

**Application for SPECIAL USE PERMIT**

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

<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

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

Project Name/Location

Property Address: 815/819 N 35th, 823 N 36th Streets

Date: 12/4/2020

Tax Map #: See list Fee: \$1,800

Total area of affected site in acres: 3.467

Tax IDs:

E0001112001

E0001112001B

E0001280044

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

Zoning

Current Zoning: R-5

Existing Use: multifamily dwellings

Proposed Use

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

multifamily dwellings. See applicant's report letter for details

Existing Use: multifamily dwellings

Is this property subject to any previous land use cases?

Yes

No



If Yes, please list the Ordinance Number: Ordinance Nos. 1991-029-32 and 1995-152-151

Applicant/Contact Person: Mark J. Kronenthal

Company: Roth Jackson Gibbons Condlin, PLC

Mailing Address: 1519 Summit Avenue, Suite 102

City: Richmond

State: VA

Zip Code: 23230

Telephone: (804) 441-8603

Fax: ()

Email: mkronenthal@rothjackson.com

Property Owner: BACON HOUSING LP, by BACON HOUSING LLC, its General Partner

If Business Entity, name and title of authorized signee: H. Louis Salomonsky, Manger of General Partner

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

Mailing Address: 1553 East Main St.

City: Richmond

State: VA

Zip Code: 23219

Telephone: (804) 782-6802

Fax: ()

Email: HLSalomonsky@swa-co.com

Property Owner Signature: 

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

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

March 31, 2023

BY ELECTRONIC DELIVERY

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

Jennifer D. Mullen
Richmond Office
(804) 977-3374 (direct)
jmullen@rothjackson.com

Re: Special Use Permit Amendment: 815/819 North 35th Street (E0001112001) and 823 North 36th Street (E0001280044)

Dear Mr. Ebinger:

This letter shall serve as the updated Applicant's Report accompanying the application for a Special Use Permit Amendment (the "SUP Amendment") for the above referenced property known as 815/819 North 35th Street and 823 North 36th Street (collectively, the "Property"). The SUP Amendment would authorize (a) a three (3) addition (the "Addition") containing seventy (70) new affordable senior dwelling units, as shown on the conceptual site plan (the "Plan"), (b) reconfiguration of the parking and access in general conformance with the attached Plan, and (c) two (2) parcels for single family detached dwelling units shown on the Plan (the "Single Family Lots") and (d) seven (7) single family attached dwelling units shown on the Plan (the "Townhouse Lots").

The Applicant has revised the SUP Amendment significantly since the original application and most recently to substantially increase the landscaping throughout the Property, reduce the total number of single family dwelling, reduce the height of the Addition, relocate the single family attached and detached dwellings and change the alley off of 37th Street to be a fire access only, which will be gated per Fire Department requirements, and shifted the new construction further into the site to provide additional space for preservation of the trees location in Bill Robinson Park.

By way of background, the Property is subject to a previous SUP and SUP amendment (Ordinance Nos. 1991-029-32 and 1995-152-151) (collectively, the "Original SUP"). The Original SUP permitted the current 59 units and the parking configuration. Properties surrounding the Property are generally zoned R-5. The Building is a former school building that has been used as multifamily affordable senior housing at the current density since at least the mid-1990s.

This SUP Amendment implements the mixed-income visioning of the City's Master Land Use Plan (the "Master Plan"). The Master Plan contains text guidance that is supportive of the request. More specifically, as it relates to the East Planning District, the East chapter provides that "Structures deemed appropriate for rehabilitation should be revitalized in order to maintain as much of the area's stock of {01518773.v1}

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architecturally significant buildings as possible and improve the neighborhood.” A key portion of the Building, a former school building with good neighborhood character, was originally preserved and revitalized as apartments under this Master Plan principle and the creation of the Single Family Lots would allow that area to be developed consistent with pattern of development in the surrounding single family neighborhood. Finally, the request is consistent with a variety of general housing goals contained in the Master Plan Neighborhoods and Housing chapter. These goals include, among other things, a desire for neighborhoods to provide a variety of housing choices while remaining culturally and economically diverse. The preservation (and renovation) of the 59 affordable senior units, combined with the dwelling units in the Addition, and the two (2) market-rate single family detached dwellings and seven (7) single family attached dwellings would together implement this Master Plan goal.

We would also note key findings from the proposed final Richmond 300 Master Plan update. The SUP Amendment would advance numerous goals from the Housing chapter, including Goal 14.5 (encourage more housing types – the Property would add single family use to the multifamily existing use), and Goal 14.9 (assist residents who want to age in place) – the Building approaches an age where renovation is imminent and the Applicant desires to renovate and add senior units so residents can stay in the community as they age in place.

STANDARD OF REVIEW

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

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

The proposed SUP Amendment will not impact the safety, health, morals and general welfare of the surrounding community. The proposed SUP Amendment is consistent with the recommendations of the Master Plan related to the Property. It would contribute to the general welfare of the community by, among other things, providing an opportunity to renovate the existing senior dwelling in the Building units without causing disruption to existing senior Building residents.

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

The proposed SUP Amendment will not result in significant traffic impacts in the area involved, again, owing to its consistency with the Master Plan and its design principals. The special character of the Property as senior housing causes significantly reduced demand for a large parking area and similarly requires parking to be located near main entrances. This is a large site and construction of the Addition and 9 single family dwellings is appropriate.

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

The Building is constructed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards. Existing fire hydrants are located within the safe, appropriate distance established by the Fire Department for the Property. One new fire hydrant will be installed in connection with this development.

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

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

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

The proposed SUP Amendment would not adversely affect the above referenced City services. The open areas where the Addition and the Single Family Lots would be located are not open to the general public. Bill Robinson playground is located adjacent and to the south of the Property.

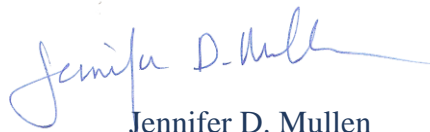
- ***Interfere with adequate light and air.***

The proposed SUP Amendment will not interfere with adequate light and air.

In summary, the Applicant enthusiastically seeks approval of the construction of the SUP Amendment. This proposal represents an optimal opportunity for small scale residential infill development that would be reviewed under existing zoning review requirements. The Project would contribute to the vibrancy of the block through the provision of an appropriate urban form that is consistent with the historic development pattern of the surrounding neighborhood.

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

Sincerely,



Jennifer D. Mullen

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