



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2024-283: To establish the City-owned real estate known as 1305 North 5th Street as a cemetery in accordance with City Code § 7-21.

To: City Planning Commission
From: Land Use Administration
Date: November 4, 2024

PETITIONER

Cordell Hayes, Jr, Legislative Manager, Office of the Mayor

LOCATION

1305 North 5th Street

SUMMARY & RECOMMENDATION

This is a request to declare a public necessity for and formally redesignate 1305 North 5th Street's (the Shockoe Hill African Burying Ground; Parcel ID: N0000233006) property class as a cemetery to preserve and maintain such parcel as a historic African American cemetery and public greenspace.

Per City Code Sec. 7-21, "the public and private cemeteries or other places of burial of deceased persons operated and maintained as such within the City as of May 23, 1955, may be used, operated and maintained for such purpose, but no new cemetery or other place of burial of deceased persons shall be established, operated or maintained within the City without the consent of the City Council."

The City ceased operating 1305 North 5th Street as a cemetery prior to May 23, 1955. Therefore, the City Council adoption of an ordinance is required to formally update this property class classification to a cemetery.

Approval is recommended for this ordinance as it will add another layer of protection for this sacred ground, memorializing the remains of the intact graves and honoring the graves of those disturbed or lost by years of infrastructure and commercial development.

Staff recommends approval of the ordinance.

FINDINGS OF FACT

Background

Before 1816, free Black Richmonders petitioned for a new cemetery due to frequent flooding, disturbed burials, and other dishonors related to the "Burial Ground for Negroes" (which later became formally known as The First Municipal African Cemetery) in Richmond, VA, which was established in 1799 in Shockoe Bottom. This petition resulted in the creation of the Shockoe Hill African Burying Ground. From 1816 to 1879, approximately a mile north of the First Municipal African Cemetery, the City operated the segregated cemetery for free and enslaved African Americans located at 1305 North 5th Street.

The cemetery expanded significantly over time to include an estimated 22,000 interments, making it among the largest cemeteries for enslaved and free African Americans in the United States during this time. The city closed the cemetery in 1879, and in years since, the burying ground has been altered, bifurcated, and disturbed by highway infrastructure, public right-of-way creation, and commercial development.

Per research conducted by the Department of Planning, Development and Review and the City Attorney's Office, a timeline of actions was revealed, further detailing the desecration of the area. In 1883, the City extended North 5th Street through the burying ground, resurfacing the bones of individuals in the process and even using them as fill material to grade the street. In the 1880s, the City sold off portions of this burying ground to the adjacent Hebrew Cemetery. In 1890, developers constructed a viaduct across the 5th Street Valley, again exposing and destroying burials. In the 1930s, the City replaced the viaduct with a reinforced concrete bridge, sending new footings through the burial grounds. In the 1950s, the City converted one corner of the burying ground into a dog pound. In 1960 the City sold the burying ground to Sun Oil Company for \$25,250. The actions taken after the closure of the cemetery reveal a disregard for this resting place and the systematic erasure of a community.

In 2021, the City acquired 1305 North 5th Street through a tax-delinquent judicial sale to halt further desecration of the land. In 2022, Martin Archeology Consulting (MAC) was contracted by the Department of Planning, Development and Review to survey the City-owned portion of the burying ground. This survey showed detectable human burials associated with the site. In 2023, MAC was contracted by Baskervill, on behalf of the City, to conduct a complete ground-penetrating radar survey of the area to determine the presence of additional burials. Throughout the various forms of construction that negatively impacted the burying ground, approximately 134 burials have remained intact.

MAC has provided recommendations for preserving the Shockoe Hill African Burying Ground with minimal disturbance, including limiting visiting parking in demarcated asphalt areas where there are no burials, fencing the grass and dirt portions of the hill, and reutilizing the building on the site as a monument to provide context for the past environmental injustices that transpired on the land.

Additionally, through the Shockoe Project, efforts are underway to memorialize the First Municipal African Cemetery (formerly known as the Burial Ground for Negroes), Lumpkin's Slave Jail Pavilion, the Trail of the Enslaved, Winfree Cottage, the Reconciliation Statue Plaza, as well as the Shockoe Hill African Burying Ground. In totality, these sites provide connection with telling Richmond's complicated history and honoring those lost and dispersed through the domestic slave trade industry. In 2023, the City acquired additional properties located at 1220 and 1241 North 7th Streets (located in the East Cannon Branch/Shockoe Creek area) to serve as a connector between the Shockoe Hill Burying Ground District and the future site of the National Slavery Museum.

Richmond 300 Master Plan

The subject parcels are designated Public Open Space in the Richmond 300 Master Plan, which is described as "Public and quasi-public parks, recreation areas, open spaces, and cemeteries."

Development Style: Includes passive and active recreation, natural habitats, cemeteries, and large plazas.

Ground Floor: Not applicable.

Access: Designed in a manner to allow access by all modes of transportation, while emphasizing connections to bicycle and pedestrian amenities, such as sidewalks, bike lanes, and shared-use paths. Bike parking and other such amenities are provided as well.

Density/Height: Not applicable.

Primary Uses: Open space.

Secondary Uses: Cultural, institutional, and governmental.

Community Engagement

For the past several years, Ryan K. Smith PhD, Steve Thompson PhD, L. Daniel Mouer PhD, Lenora McQueen, (a descendant of Kitty Cary who was interred in the burying ground), the Sacred Ground Historical Reclamation Project, RVA Archeology, Preservation Virginia, the National Trust for Historic Preservation, The Cultural Landscape Foundation, and others have worked diligently to restore the site to both historical recognition and collective memory.

In 2021, it was included on Preservation Virginia's list of the most endangered historic places. That same year, the City acquired 1.2 acres of the original 1816 burial ground. On March 17, 2022, the Shockoe Hill Burying Ground Historic District, which encompasses the Shockoe Hill African Burying Ground, was added to the Virginia Landmarks Register. A historic highway marker for the Shockoe Hill African Burying Ground was unveiled on June 12, 2022, at 1305 N 5th St. Finally, on June 16, 2022, the National Park Service listed the Shockoe Hill Burying Ground Historic District in the National Register of Historic Places.

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