less precise attempts to mitigate negative impacts that may be caused by public dance halls be eliminated.
  - This ordinance accomplishes that change.

VI. **Financial Impact**

Not applicable.

VII. **Environmental**

Not applicable.

VIII. **Community Outreach/Notification**

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

IX. **Board/Commission Action**

No Board or Commission actions are required.

X. **Coordination/Outreach**

This letter and ordinance have been coordinated with the Department of Planning and the City Attorney's Office.

Staff points of contact: Matthew Simons, CFM, City Planner II – Land Use Services at 664-4750, matthew.simons@norfolk.gov and Adam D. Melita, Deputy City Attorney – Law Department at 664-4366, adam.melita@norfolk.gov

Supporting Material from the City Attorney's Office:

- Ordinance

10/06/2015 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5, ARTICLE II OF THE NORFOLK CITY CODE, 1979, IS HEREBY AMENDED AND REORDAINED SO AS TO REMOVE THE MANDATORY MINIMUM SEATING REQUIREMENTS AND THE PROHIBITION OF MINORS WHENEVER ALCOHOLIC BEVERAGES ARE SERVED OR SOLD AT PUBLIC DANCE HALLS.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Chapter 5, Article II of the Norfolk City Code, 1979, is hereby amended and reordained so as to remove the mandatory minimum seating requirements and the prohibition of minors whenever alcoholic beverages are served or sold at public dance halls. The amendments shall read as follows:

ARTICLE II. PUBLIC DANCE HALLS (2)

DIVISION 1. GENERALLY

Sec. 5-19. Definition.

Sec. 5-20. Violations of article.

Sec. 5-21. Reserved.

Sec. 5-22. Right of entry of police.

Sec. 5-22.1. Security requirements.

Sec. 5-23. Minimum seating requirements.

Sec. 5-24. Reserved.

Sec. 5-25. Operator not to permit intoxicated or disorderly persons on premises.

Sec. 5-26. Reserved.

Sec. 5-27. Lewd, indecent, etc., dances, etc.

Secs. 5-28—5-38. Reserved.

(2) License tax for dance halls, § 24-100.

Authority of city to regulate public dance halls. Code of Virginia, § 15.2-912.3.

...

Sec. 5-22.1. Security requirements.

Each such place authorized shall provide minimum security as follows: one uniformed security guard per one hundred (100) attendees with a minimum of five (5) uniformed security guards for the first three hundred (300) attendees.

Sec. 5-23. Reserved.

Sec. 5-24. Closing hours.

The closing hour of any place used as a public dance halls shall not be later than 2:00 a.m. and such place shall not open as a public dance hall until 12:00 noon. (Code 1958, § 15.1-12)

...

Sec. 5-26. Reserved.

...

Sec. 5-40. Application generally.

Any person desiring to obtain a permit for the operation of a public dance hall shall make written application therefor to the city council. Such application shall be filed with the department of planning and shall contain the following information:

(1) The location of the proposed dance hall.

(2) The names and addresses of all persons who are owners, operators or managers of such dance hall, together with the names and addresses of all persons having a financial interest in such dance hall, including stockholders, lien

holders or partners.

(3) If the owner or operator is a corporation, the names and addresses of the true or equitable owners of the stock of such corporation.

(4) A detailed statement of the facilities to be provided, including type of food or beverages to be offered, the seating capacity of the dance hall and the amount of off-street parking space available for patrons. (Code 1958, § 15.1-3)

...

Sec. 5-42. Referral of application to city manager.

The department of planning is hereby authorized and directed to transmit directly to the city manager, for review and report to the council at a subsequent meeting, each application for a permit under this division, without first submitting the same to the council. (Code 1958, § 2-6)

Section 2:- That this ordinance shall be in effect from the date of its adoption.

C: Dir., Department of Utilities

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: Kristen M. Lentz, P.E., Director of Utilities

Subject: Acquisition of Property located at 107 North Shore Road

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 1/6

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-12**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk, Department of Utilities

III. **Description:**
This agenda item is an ordinance to approve the City of Norfolk's ("City's") acquisition of real property owned by Kathryn A. Harris and Edward C. Roche, Jr. and located at 107 North Shore Road, Norfolk, Virginia, for the purpose of constructing a new sanitary sewer pump station ("pump station").

IV. **Analysis**
The quarter-acre parcel is located near the corner of North Shore Road and Granby Street. The property is adjacent to the city's existing pump station located at 101 North Shore Road. Conveyance will allow the city to replace the existing pump station on the 107 North Shore Road parcel.

V. **Financial Impact**
The total cost of the property acquisition will be no more than $195,000.00, including the negotiated sale price of $178,850.00.

VI. **Environmental**
There will be no environmental impacts.

VII. **Community Outreach/Notification**
Public notification for this agenda item was conducted through the city's agenda notification process.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance
- Exhibit Plat
- Legal Description

11/16/15 - wld

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Utilities

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

$ 195,000.00 4000-34-034108356-1083-5560-FY06
Account

_____ 12/3/15
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE FINDING A PUBLIC NECESSITY FOR THE ACQUISITION IN FEE SIMPLE OF CERTAIN PROPERTY LOCATED AT 107 NORTH SHORE ROAD FOR THE PURPOSE OF CONSTRUCTION OF A NEW WASTEWATER PUMP STATION; APPROVING THE ACQUISITION OF THE PROPERTY BY PURCHASE AGREEMENT OR CONDEMNATION; AND AUTHORIZING THE EXPENDITURE OF A SUM OF UP TO $195,000.00 FROM FUNDS HERETOFORE APPROPRIATED FOR ACQUISITION OF THE PROPERTY AND ALL RELATED TRANSACTIONAL COSTS.

- - -

WHEREAS, the City of Norfolk ("City") has a wastewater pump station located at 101 North Shore Road and said pump station is no longer sufficient for its purposes; and

WHEREAS, in order for the City to improve and replace the pump station, it will be necessary to purchase the property adjacent to the current pump station, located at 107 North Shore Road, said property being shown on Exhibit A and described in Exhibit B, attached hereto; and

WHEREAS, the City is empowered by the provisions of Virginia Code Sections 15.2-1901, 15.2-1901.1 and 15.2-2109 and by Norfolk City Charter Section 2(5) to acquire private property for public uses; and

WHEREAS, it is the judgment of the Council of the City of Norfolk that the acquisition of the property is necessary to build an appropriate wastewater pump station; and

WHEREAS, available property records indicate that the persons or entities having an ownership or other possessory interest in the property to be acquired by the City are, at the time of the adoption of this ordinance, Kathryn A. Harris and Edward C. Roche, Jr.; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That pursuant to the provisions of Virginia Code Sections 15.2-1901, 15.2-1901.1 and 15.2-2109 and by Norfolk City Charter Section 2(5), the Council finds that the acquisition of the property shown on Exhibit A and described in Exhibit B is necessary for the purpose of constructing a new wastewater pump station.

Section 2:- That the acquisition of the said property upon such terms and conditions as the City Manager shall deem reasonable and in the best interest of the City is hereby authorized and approved.

Section 3:- That the City Manager is authorized to accept an appropriate deed in form satisfactory to the City Attorney, and to do all things necessary and proper for the acquisition of the property.

Section 4:- That the expenditure of the sum of up to $195,000.00 from funds heretofore appropriated for the acquisition of the property, including all related transactional costs, is hereby authorized and approved.

Section 5:- That in the event the bona fide efforts to acquire the property by means other than condemnation are ineffectual, the City Manager and City Attorney be, and hereby are, authorized and directed to take such action as may be necessary to acquire the property including the institution of condemnation proceedings

and the payment of compensation to the owner of the property to be acquired as well as any other persons having an interest in such property. Based on information in available property records, the name of the owner of the property to be acquired by the City and the total estimated funds necessary to compensate the owner of the property are as follows:

Kathryn A. Harris and Edward C. Roche, Jr. - not less than $178,500.00.

Section 6:- That this ordinance shall be in effect from and after its adoption.

EXHIBIT A TO ORDINANCE

This subdivision of Parcel B-B, Resubdivision of Lot 101, and Lot 102, Map of Pinehurst, Norfolk Virginia, as the same appears on this plat, is with the free consent and in accordance with the desire of the undersigned owners.

City of Norfolk
by _____ date: _____
City Manager

_____ date: 11/6/79
Grace W Bowden

City of Norfolk
_____ date: Oct 30, 1979
City Clerk

STATE OF VIRGINIA
CITY OF NORFOLK, to wit:

I, Millard G Smith, a Notary Public in and for the City and State aforesaid, do hereby certify that Julian F. Hirst, City Manager and Louis S. Hawkins, City Clerk, whose names are signed to the foregoing writing, bearing date on the 28th day of October, 1979, have acknowledged the same before me in my City and State aforesaid.
Given unto my hand this 30th day of October, 1979
My commission expires: September 12, 1982

_____
Notary Public

STATE OF VIRGINIA
CITY OF NORFOLK, to wit:

I, Millard G Smith, a Notary Public in and for the City and State aforesaid, do hereby certify that Grace W Bowden whose names are signed to the foregoing writing, bearing date on the 28th day of October, 1979, have acknowledged the same before me in my City and State aforesaid.
Given unto my hand this 2nd day of November, 1979
My commission expires: September 12, 1982

_____
Notary Public

The undersigned certify that this subdivision, as it appears on this plat, conforms to the applicable regulations relating to the subdivision of land, and is accordingly approved.

By such approval, the undersigned do not certify as to the correctness of the boundary, street, and other lines shown on said plat.

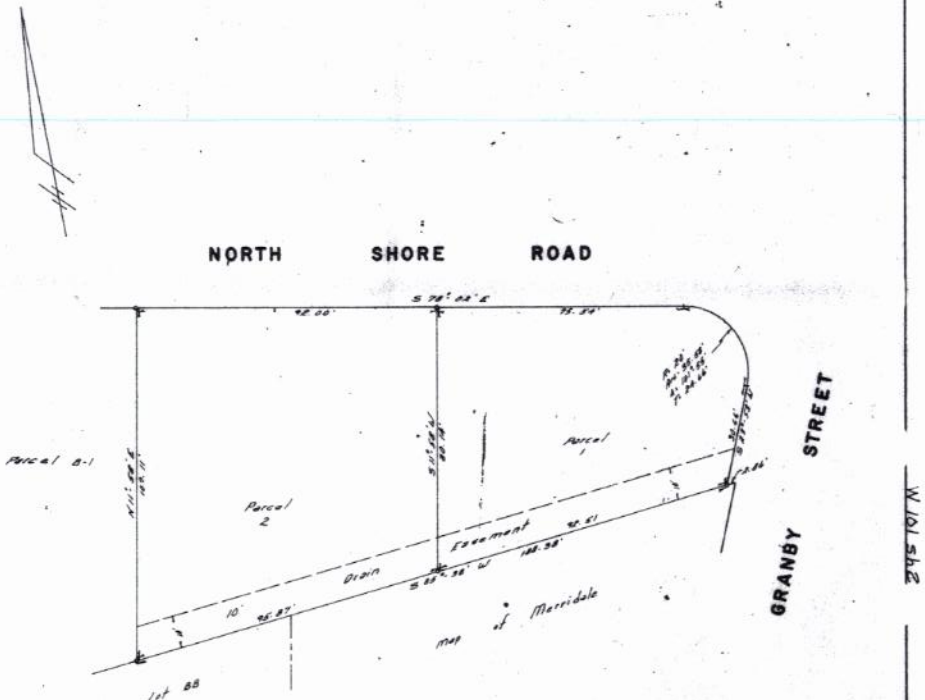
APPROVED: _____ date: Nov. 5, '79
Supt. Director of City Planning
City of Norfolk, Va.

APPROVED: _____ date: Nov. 5, 1979
Director of Utilities
City of Norfolk, Va.

APPROVED: _____ date: Nov. 5 '79
Director of Community Improvement
City of Norfolk, Va.

APPROVED: _____ date: Nov. 6, 1979
Director of Public Works
City of Norfolk, Va.

CERTIFIED CONTACT PRINT
OF
FINAL TRACING
Prepared immediately following signed approval required by Land Subdivision Regulations
BUREAU OF SURVEYS
DEPT. OF PUBLIC WORKS
Date 11-6-79
By _____



M.B. 34 P. 44 NOV. 9, 1979

SUBDIVISION OF PARCEL B-B, RESUBDIVISION OF LOT 101

(M.B. 20, Pg. 21, NORFOLK)

AND

LOT 102, MAP OF PINEHURST

(M.B. 5, Pg. 15, NORFOLK)

SCALE: 1" = 20' 28 OCTOBER 1979

DIVISION OF SURVEYS
DEPARTMENT OF PUBLIC WORKS
NORFOLK VIRGINIA

W 101 sh. 1

W 101 sh. 2

P 95
3097

EXHIBIT B TO ORDINANCE

107 North Shore Road
Parcel 2 – Subdivision of Parcel B-B, Resubdivision of Lot 101 (M.B. 20, Pg. 21, Norfolk) and Lot 102, Map of Pinehurst (M.B. 5, Pg. 15, Norfolk)

A rectangular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being bounded on the north by North Shore Road and described as follows: Parcel 2 as shown on that certain plat entitled, "Subdivision of Parcel B-B, Resubdivision of Lot 101 (M.B. 20, Pg. 21, Norfolk) and Lot 102, Map of Pinehurst (M.B. 5, Pg. 15, Norfolk)," said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Map Book 34 at Page 44.

The above-described parcel contains 0.198 acre, more or less.

November 6, 2015

C: Dir., Department of Public Works

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: David Ricks, Director of Public Works

Subject: Acceptance of Department of Environmental Quality Grant of $32,516 for litter prevention, recycling, and environmental educational programs

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: City-wide

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-13**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk, Department of Public Works

III. **Description:**
This agenda item will authorize the acceptance of a Department of Environmental Quality ("DEQ") Grant of $32,516 for litter prevention, recycling, and environmental educational programs and will appropriate and authorize the expenditure of the grant funds for such programs.

IV. **Analysis:**
This non-competitive grant shall be used for the City of Norfolk's (City's) litter prevention and recycling program implementation, continuation, and/or expansion. Specifically, the grant funds are to be used to support the educational activities of the city's new Clean Neighborhood Plan and the expansion and enhancement of Norfolk's recycling programs. The grant will be administered by the staff of Keep Norfolk Beautiful/Department of Public Works.

V. **Financial Impact:**
This grant does not require matching funds and is administered utilizing current staff.

VI. **Environmental:**
N/A

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

VII. Community Outreach/Notification:

This project has been coordinated with the Norfolk Environmental Commission, Division of Waste Management, and Division of Storm Water Management. Public notification for this agenda item was conducted through the city's agenda notification process.

VIII. Board/Commission Action:

N/A

IX. Coordination/Outreach:

This letter has been coordinated with the Department of Public Works and the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance
- DEQ Grant Award Letter
- Signed FY2016 DEQ Application and Contract

Form CCO-002

11/30/15 lm/sb

Form and Correctness Approval:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. PUBLIC WORKS

NORFOLK, VIRGINIA

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund form which it is drawn and not appropriated for any other purpose.

$ 32,516.00 2275 10 8955
Account

Actng Director of Finance 12/15/15
Date

ORDINANCE No.

AN ORDINANCE ACCEPTING A $32,516 COMMONWEALTH OF VIRGINIA, DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT FOR LITTER PREVENTION, RECYCLING, AND ENVIRONMENTAL EDUCATIONAL PROGRAMS AND APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF THE GRANT FUNDS FOR THE PROGRAMS.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a $32,516 grant from the Commonwealth of Virginia, Department of Environmental Quality, for Litter Prevention, Recycling and Environmental Education Programs is hereby accepted.

Section 2:- That $32,516 in grant funds is hereby appropriated and authorized for expenditure for the Programs, if and when made available from the Commonwealth of Virginia, Department of Environmental Quality.

Section 3:- That this ordinance shall be in effect from and after the date of its adoption.

Roll, Jennifer

From: Roll, Jennifer
Sent: Friday, October 23, 2015 12:56 PM
To: Roll, Jennifer
Subject: FW: 2016 Litter Grant Award Letter

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Molly Joseph Ward
Secretary of Natural Resources

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

www.deq.virginia.gov

October 8, 2015

Mr. Marcus Jones
City Manager, City of Norfolk
810 Union Street
Norfolk, VA 23510

Dear Mr. Jones,

I am pleased to inform you that a grant award of **$32,516.00** has been approved for the **City of Norfolk** Litter Prevention and Recycling Program activities for the period July 1, 2015 to June 30, 2016. Processing of the grant awards is underway, and a payment for this amount should be received within the next two weeks if funds can be transferred electronically (EDI) or in thirty days if processing by check is required.

If you have any questions or need additional information, please contact me at prina.chudasama@deq.virginia.gov or at 804-698-4159.

Sincerely,

Sanjay Thirunagari

Sanjay Thirunagari
Manager, Recycling and Litter Programs
Division of Land Protection & Revitalization

Virginia Department of Environmental Quality

FY 2016 APPLICATION AND CONTRACT FOR A VIRGINIA LITTER PREVENTION AND RECYCLING GRANT

Grant Period: July 1, 2015 through June 30, 2016 **Deadline for application: June 30, 2015**

Applicant Status: Are you applying as a single locality? X Yes or □ No (If yes, fill in ONLY your local government name on the line for The Primary Agency)

- OR -

Are you applying as a co-op? □ Yes or X No (If yes, fill in your agency as the primary agency and the localities that you are representing in addition to your own on the "Localities of" line)

The Primary Agency: City of Norfolk ~~representing the~~

Localities of _____

The Agency is applying for FY 2016 grant funding and agrees to use these grant funds to perform the litter prevention and recycling activities listed below: (Note: for an agency to qualify, a minimum of two items must be selected.)

Yes	No		Yes	No	
x	___	Planning & Organization	x	___	Adopt-A Programs (if more than one, please list)
x	___	Recycling			_____
x	___	Youth Education			_____
x	___	Cleanups	x	___	Other activities (List) _____
x	___	Law Enforcement			Fishing Monofilament Recycling
x	___	Public Communication			

I certify that the above information is correct and agree to the terms and conditions contained herein and in the Guidelines (DEQ-LPR-2) for this grant program. For Co-op applications, I certify that a written agreement between the Coordinating Agency and each participating locality is on file.

Name of Organization: Keep Norfolk Beautiful- City of Norfolk

Name of Authorized Official: Marcus Jones _____ _____

(Please print) **Email Address for Grant Notifications**

Secondary email address, if needed, for grant notifications: _____

Circle correct title: (County Administrator, City Manager, Town Manager or Coordinating Agency's Executive Director)

Signature: _____ Date 10-9-2015

Address: 810 Union St. FIN# 546001455

Norfolk, VA 23510 FIPS# 710

Phone: 757-664-4242

As long grant funds are committed by June 30, they can be reported as committed funds (outstanding invoices) on your accounting report as having been spent. Unspent funds will be deducted from the locality's FY 2015 – 2016 grant.

Do you expect to have any unspent grant money remaining? _____Yes X No

INFORMATION BELOW IS FOR DEPARTMENT OF ENVIRONMENTAL QUALITY USE ONLY

Signature of DEQ Official: _____ Date: _____

DEQ USE ONLY

TRANS	AGENCY	FUND FUND DET	FFY	PROGRAM PROG SUB ELE	OBJECT	AMOUNT	COST CODE
325	440	0925	2016	515 09 00	1451		501
INVOICE NUMBER		PROJECT CODE 90024		DESCRIPTION			
GRANTS				LITTER PREVENTION AND RECYCLING			

Mail to: Steve Coe, DEQ, Litter and Recycling Grant, P.O. Box 1105, Richmond, VA 23218

Updated: 12/09/14	Litter Prevention & Recycling Grant 2275-10-8733-8837-XXXX-FY16 Projected FY15 Cost Total (LPR Grant)	Actual Cost-FY15	Balance/Deficit	General Fund 2300-35-010-XXXX-308 Projected FY15 Cost Total (General Fund)	Actual Cost-FY15	Balance/ Deficit	Lead Staff	Notes
Repairs- Buildings (5201)	$ 140	$ -	$ 140					
EcoGarden Maintenance (Plants & materials for relocation)	$ 140		$ 140					
			$ -					
			$ -					
Repairs - Office Equipment (5206)	$ 100		$ 100					
			$ -					
Supplies - Office (5232)	$ 2,337		$ 2,337					
			$ -					
Supplies-Cleaning & Household (5234)	$ 350		$ 350					
			$ -					
Supplies- Clothing and Personal (5236)	$ 4,100	$ -	$ 4,100					
Pet Waste Station & Bags	$ 1,700		$ 1,700					
Vests & Gloves	$ 2,000		$ 2,000					
Staff Clothing	$ 400		$ 400					
			$ -					
Small Tools (5239)	$ 600	$ -	$ 600					
Litter Clean up Tools	$ 100		$ 100					
Trash Bags for litter pickups	$ 500		$ 500					
			$ -					
Signs (5246)	$ 983	$ -	$ 983					
Signs - Adopt A Spot	$ 883		$ 883					
Eco Garden Plant label Replacement	$ 100		$ 100					
			$ -					
Computer Software (5282)	$ 100		$ 100					
			$ -					
Electricity (5290)	$ 2,000		$ 2,000					
			$ -					
Chargeouts-Reprographics/Print Shop (5296)	$ 250	$ -	$ 250					
Document/envelope printing	$ 250		$ 250					
			$ -					
Temp Services (Admin) (5304)	$ 6,877	$ -	$ 6,877					

Temporary Staffing (Abacus) - Betsy Brichter	$ 6,877		$ 6,877					
			$ -					
Other Contractual Services (5307)	**$ 500**	**$ -**	**$ 500**					
NEC Strategic Planning Session- Facilitation Services	$ 500		$ 500					
			$ -					
Telephone (5316)	**$ 100**	**$ -**	**$ 100**					
Cell Phone- Recycling Coordinator and Staff	$ 100		$ 100					
			$ -					
Promotional Activities (5331)	**$ 9,324**	**$ -**	**$ 9,324**					
Volunteer SWAG	$ 1,000		$ 1,000					
Green Reader Books	$ 4,000		$ 4,000					
Clean City Cookout Favors	$ 1,250		$ 1,250					
GAC Group Leader -	$ 2,124		$ 2,124					
Group Leader Bags (300 @ .99 ea)	$ 350		$ 350					
Clean City Cookout-Awards, Photos, Frames, Entertainment, Etc.	$ 500		$ 500					
Recycling Communications, Education and Outreach Plan Implement			$ -					
Household recycling bin decals	$ 100		$ 100					
			$ -					
Membership Dues and Subscriptions (5335)	**$ 100**	**$ -**	**$ 100**					
Other Subscriptions & Memberships-Waste & Recycling	$ 100		$ 100					
			$ -					
Travel and Training(5345)	**$ 2,055**	**$ -**	**$ 2,055**					
Keep America Beautiful National Conference Jan. 2015	$ 2,000		$ 2,000					
Virginia Marine Debris Conference	$ 55		$ 55					
			$ -					
Mileage (5347)	**$ 2,000**		**$ 2,000**					
			$ -					
Refuse & Garbage Disposal (5371)	**$ 100**		**$ 100**					
			$ -					
Equipment Rental (5377)	**$ 500**	**$ -**	**$ 500**					
Clean City Cookout Tents, Tables, Chairs, Table Cloths $500	$ 500		$ 500					
			$ -					
Totals	**$ 32,516**	**$ -**	**$ 32,516**					

C: Dir., Public Works

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: David Ricks, Director of Public Works

Subject: Encroach into the right-of-way at the traffic circle at the corner of Colonial Avenue and Delaware Avenue with the placement of a mermaid sculpture

Ward/Superward: 2/6

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-14**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Colonial Place Riverview Civic League
4415 Colonial Avenue
PO Box 6130
Norfolk, Virginia 23508

III. **Description:**
This agenda item is an ordinance permitting Colonial Place / Riverview Civic League to encroach into the right-of-way of the traffic circle at the corner of Colonial Avenue and Delaware Avenue with the placement of a mermaid sculpture.

IV. **Analysis:**
The encroachment in this location will allow Colonial Place / Riverview Civic League to place a mermaid sculpture in the park area at the traffic circle at the corner of Colonial Avenue and Delaware Avenue.

V. **Financial Impact:**
Liability insurance has been provided naming the City of Norfolk as additional insured in the amount of $300,000.00; therefore, there should be no financial risk to the City. The City of Norfolk did not charge a fee for this encroachment.

VI. **Environmental:**
N/A

VII. Community Outreach/Notification:

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action:

The Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office has reviewed this request for encroachment and offer no objections. Review and approval by the Norfolk Design Review Committee and the City Planning Commission is not required.

IX. Coordination/Outreach:

This letter has been coordinated with Department of Public Works and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit

12/14/15 - JEC:ll

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING THE COLONIAL PLACE / RIVERVIEW CIVIC LEAGUE TO ENCROACH INTO THE RIGHT OF WAY AT THE TRAFFIC CIRCLE AT THE CORNER OF COLONIAL AVENUE AND DELAWARE AVENUE WITH THE PLACEMENT OF A MERMAID SCULPTURE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to the Colonial Place / Riverview Civic League (hereinafter "Civic League") to encroach into the City's right of way at the north end of the traffic circle at the corner of Colonial Avenue and Delaware Avenue with the placement of a mermaid sculpture, subject to the following conditions:

(1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation the Civic League, or its successors and assigns, shall immediately remove the encroaching structure.

(2) That upon the removal of the encroaching structure or any part thereof the authority hereby granted shall cease and terminate.

(3) That the Civic League, or its successors and assigns, at its own cost and expense, shall take out and keep in full force and effect public liability insurance in some company authorized to do business in the Commonwealth of Virginia, insuring it and naming the City of Norfolk as an additional insured in the amount of at least $300,000.00 against liability from any and all claims, actions and suits that may be asserted or brought against the City of Norfolk and/or the Civic League, and its successors and assigns, for any injury to or death of any person or persons or for any damage to or destruction of property

resulting from the installation, maintenance, or existence of said encroaching structure; that evidence of such insurance shall be filed with the Director of Risk Management of the City of Norfolk.

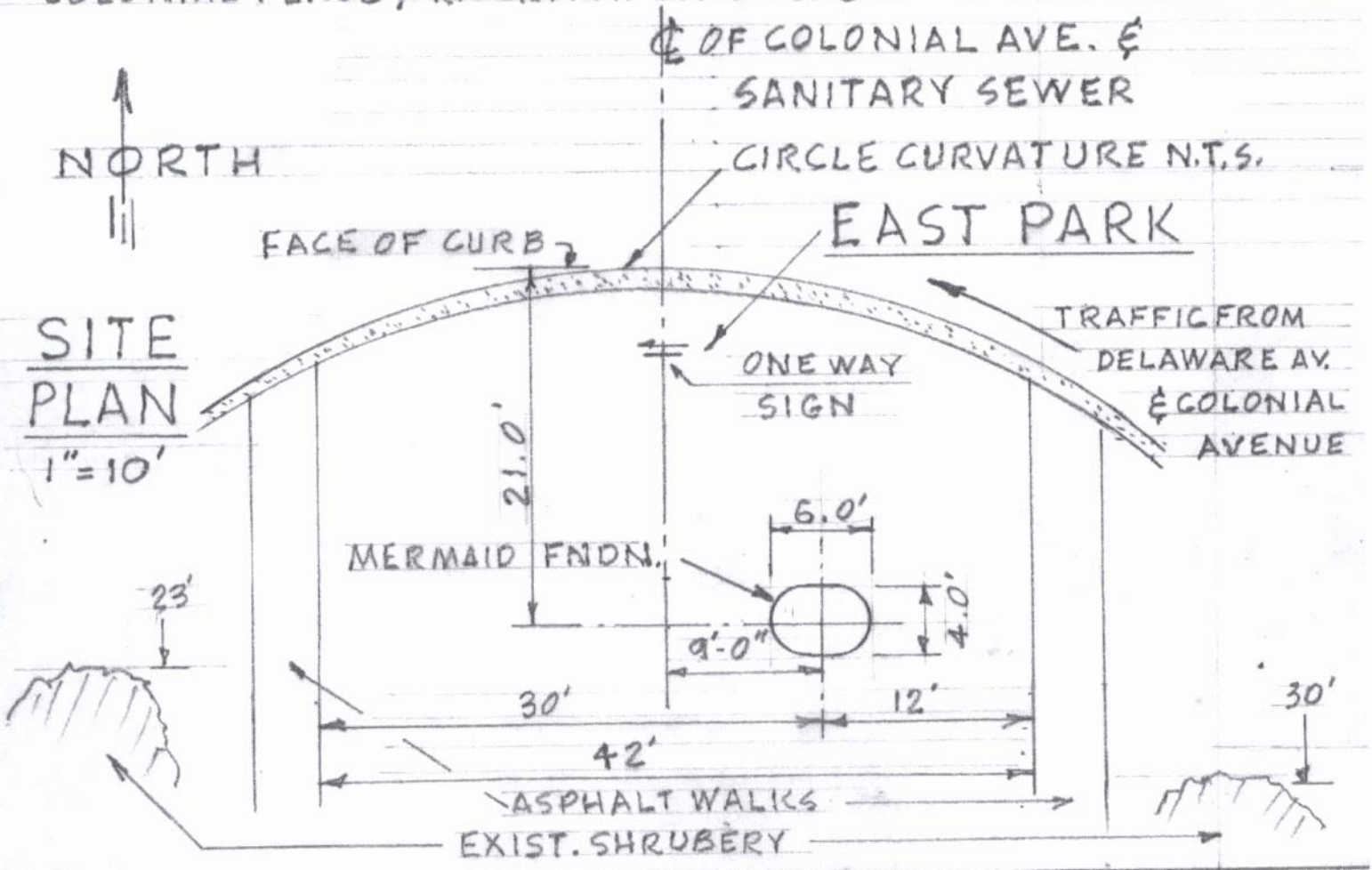
Section 2:- That the failure of the Civic League, or its successors and assigns, to fully comply with all contingencies set forth herein shall operate as an automatic revocation of the permission granted hereby.

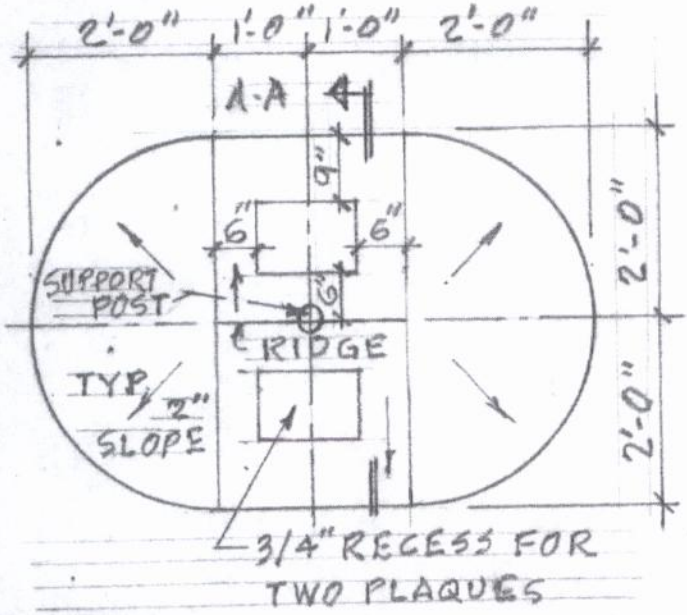
Section 3:- That placement of the said encroaching structure shall be deemed an acceptance by the Civic League, and its successors and assigns, of all conditions to which the permission herein granted is subject.

Section 4:- That this ordinance shall be in effect from and after its adoption.

RELOCATION OF MERMAID "LADY ANNE"

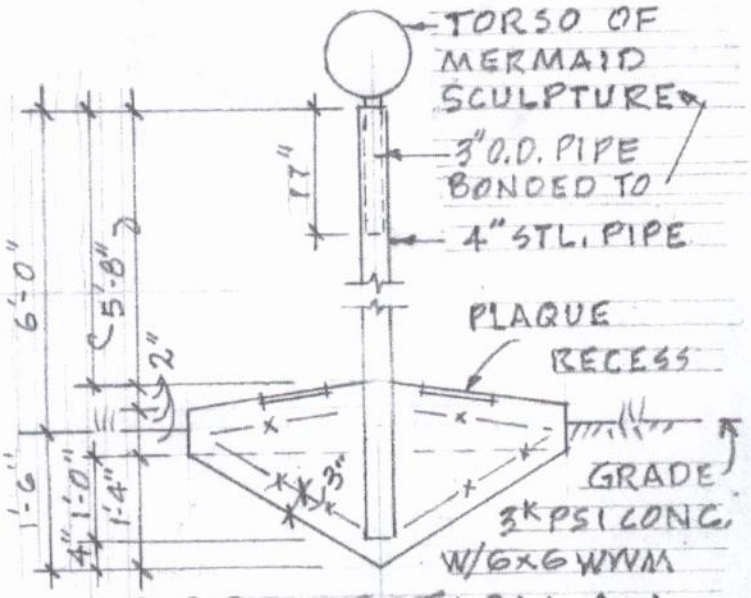
COLONIAL PLACE / RIVERVIEW CIVIC LEAGUE 14 SEPTEMBER '15





FOUNDATION PLAN

1/2" = 1'-0"



CROSS SECTION A-A

1/2" = 1'-0"

C: Dir., Jeffrey F. Wise, Fire Chief

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: Jeffrey F. Wise, Fire Chief

Subject: FY 2015 State Homeland Security Program Grant

Reviewed: _____
Wynter C. Benda, Deputy City Manager

Ward/Superward: Citywide

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-15**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**
This agenda item is an ordinance to accept and appropriate the sum of $32,600 from the Virginia Department of Emergency Management 2015 State Homeland Security Grant ("grant"). These funds will be used for the purchase of hazardous materials equipment.

IV. **Analysis**
The funding awarded from the grant will be used to purchase hazardous materials equipment to enhance Chemical/Biological/Radiological/ Nuclear/Explosive ("CBRNE") and Hazmat capabilities. The purchase of hazmat equipment will enable responders to effectively respond to current and future needs.

V. **Financial Impact**
Funds appropriated through this grant will supplement Norfolk Fire-Rescue ("Fire-Rescue") services and will not impact the City of Norfolk's ("city's") general fund budget.

VI. **Environmental**
The purchase of this equipment will assist Fire-Rescue in the event of a CBRNE incident impacting the Southside Tidewater Region.

VII. **Community Outreach/Notification**
Public notification for this agenda item was conducted through the city's agenda notification process.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter has been coordinated with the Department of Norfolk Fire-Rescue, Office of Budget and Strategic Planning and the City Attorney's Office.

Supporting material from the Department of Fire-Rescue and the City Attorney's Office:

- Ordinance

11/17/15 - bjl

Form and Correctness Approved: RAP

By [signature]
Office of the City Attorney

Contents Approved:

By [signature]
DEPT. Norfolk Fire-Rescue

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose. AMS OR

$ 32,600.00 20-2275-8218-9127
Account

Acting [signature]
Director of Finance 12/10/15
Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE ACCEPTING A $32,600.00 GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY THROUGH THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT, APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF THE FUNDS FOR THE FY15 STATE HOMELAND SECURITY PROGRAM AND AUTHORIZING THE EXPENDITURE FOR THE PURCHASE OF HAZARDOUS MATERIALS TEAM EQUIPMENT FOR THE DEPARTMENT OF FIRE-RESCUE.

\- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a $32,600.00 grant award from the U.S. Department of Homeland Security, Federal Emergency Management Agency, for the FY2015 State Homeland Security Program Grant is hereby accepted.

Section 2:- That $32,600.00 in grant funds from the U.S. Department of Homeland Security, Federal Emergency Management Agency, are hereby appropriated and authorized for expenditure for the FY2015 State Homeland Security Program Grant, if and when the funds are made available from the U.S. Department of Homeland Security, for the purchase of hazardous materials team equipment for the Department of Fire-Rescue.

Section 3:- That this ordinance shall be in effect from and after its adoption.

C: Dir., Emergency Preparedness and Response

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: James Redick, Director – Emergency Preparedness and Response

Subject: Ordinance to accept FEMA Hazard Mitigation Grant Funding

Reviewed: _____
Wynter C. Benda, Deputy City Manager

Ward/Superward: Citywide

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-16**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk – Department of Emergency Preparedness & Response

III. **Description:**
This agenda item is an ordinance to accept grant funds in the amount of $137,327 from the Federal Emergency Management Agency ("FEMA") via the Virginia Department of Emergency Management ("VDEM") for the elevation of four residential properties that are prone to flooding. These funds will be added to a previously accepted grant which will help cover the total cost of the project to elevate all four properties.

IV. **Analysis**
FEMA's Hazard Mitigation Assistance ("HMA") program provides funding for eligible mitigation activities that reduce disaster losses and protect life and property from future disaster damages.

V. **Financial Impact**
These additional grant funds will be added to a previously accepted grant, which will bring the budget to $697,000, to help cover the total cost of the project to elevate all four properties. The cost share remains the same. The revised project budget will now be $697,000 – federal share is $522,750, state share is $139,400 and the local share is $34,850.

VI. **Environmental**
N/A

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

VII. **Community Outreach/Notification**

Public notification for this agenda item will be conducted through the City of Norfolk's agenda notification process.

VIII. **Board/Commission Action**

N/A

IX. **Coordination/Outreach**

This letter has been coordinated with the City Attorney's Office and the Department of Finance.

Supporting Material from the Department of Emergency Preparedness and Response:

- Ordinance
- Award Letter from the Virginia Department of Emergency Management

12/9/15 - bjt

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Emergency Preparedness and Management

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

$ 137,327.00 2275-74-8889
Account

_____ 12/14/15
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE ACCEPTING AN ADDITIONAL GRANT AWARD IN THE AMOUNT OF $137,327.00 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY THROUGH THE HAZARD MITIGATION GRANT PROGRAM WHICH INCLUDES $27,465.40 FROM THE COMMONWEALTH OF VIRGINIA AND $6,866.35 AS A CASH MATCH FROM THE PROPERTY OWNERS THROUGH THE HAZARD MITIGATION GRANT PROGRAM FOR THE CITY OF NORFOLK ELEVATION OF FOUR (4) RESIDENTIAL STRUCTURES PROJECT AND APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF THE FUNDS FOR THE PROJECT.

- - -

WHEREAS, by Ordinance No. 45,353, adopted and effective as of November 26, 2013, the City accepted grant award funds in the amount of $559,673.00 from the Virginia Department of Emergency Management, which award included funds from the Federal Emergency Management Agency (FEMA) through the Hazard Mitigation Grant Program for the City's Elevation of four (4) Residential Structures Project; and

WHEREAS, FEMA has awarded the City $137,327.00 in additional hazard mitigation grant funds for the Project; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That an additional grant award in the amount of $137,325.00 from the Federal Emergency Management Agency (FEMA) through the Hazard Mitigation Grant Program for the City's Elevation of four (4) Residential Structures Project is hereby accepted.

Section 2:- That the $137,325.00 grant award is hereby appropriated and authorized for expenditure through the Hazard Mitigation Grant Program which includes $27,465.40 from the Commonwealth of Virginia and $6,866.35 as a cash match from the property owners for the City's Elevation of four (4) Residential Structures Project, if and when the funds are made available from FEMA.

Section 3:- That the City Manager is authorized to administer the Project and to execute all agreements necessary to complete the Project.

Section 4:- That this ordinance shall be in effect from and after its adoption.

U.S. Department of Homeland Security
Region III
One Independence Mall, 6th Floor
615 Chestnut Street
Philadelphia, PA 19106-4404

FEMA

Mr. Jeffrey D. Stern
State Coordinator
Virginia Department of Emergency Management
10501 Trade Court
North Chesterfield, Virginia 23236-3713

OCT 23 2015

Re: FEMA-DR-4024-VA-020
Budget Revision Approval
Hazard Mitigation Grant Program (HMGP)

Dear Mr. Stern:

We have reviewed and approve your request for a budget revision for the City of Norfolk Elevation Project, FEMA-DR-4024-VA-020.

As requested, we have allocated an additional $102,995 federal funds to this project made available under the FEMA Uncommitted Funds Pilot Program. The revised project budget is $697,000, with a federal share of $522,750 and a non-federal share of $174,250. Enclosed please find a copy of the Obligation and Project Management reports for your records.

The Period of Performance end date for this project remains September 30, 2016. Please continue to provide this office with a quarterly report thirty (30) days after the end of each federal fiscal quarter. The state has ninety (90) days from that date to liquidate all funds and submit all required closeout documents.

If you have any questions, contact John Schmierer, Project Officer, at (215) 931-5547.

Sincerely,

Eugene K. Gruber, P.E.
Director, Mitigation Division

Enclosures

cc: Michael Nelson, Director, Mitigation and Recovery Division
Matthew Wall, State Hazard Mitigation Officer
Debbie Messmer, Project Coordinator
Janice Barlow, Director, Grants Division

FEDERAL EMERGENCY MANAGEMENT AGENCY
HAZARD MITIGATION GRANTS PROGRAM
Obligation Report w/ Signatures

Disaster No	FEMA Project No	Amendment No	State Application ID	Action No	Supplemental No	State	Grantee
4024	20-R	1	21	2	27	VA	Statewide

Subgrantee: Norfolk
Subgrantee FIPS Code: 710-57000

Project Title : City of Norfolk Elevation of 4 Residential Structures

Total Amount Previously Allocated	Total Amount Previously Obligated	Total Amount Pending Obligation	Total Amount Available for New Obligation
$522,750	$522,750	$0	$0

Project Amount	Grantee Admin Est	Subgrantee Admin Est	Total Obligation	IFMIS Date	IFMIS Status	FY
$102,995	$0	$0	$102,995	10/20/2015	Accept	2016

Comments

Date: 10/16/2015 User Id: JSCHMIER

Comment: MA requests obligation of funds for project cost over-run under the Uncommitted Funds Pilot

Date: 10/20/2015 User Id: CNEWMAN2

Comment: HMO Approves

Authorization

Preparer Name: JOHN SCHMIERER
Preparation Date: 10/16/2015

HMO Authorization Name: CRYSTAL NEWMAN
HMO Authorization Date: 10/20/2015

Authorizing Official Signature	Authorizing Official Title: HMA B/C	Authorization Date: 10/22/15
Authorizing Official Signature	Authorizing Official Title: MT-DO	Authorization Date: 10/22/15

FEDERAL EMERGENCY MANAGEMENT AGENCY
HAZARD MITIGATION GRANT PROGRAM
Project Management Report

Disaster Number	FEMA Project Number	Amendment Number	App ID	State	Grantee
4024	20-R	1	21	VA	Statewide

Subgrantee: Norfolk
FIPS Code: 710-57000

Project Title : City of Norfolk Elevation of 4 Residential Structures

Mitigation Project Description

Amendment Status : Approved

Approval Status: Approved

Project Title : City of Norfolk Elevation of 4 Residential Structures

Grantee : Statewide

Grantee County Name : Norfolk (city)

Grantee County Code : 710

Grantee Place Name : Norfolk

Grantee Place Code : 0

Project Closeout Date : 00/00/0000

Subgrantee : Norfolk

Subgrantee County Name : Norfolk (city)

Subgrantee County Code : 710

Subgrantee Place Name : Norfolk

Subgrantee Place Code : 57000

Work Schedule Status

Amend #	Description	Time Frame	Due Date	Revised Date	Completion Date
0	Grant Award and Agreement	30 days	00/00/0000	00/00/0000	00/00/0000
1	Grant Award and Agreement	30 days	00/00/0000	00/00/0000	00/00/0000
1	Meet with Homeowners	60 days	00/00/0000	00/00/0000	00/00/0000
0	Meet with Homeowners	60 days	00/00/0000	00/00/0000	00/00/0000
0	Perform Survey/Engineering Designs	90 days	00/00/0000	00/00/0000	00/00/0000
1	Perform Survey/Engineering Designs	90 days	00/00/0000	00/00/0000	00/00/0000
0	Prepare Bid Documents	60 days	00/00/0000	00/00/0000	00/00/0000
1	Prepare Bid Documents	60 days	00/00/0000	00/00/0000	00/00/0000
1	VDEM/FEMA Review of Designs	30 days	00/00/0000	00/00/0000	00/00/0000
0	VDEM/FEMA Review of Designs	30 days	00/00/0000	00/00/0000	00/00/0000
0	Advertise Elevation	30 days	00/00/0000	00/00/0000	00/00/0000
1	Advertise Elevation	30 days	00/00/0000	00/00/0000	00/00/0000
0	Award Contract	30 days	00/00/0000	00/00/0000	00/00/0000
1	Award Contract	30 days	00/00/0000	00/00/0000	00/00/0000
0	Notice to Proceed	30 days	00/00/0000	00/00/0000	00/00/0000
1	Notice to Proceed	30 days	00/00/0000	00/00/0000	00/00/0000
0	Elevation of 4 Homes	180 days	00/00/0000	00/00/0000	00/00/0000
1	Elevation of 4 Homes	180 days	00/00/0000	00/00/0000	00/00/0000
0	Closeout, Inspections, and Paperwork	90 days	00/00/0000	00/00/0000	00/00/0000
1	Closeout, Inspections, and Paperwork	90 days	00/00/0000	00/00/0000	00/00/0000
1	Total	25 Months	09/30/2015	00/00/0000	00/00/0000
0	Total	25 Months	09/30/2015	00/00/0000	00/00/0000

Approved Amounts

Total Approved Net Eligible	Federal Share Percent	Total Approved Federal Share Amount	Non-Federal Share Percent	Total Approved Non-Fed Share Amount
$697,000	75.000000000	$522,750	25.00000000	$174,250

FEDERAL EMERGENCY MANAGEMENT AGENCY
HAZARD MITIGATION GRANT PROGRAM
Project Management Report

Disaster Number	FEMA Project Number	Amendment Number	App ID	State	Grantee
4024	20-R	1	21	VA	Statewide

Subgrantee: Norfolk
FIPS Code: 710-57000

Project Title : City of Norfolk Elevation of 4 Residential Structures

Allocations

Allocation Number	IFMIS Status	IFMIS Date	Submission Date	FY	ES Support Req ID	ES Amend Number	Proj Alloc Amount Fed Share	Grantee Admin Amount	Subgrantee Admin Amount	Total Alloc Amount
8	A	08/07/2013	08/02/2013	2013	2301904	7	$419,755	$0	$0	$419,755
20	A	10/16/2015	10/15/2015	2016	2543985	0	$102,995	$0	$0	$102,995
						Total	$522,750	$0	$0	$522,750

Obligations

Action Nr	IFMIS Status	IFMIS Date	Submission Date	FY	ES Support Req ID	ES Amend Number	Suppl Nr	Project Obligated Amt - Fed Share	Grantee Admin Amount	Subgrantee Admin Amount	Total Obligated Amount
1	A	08/08/2013	08/08/2013	2013	2396286	15	15	$419,755	$0	$0	$419,755
2	A	10/20/2015	10/20/2015	2016	2544870	27	27	$102,995	$0	$0	$102,995
							Total	$522,750	$0	$0	$522,750

COMMONWEALTH of VIRGINIA

Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JACK E. KING
Chief Deputy Coordinator

BRETT A. BURDICK
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

Hazard Mitigation Grant Program
Grant Agreement
HMGP-4024-710-020

This Agreement is made as of this 21st day of August, 2013 by and between the Virginia Department of Emergency Management, hereinafter called "VDEM," and City of Norfolk herein after called the "Sub-grantee."

The parties to this Agreement, in consideration of the mutual covenants and stipulations set out herein, agree as follows:

(1) GENERAL PROVISIONS:
This Agreement is a sub-grant award of federal funds from VDEM to the sub-grantee. VDEM has received a grant from the Department of Homeland Security Federal Emergency Management Agency Hazard Mitigation Grant Program, Catalog of Federal Domestic Assistance Number 97.039. The sub-grantee shall implement the project as set forth in the grant Agreement documents. These documents consist of:

(1) Executed Grant Agreement;
(2) Scope of Work, Attachment A;
(3) Project Budget, Attachment B;
(4) Milestone Table, Attachment C; and
(5) Grant Assistance Agreements and VDEM-FEMA General Terms and Conditions and Assurances; Attachment D.

State agencies acting as the sub-grantee shall report all federal funds received as part of this Agreement as federal pass-thru funds on their agency's Schedule of Federal Assistance.

Nothing in this Agreement shall be construed as authority for either party to make commitments, which will bind the other party beyond the Scope of Work contained herein. Furthermore, the sub-grantee shall assign, sublet, or subcontract any work related to this Agreement or any interest it may have herein with full compliance with federal and state procurement regulations. The schedule of service set forth in the Scope of Work and Milestone Table shall be deemed to have been consented to, as required by the preceding sentence, upon the execution of this Agreement by VDEM.

(2) SCOPE OF WORK:
The sub-grantee shall provide the service to VDEM set forth and summarized in the Scope of Work (Attachment A) and Milestone Table (Attachment C). All deliverables shall conform to accepted standards and practices. If there is any change in the original scope of work, a formal request must be made to VDEM for review and approval prior to implementing the change. These attachments are consistent with the original VDEM-FEMA (Federal Emergency Management Agency) grant project application. The sub-grantee shall provide VDEM with quarterly reports and a final report on the progress of work set forth in the Scope of Work. The quarterly reports and final report shall contain the following components: (1) a narrative describing in detail the progress of the sub-grantee in fulfilling the provisions of the Scope of Work; (2) Reimbursement Requests as needed that itemize the expenses incurred by the sub-grantee, including separate columns for the federal, state, and the sub-grantee's matching contribution to the total cost of services as reflected in the Project Budget-Attachment B; and (3) the schedule of specific project tasks with target completion dates and actual completion dates (Milestone Table – Attachment C). The first quarterly report is due to VDEM at the end of the first complete quarter following the award of the grant.

Reporting Period	Report Due to VDEM
January 1 – March 31	no later than April 15
April 1 – June 30	no later than July 15
July 1 – September 30	no later than October 15
October 1 – December 31	no later than January 15

(3) TIME OF PERFORMANCE:
The services of the sub-grantee shall begin on the date of sub-grantee's signature of this document and terminate on **9-30-2015** unless otherwise altered through provisions of this Agreement or extended by written authorization of VDEM. Requests for time of performance extension must be received in writing by VDEM within 75 days of termination date with reasons for requested time of performance extension and a revised Milestone Table – Attachment C. All time limits stated are of essence of this Agreement. All funds must be obligated no later than the project completion date. The final request for reimbursement must be received no later than 60 days after the completion date for the project.

(4) COMPENSATION:
The total grant award from VDEM is **$559,673** provided through the Hazard Mitigation Grant Program, Disaster 4024, Hurricane Irene. FEMA shall provide funds for the project identified in the Scope of Work (Attachment A) totaling **$419,755**. VDEM shall provide funds for the project identified in the Scope of Work (Attachment A) totaling **$111,934**. The sub-grantee agrees to provide a match in the amount of **$27,984**. The sub-grantee is aware of and shall comply with cost-sharing requirements of federal and state mitigation grant assistance; specifically that federal assistance is limited to 75% of eligible expenditures, state assistance (as reimbursed through the Virginia Department of Emergency Management) is limited to 20% of eligible costs, and the sub-grantee shall provide from the sub-grantee's funds 5% of eligible costs. The non-federal funds must be from a non-federal funding source and can be completely fulfilled by in-kind services as long as financial records document them as such.

VDEM shall release the grant award to the sub-grantee on a cost-reimbursement basis upon receipt and approval of the sub-grantee's quarterly and final reports and deliverables as required by this Agreement or at other times agreed to by VDEM. Any cost overruns incurred by the sub-grantee during the time of performance shall be the responsibility of the sub-grantee. The sub-grantee shall spend the funds according to the specified categories of the contract budget. The sub-grantee shall use mitigation grant funds solely for the purposes for which these funds are provided and as approved by FEMA and VDEM. General policies for determining allowable costs are established in 44 Code of Federal Regulations (CFR), Part 13.22 (included in Attachment D) and the appropriate OMB circulars that identify cost principles for different kinds of organizations. Minor shifts of the funds among categories by the sub-grantee, not to

exceed 10% of any budget line item are permissible, but in no case can the total expenditures exceed the amount provided by this contract. Shifts in funds exceeding 10% among budget line items must be approved in writing by VDEM.

(5) ASSISTANCE:
VDEM agrees upon request of the sub-grantee to furnish, or otherwise make available to the sub-grantee, copies of existing non-proprietary materials in the possession of VDEM that are reasonably related to the subject matter of this Agreement and are necessary to the sub-grantee for completion of its performance under this Agreement. VDEM Recovery and Mitigation Division staff will provide technical support to the sub-grantee and make periodic site visits to monitor progress.

(6) ACKNOWLEDGEMENTS:
The role of the Virginia Department of Emergency Management (VDEM) and the Federal Emergency Management Agency (FEMA) must be clearly stated in all press releases, news articles, requests for proposals, bid solicitations, and other documents describing this project, whether funded in whole or part.

Acknowledgement of financial assistance, with VDEM and FEMA logos, must be printed on all reports, studies, web sites, and other products (including map products) supported, in whole or in part, by this award or any sub-award. The sub-grantee is responsible for contacting VDEM staff in adequate time to obtain the logo in camera-ready or digital form. The final draft must be approved by VDEM staff prior to production. The acknowledgement should read as follows:

This report was funded by the Federal Emergency Management Agency through the Virginia Department of Emergency Management via grant Agreement number HMGP-4024-710-020 for $559,673.

(7) CREATION OF INTELLECTUAL PROPERTY:
To the extent that the copyright to any copyrightable material created pursuant to this Agreement is owned by the sub-grantee and/or the sub-grantee is empowered to license its use, VDEM agrees to grant to the sub-grantee, and hereby does grant to the sub-grantee, a license to use the materials so owned for public, not-for-profit purpose within the territory of the Commonwealth and shall execute and deliver such further documents as the Commonwealth may reasonably request for the purpose of acknowledging or implementing such license.

A copyright notice shall be placed in an appropriate location on any copyrightable material being distributed or published. Such notice shall include (1) either the symbol "©", the word "Copyright", or the abbreviation "Copr."; (2) the year of first publication; and (3) the name of the copyright owner (the Commonwealth of Virginia). This information shall be followed by the words, "all rights reserved."

(8) STRUCTURAL MITIGATION REQUIREMENTS:
Specific requirements must be adhered to for structural mitigation projects such as structural relocation, property acquisition and demolition, and structural retrofitting or improvement as detailed in Attachment D. These requirements can include deed restrictions, operation and maintenance plans, and insurance requirements, as dictated by the specific grant and project requirements.

(9) BREACH AND TERMINATION:
In the event of breach by the sub-grantee of this Agreement, VDEM shall provide written notice to the sub-grantee specifying the manner in which the Agreement has been breached. If a notice of breach is given and the sub-grantee has not substantially corrected the breach within 60 days of receipt of the written notice, VDEM shall have the right to terminate the Agreement. The sub-grantee shall be paid for no service rendered or expense incurred after receipt of the notice of termination, except such fees and expenses incurred prior to the effective date of termination that are necessary for curtailment of its work

under the Agreement. Termination of this Agreement can occur as an effect of one of two results: First, as a result of the proper completion and closeout of this project. Second, termination may occur as a result of *Termination for Convenience* or other termination as allowed or required by 44 CFR for projects, which cannot be completed as described in the FEMA-approved grant project application and the Scope of Work – Attachment, herein. Communication of this decision and information related to the project termination will be provided to the sub-grantee in coordination with FEMA through registered mail.

IN WITNESS THEREOF the parties have caused this Agreement to be executed by the following duly authorized officials:

Sub-grantee:

By: _____

Date: 9/16/13

Authorized Sub-grantee Signatory

Grantor:

Virginia Department of Emergency Management

By: _____

Date: 23 Aug 13

State Coordinating Officer

Attachment A
HMGP-4024-710-020
Project Scope of Work

Project Sponsor: City of Norfolk

Project Title: Elevation of 4 Residential Structures

Project Description from VDEM-FEMA HMGP application:

This project offers the most efficient and cost effective plan for elevating the vulnerable dwelling from the floodplain entirely. The elevation will significantly reduce future flood claims. The structure will be elevated 1 foot above the 100-year flood elevation. Consequently, the future flooding will be reduced, thus mitigating further damage and future flood claims. Many of the associated health issues, risks and long-term hazards could be significantly reduced by elevating the home. In addition, the damage from hazardous materials leaking into the ground and the Chesapeake Bay will be substantially reduced. .

Properties included in this project:

- 1210 Richmond Crescent, Norfolk, VA 23508 – (Donna Woodward – Owner)
- 1503 Lea View Avenue, Norfolk, VA 23503 – (Deborah and Dennis Marston – Owners)
- 9538 16th Bay Street, Norfolk, VA 23518 – (Ryan Sniegoski – Owner)
- 9635 10th View Street, Norfolk, VA 23503 – (Robert and Carole Parsons – Owners)

Project Awarded Budget – Funding Source HMGP:

Federal Project Funds – HMGP	$ 419,755
State Match	$ 111,934
Local Match	$ 27,984
Total Project Costs	**$ 559,673**

Project Budget from VDEM-FEMA HMGP application:

ACTIVITY	NUMBER	COST	TOTAL COST
Engineering/Designs	1	10,000 per unit	$40,000
Legal/Documents	5	2,000 per unit	$2,000
Elevation of 4 Homes	1	$187,650 per unit	$187,650
Construct New Building Foundations (4)	1	$200,450	$200,450
Other*	1	$54,850	$54,850
Project Management	1	$24,908 per unit	$24,908
Construction Management	1	$49,815 per unit	$49,815
TOTAL ELEVATION COSTS			$559,673

Attachment C
HGMP-4024-710-020
Project Milestone Table

ACTIVITY	DAYS TO COMPLETE
(For example: Demolition of 6 structures and removal of debris)	90 days
Grant Award and Agreement	60 days
Meet with Homeowners	30 days
Perform Surveying/Designs	120 days
Prepare Bid Documents	90 days
VDEM/FEMA Review of Designs	60 days
Advertise Elevation	90 days
Award Contract	60 days
Notice to Proceed	60 days
Elevation of 4 Homes	120 days
Closeout, Inspections, and Paperwork	30 days
TOTAL DAYS TO COMPLETE THIS PROJECT	24 Months

Attachment D
Administrative Requirements and Guidance

Federal Administration and Guidance Documents:

OMB Circular A-133 AUDITS OF STATES, LOCAL GOVERNMENTS, AND NON-PROFIT ORGANIZATIONS

44 CFR 13 UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

44 CFR Part 201 MITIGATION PLANNING [FMA, PDM and HMGP planning projects only]

44 CFR Part 206 – Subpart N – HAZARD MITIGATION GRANT PROGRAM

CATEX documentation (where required)

Structural Mitigation Project Requirements (where required)

C: Dir., Cultural Facilities, Arts and Entertainment

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: John Rhamstine, Director, Cultural Facilities, Arts and Entertainment

Subject: Ordinance approving a Grant Agreement between the City of Norfolk and The d'Art Center

Reviewed: _____
Wynter C. Benda, Deputy City Manager

Ward/Superward: Citywide

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-17**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**
This agenda item is an ordinance to authorize the appropriation and expenditure of $126,522.00 in grant funds and approve a grant agreement between the City of Norfolk ("City") and The d'Art Center ("d'Art").

IV. **Analysis**
In April 2015, an explosion heavily damaged the Selden Arcade building (the "Selden") which then caused the displacement of all of its tenants to include d'Art. Since then, while repairs were busily being made to Selden, d'Art sought a more permanent location as with each passing month meant less potential revenue being generated by art sales, classes and/or events. They recently found a property that is located in the Arts District and meets their immediate needs: 740 Duke Street.

As per d'Art's website, they have been connecting not only to Norfolk's residents but many more cities and people with their art for more than twenty (29) nine years. To ensure that d'Art may continue to provide said services, the City recommends granting d'Art the necessary monies to help them pay the rent at 740 Duke Street for two years which will also enable even more artists to be housed in the Arts District.

V. **Financial Impact**
Under certain terms and conditions, the City will grant d'Art $126,522.00 to help offset the rental expenses associated with 740 Duke Street. The City will disburse the grant monies to

d'Art monthly. If d'Art ceases to occupy 740 Duke Street for any reason whatsoever, the payment of the grant funds will cease.

VI. Environmental

N/A

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter has been coordinated with the Department of Cultural Facilities, Arts and Entertainment, the City Attorney's Office and the City Manager's office.

Supporting Material from the City Attorney's Office:

- Ordinance
- Grant Agreement

12/17/15 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

$ 126,522.00 cv _____ N/A be
Account

_____ 12/28/15
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING THE SUM OF $126,522.00 TO THE D'ART CENTER, APPROPRIATING THE GRANT FUNDS, AUTHORIZING THEIR EXPENDITURE, AND, AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE D'ART CENTER.

- - -

WHEREAS, the D'ART Center is relocating to the Arts District of the City; and

Whereas, the City Council deems the D'Art Center to be a significant enhancement to the Arts District; and

Whereas, Section 15.2-953 of the Code of Virginia, 1950, as amended, allows the City to make appropriations of public funds to make donations to nonprofit organizations which provide services to residents of the City; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the sum of $126,522.00 is hereby appropriated and its expenditure authorized in conformity with the purpose of this ordinance and the grant agreement hereto attached as Exhibit A.

Section 2:- That the sum of One Hundred Twenty-Six Thousand Five Hundred Twenty-Two Dollars ($126,522.00) is hereby granted to the D'ART Center under certain terms and conditions.

Section 3:- That the City Manager and the City Attorney are hereby authorized to prepare, execute and deliver the grant

agreement which sets forth the terms and conditions of the grant, and a copy of which is attached hereto.

Section 3:- That this ordinance shall be in effect from and after its adoption.

GRANT AGREEMENT
BETWEEN
THE CITY OF NORFOLK, VIRGINIA
AND
D'ART CENTER

THIS AGREEMENT made this day of January, 2016 between the **CITY OF NORFOLK**, ("City"), a municipal corporation of the Commonwealth of Virginia and **D'ART CENTER** ("Grantee"), a non-profit organization.

WITNESSETH:

That for and in consideration of the mutual promises herein set forth, the City and Grantee agree as follows:

1. TERM. The term of this Agreement shall be from January 1, 2016, until December 31, 2017.

2. PURPOSE OF GRANT:
   a. The grant funds shall be used solely for the payment of rent by Grantee for the premises located at 740 Duke Street in the City of Norfolk, Virginia ("Premises").

   b. Grant funds cannot be used for any other purpose.

3. GRANT:

   a. Subject to the limits and conditions set in this Agreement, the City shall grant Grantee the total amount of One Hundred Twenty-Six Thousand Five Hundred Twenty-Two Dollars ($126,522.00) to be spent on rent for the Premises from January 1, 2016 until December 31, 2017.

   b. The City's Fiscal Year ("FY") runs from July 1 until June 30. The amount of the grant funds to be disbursed for each of this fiscal year FY 2016 and for FY 2018 is Thirty-One Thousand Six Hundred Thirty Dollars and Fifty Cents ($31,630.50). The amount to be disbursed in FY 2017 is Sixty-Three Thousand Two Hundred Sixty-One Dollars ($63,261.00).

   c. The City will encumber funds on or before June 1st of the previous fiscal year for FY2017 and FY 2018 funding of the grant. On or before June 1st during the term of this Agreement, the Director of Finance shall certify the funds for the following fiscal year.

   d. The City shall disburse the grant in monthly payments of Five Thousand Two Hundred Seventy-One Dollars and Seventy-Five Cents ($5,271.75), upon receipt of

an invoice from Grantee. Grantee shall send invoices to the City's notice address specified under section 5 of this Agreement.

4. TERMINATION. If Grantee ceases to occupy the Premises for any reason whatsoever, this Agreement shall be terminated and the payment of grant funds shall cease.

5. NOTICE. All notices or other communications required or desired to be given with respect to this Agreement shall be in writing. Upon a change of address by either party, such party shall give written notice of such change to the other party in accordance with the foregoing. Inability to deliver because of changed address or status of which no notice was given shall be deemed to be receipt of the notice sent, effective as of the date such notice would otherwise have been received.

To the City:
Karen Rudd, Manager of Cultural Affairs
City of Norfolk
Slover Library
235 E. Plume Street, Room LL40
Norfolk, VA 23510

To Grantee:
Carolyn Phillips
1017 Cathedral Drive
Suffolk, VA 23434

And
Scott Campbell
Via Design Architects
150 Randolph Street
Norfolk, VA 23510

6. INDEPENDENT CONTRACTOR. It is expressly understood and agreed by the parties that Grantee is an independent contractor and that officers, employees, agents and representatives of Grantee shall not be considered to be employees of the City for any purpose whatsoever. Grantee is not an agent of the City.

7. NON-DISCRIMINATION. Grantee agrees to comply and to require all suppliers and subcontractors paid in whole or in part from funds made available under the Agreement, to comply with Section 122 (a) of the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512), as amended, to-wit:

No person in the United States shall, on the grounds of race, color, handicap, national origin, or sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity of a State government or unit received funds made available under Subtitle A (of Title I of the Act).

Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973, shall also apply to any such program or activity.

Any prohibition against discrimination on the basis of religion, or any exemption from such prohibition, as provided in the Civil Rights Act of 1964 or Title VIII of the Act of April 11, 1968, shall also apply to any such program or activity.

Further, Grantee agrees to comply with Section 33.1-53 of the Code of the City of Norfolk, Virginia, as amended, 1979, regarding prohibited employment discrimination.

8. COMPLIANCE WITH IMMIGRATION LAW.

At all times during which any term of this Agreement is in effect, Grantee does not and shall not knowingly employ any unauthorized alien. For purposes of this section, an "unauthorized alien" shall mean any alien who is neither lawfully admitted for permanent residence in the United States nor authorized to be employed by either Title 8, section 1324a of the United States Code or the U.S. Attorney General.

9. COMPLIANCE WITH STATE LAW – AUTHORIZATION TO TRANSACT BUSINESS IN THE COMMONWEALTH

Grantee hereby represents that it is organized as a non-stock corporation, limited liability company, business trust, or limited partnership or registered as a registered limited liability partnership and is authorized to transact business in the Commonwealth as a domestic or foreign business entity if so required by Title 13.1 or Title 50 or as otherwise required by law.

IN WITNESS WHEREOF, the undersigned parties have caused these presents to be executed on their respective behalves by their officers duly authorized on the respective dates hereinafter indicated.

CITY OF NORFOLK

By: _____
City Manager

ATTEST:

_____
City Clerk Date

D'ART CENTER

By: _____

Title: _____

Date: _____

Content Approved:

_____
Wynter C. Benda, Deputy City Manager

Form and Correctness Approved:

_____
Deputy City Attorney

CERTIFICATION OF FUNDING

I hereby certify that the money required for this Agreement is in the City Treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose.

Account:_____
Amount: $31,630.50
Vendor Code:_____
Contract #:_____

_____
Director of Finance