



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2018-325: To authorize the special use of the property known as 1412 Grove Avenue for the purpose of either a single-family attached dwelling or a single-family detached dwelling and up to four rooms or groups of rooms for short-term rental use, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: September 8, 2020

PETITIONER

Joseph Nelson

LOCATION

1412 Grove Avenue

PURPOSE

To authorize the special use of the property known as 1412 Grove Avenue for the purpose of either a single-family attached dwelling or a single-family detached dwelling and up to four rooms or groups of rooms for short-term rental use, upon certain terms and conditions.

SUMMARY & RECOMMENDATION

The use of the subject property is currently permitted by Ord. No. 2007-131-174, a special use permit authorizing single-family residential use of 1410 and 1412 Grove Avenue and multi-family residential use of 1400 Grove Avenue. At the time of adoption of Ord. No. 2007-131-174, these properties were one parcel. The parcel has subsequently been subdivided and 1400, 1410 and 1412 Grove Avenue are currently under separate ownership.

The owner of 1412 Grove Avenue has requested a new special use permit to allow 1412 Grove Avenue to be used for a single-family residential use as well as short-term rental use. As part of this request, Ord. No. 2007-131-174 would be amended via Ord. No. 2018-324 to remove 1412 Grove Avenue in order to allow 1412 Grove Avenue to be regulated by this new special use permit (Ordinance No. 2018-325). 1400 and 1410 Grove Avenue would continue to be authorized for residential use under the regulations of Ord. No. 2007-131-174 which are to be retained in Ordinance No. 2018-324.

In response to City Council Resolution No. 2015-R42-47, Planning and Development Review staff drafted a citywide short-term rental ordinance (Ordinance No. 2019-343), which was adopted by City Council on June 22, 2020 authorizing short-term rental use in the R-6 District, among other zoning districts, under certain conditions.

The citywide ordinance drafting and approval process involved extensive public comment. The majority of the public comment received related to the inclusion of a primary residency requirement in the draft ordinance. The draft ordinance included a requirement that the operator

be the property owner and that the operator reside on the parcel at which the short-term rental is operating for at least 185 nights per year. After reviewing comments on both sides of this issues, City Council approved the citywide ordinance with this condition.

The adoption of the citywide short-term rental ordinance included the condition that the Department of Planning and Development Review shall provide a report on the implementation of this ordinance to the City Planning Commission at the first meeting of the City Planning Commission following July 1, 2021. The purpose of this report is to evaluate the short-term rental uses regulated by the citywide ordinance, and to consider modifications to the citywide ordinance.

The proposed special use permit ordinance, which was introduced on December 17, 2018, was modeled after the draft citywide short-term rental ordinance being prepared by staff at that time. However, the citywide ordinance was further refined by staff before being adopted by City Council. While many of the conditions of the citywide ordinance are analogous to the conditions of the proposed special use permit, certain conditions of the citywide ordinance are not included in the special use permit ordinance, as summarized below in the Zoning and Ordinance Conditions section.

Staff finds that much research, consideration, and effort was given to draft and adopt the citywide short-term rental ordinance and the conditions contained therein.

Staff finds that the conditions of the citywide ordinance may be reconsidered in 2021 based on analysis of the current implementation of the citywide ordinance.

Staff finds no justification for issuing the proposed special use permit for the subject property now that a citywide short-term rental ordinance has been adopted to regulate short-term rentals.

Therefore, staff recommends denial of the special use permit request.

FINDINGS OF FACT

Site Description

The subject property consists of a 4,493 SF or .10 acre parcel of land improved with a four (4) bedroom, 3,524 SF dwelling located in The Fan neighborhood and Near West Planning District.

Proposed Use of the Property

The applicant is proposing to the use 1412 Grove Avenue as a single-family dwelling and up to four rooms or groups of rooms for short-term rental use.

Master Plan

The City of Richmond's current Master Plan designates the subject property for Single-Family Medium Density land use which includes, "...single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses" (p.133). The density of the existing single-family use of the property is approximately 10 units per acre.

The Master Plan describes for The Fan as “a neighborhood which exists much as it has since the early 1900s. It is identified on the Land Use Plan map as appropriate for the continuation of a wide range of urban residential uses (with varying housing styles and residential densities) and commercial uses to serve the area. While the Land Use map does not provide specific details regarding the exact location of each type and density of residential and commercial uses, it is intended to reflect the importance of maintaining such a mix in this urban residential neighborhood.”(p. 233)

Zoning and Ordinance Conditions

The property is currently located in the R-6 Single-family Residential zoning district. A citywide ordinance (Ordinance No. 2019-343) was adopted by City Council on June 22, 2020 authorizing short-term rental use in the R-6 District, among other zoning districts, under certain conditions.

The citywide ordinance drafting and approval process involved extensive public comment. The majority of the public comment received related to the inclusion of a primary residency requirement in the draft ordinance. The draft ordinance included a requirement that the operator be the property owner and that the operator reside on the parcel at which the short-term rental is operating for at least 185 nights per year. After reviewing comments on both sides of this issues, City Council approved the ordinance with this condition. This special use permit ordinance does not include this condition.

The adoption of the citywide short-term rental ordinance included the condition that the Department of Planning and Development Review shall provide a report on the implementation of this ordinance to the City Planning Commission at the first meeting of the City Planning Commission following July 1, 2021. The purpose of this report is to evaluate the short-term rental uses regulated by the citywide ordinance, and to consider modifications to the citywide ordinance.

If adopted, the special use permit ordinance would impose conditions on the short-term rental use of the property, including:

(a) The Special Use of the Property shall be as either a single-family attached dwelling or a single-family detached dwelling and up to four rooms or groups of rooms for short-term rental, as section 15.2-983(A) of the Code of Virginia (1950), as amended, defines “short-term rental*,” and substantially as shown on the Plans.

(b) No rooms or groups of rooms used for short-term rental shall be rented to more than two adult persons per bedroom at any given time.

(c) The Property shall be used as either a single-family attached dwelling or a single family detached dwelling, and not for short- term rental, for no fewer than a combined total of 185 days per year.

(d) The Owner shall ensure that the Zoning Administrator is furnished with contact information for the operator of the Special Use, as section 15.2-983(A) of the Code of Virginia (1950), as amended, defines the term “operator*,” and a statement that the operator is the party responsible for the operation of the Special Use. The contact information must include the operator’s name,

address of residence, telephone number at which the operator can be contacted 24 hours per day, and e-mail address.

(e) Smoke detectors shall be provided in compliance with applicable state and local laws and regulations.

(f) A fire extinguisher shall be provided at all times in an accessible location within the unit.

(g) Carbon monoxide detectors shall be provided in any individual room used for sleeping or cooking.

(h) The first of the certificates of zoning compliance required by subsection (k) shall be obtained and an inspection for conformance to applicable regulations performed by applicable City agencies prior to the commencement of the operation of the Special Use.

(i) A certificate of zoning compliance for the short-term rental use shall be obtained every two years. The period authorized shall run from January 1 through December 31 of each two-year period. The certificate of zoning compliance approval number shall be posted on all advertisements for the property.

(j) Outdoor lighting shall be located, directed, or shielded so as not to shine directly on adjoining properties or to create a traffic hazard by means of glare or similarity to or confusion with traffic signals, warning lights, or lighting on emergency vehicles.

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

(m) Secure storage for no fewer than four bicycles shall be provided on-site for the Special Use of the Property.

(n) No fewer than three on-site parking spaces shall be provided on the Property, substantially as shown on the Plans.

(o) In addition to signage permitted in all districts, as set forth in section 30-505 of the Code of the City of Richmond (2015), as amended, and signage permitted in R-6 Districts, as set forth in section 30-506 of the Code of the City of Richmond (2015), as amended, signage pertaining to the short-term rental use shall be limited to one non-illuminated wall-mounted sign not to exceed two square feet in area.

4(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

*Pursuant to section 15.2-983(A) of the Code of Virginia (1950), as amended:

"Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

"Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

While many of the conditions of the citywide short-term ordinance are mirrored in the conditions of the proposed special use permit, the following conditions from the citywide ordinance are not included in the proposed special use permit ordinance:

-The short-term rental operator shall occupy a dwelling unit on the lot on which the short-term rental operator's short-term rental is located for an aggregate of at least 185 days each calendar year. [The proposed special use permit ordinance does not specify that the operator occupy the dwelling unit].

- No short-term rental operator shall rent a short-term rental to one or more short-term renters, unless at least one of the short-term renters is 18 years of age or older.

- All advertisements for any short-term rental shall include the Certificate of Zoning Compliance approval number for such short-term rental.

-No short-term rental operator shall agree to more than one booking transaction during the same period or any portion thereof that results in reservations for two or more separately-booked short-term renters to occupy the same short-term rental at the same time.

-No short-term rental operator or owner of a dwelling unit shall offer, provide, advertise or permit use of a dwelling unit for any commercial use that is prohibited by law.

Surrounding Area

Adjacent and nearby properties are within the same R-6 Single-Family Attached Residential District as the subject property. Single-family, two-family, and multi-family residential land use is present in the vicinity of the subject property.

Neighborhood Participation

Staff has received letters of opposition to this application, including a letter of opposition from the Fan District Association.

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