



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2022-365: To authorize the special use of the property known as 2800 3rd Avenue for the purpose of emergency housing for up to 30 individuals on a year-round basis, as a permitted accessory use, upon certain terms and conditions. (6th District)

To: City Planning Commission
From: Land Use Administration
Date: January 3, 2023

PETITIONER

Fifth Street Baptist Church

LOCATION

2800 3rd Avenue

PURPOSE

To authorize the special use of the property known as 2800 3rd Avenue for the purpose of emergency housing for up to 30 individuals on a year-round basis, as a permitted accessory use, upon certain terms and conditions.

SUMMARY & RECOMMENDATION

The applicant is requesting a special use permit in order to provide emergency housing for up to thirty individuals on a year-round basis as an accessory use, upon certain terms and conditions, for which use in the R-6 District is limited to “a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year” by the Zoning Ordinance (§30-402.1 City Code).

Individuals experience homelessness for a variety of reasons, including mental illness, substance abuse, domestic violence, unemployment or underemployment, lack of a living wage, a limited supply of affordable housing, and eviction. Some factors can make it difficult for individuals to secure and maintain a fixed, regular, and adequate residence.

In May 2020, Council adopted the *City of Richmond Strategic Plan to End Homelessness 2020-2030*, which recommended number of actions to better provide emergency, transitional, and permanent supportive housing in the City.

In March 2021, City Council amended the Zoning Ordinance to permit certain types of emergency, transitional, and permanent supportive housing options by right in a number of mixed-use zoning districts (B-1, B-2, B-3, B-4, I, M-1, OS, R-73, and RO-2) and created supplemental regulations regarding housing types, locations, capacity, and the process for administrative approvals, which includes submission of a management or operational plan (ORD. 2020-261). Property owners outside of these zoning districts interested in such uses must obtain a special use permit (SUP) to do so.

In September 2022, after posting a notice of funding opportunity, the Department of Housing and Community Development (HCD) recommended that City Council allocate money to certain entities to provide emergency housing. One of the recommended recipients, the applicant (Fifth

Street Baptist Church), needs to obtain land use and zoning compliance before it can accept the funds to operate. The property, 2800 3rd Avenue, lies in a “R-6 - Residential (Single Family Attached)” district, which limits emergency housing uses to thirty (30) individuals and a total of seven (7) days and only within the time beginning on October 1 of any year and ending on April 1 of the following year. The *Richmond 300* Master Plan recommends a future land use of “Residential,” for which churches and places of worship (“institutional”) are recommended secondary uses; the parcel lies just outside the Six Points growth node.

Staff finds that the proposed use would address a critical need for homelessness services in the city and would be accessory to a church, which is an institutional use supported by the Richmond 300 Master Plan.

Staff finds that the proposed use would support Objective 14.2 of the Master Plan, which states: “Ensure that homelessness is rare, brief, and one-time.”

Staff finds that the proposed use already a permitted use according to the underlying zoning, but without the time limitations of the underlying zoning. The proposed use would also be required to follow the same requirements for emergency housing uses located in other zoning districts.

Staff finds that the proposed use would not pose an undue burden on the availability of on-street parking in the area.

Staff finds that with the ordinance conditions the safeguards contained within the City Charter, relative to the granting of Special Use Permits, are met. Specifically, staff finds that the proposed special use would not be detrimental to the general welfare of the community involved and would not create congestion in the streets in the area involved.

Therefore, staff recommends approval of the Special Use Permit.

FINDINGS OF FACT

Site Description

The .803 acre subject property is located on the northwestern corner of 3rd Avenue and Victor Street, in the Highland Park Southern Tip neighborhood. The parcel lies just outside the Six Points growth node.

Proposed Use of the Property

The existing church facilities would be used to provide emergency housing for up to thirty individuals.

Master Plan

The City's Richmond 300 Master Plan designates the property for Residential uses which consists primarily of single-family houses on large- or medium-sized lots more homogeneous in nature.

Development Style: Houses on medium-sized and large-sized lots in a largely auto-dependent environment. Homes are setback from the street. Future developments continue and/or introduce a gridded street pattern to increase connectivity. Future single-family housing, accessory dwelling units, duplexes, and small multi-family residential buildings are built to a scale and design that is consistent with existing building.

Ground Floor: Not applicable.

Mobility: Bicycle and pedestrian access are prioritized and accommodated. Low residential density means that it is not possible to provide frequent transit within these areas; however, frequent transit may be found at the edges of these areas within more intense future land use designations. Many homes have driveways and/or garages, which are located off an alley behind the home if an alley is present.

Intensity: Buildings are generally one to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft. Residential density of 2 to 10 housing units per acre.

Primary Uses: Single-family houses, accessory dwelling units, and open space.

Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets.

Zoning and Ordinance Conditions

The property is located in the R-6 Single-Family Attached Residential District. The existing church use is permitted by-right. The proposal is an accessory Inclement Weather Shelter (Emergency Housing) in the existing finished basement of the educational wing. Any renovations require a building permit for review with the Permits and Inspections Office.

Temporary housing of not more than 30 homeless individuals within churches or other places of worship for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year is an allowed use in the R-6 district. The applicant's report indicates that the proposed period of operation is November 1, 2022 through

April 15, 2023. Operation of the use for more than 7 days and between April 1, 2023 and April 15, 2023 can only occur with the approval by City Council of a special use permit.

Parking is required at a rate of 1 parking space per 4 beds provided. The applicant's report indicates that the maximum number of intended overnight guests will be 30; therefore 8 parking spaces must be provided. There is an existing parking area with 68 parking spaces on adjacent properties under common ownership, which is also adequate for the 14+ staff onsite per night the applicant's report indicates that there will be to operate the shelter use.

Staff recommends the approval of the requested special use permit with the following conditions:

- (a) The Special Use of the Property shall be as emergency housing for up to 30 individuals on a year-round basis, as a permitted accessory use.
- (b) The Owner shall not engage in or continue to engage in the Special Use, nor shall the Owner permit their tenant or other operator of the Property to engage in or continue to engage in the Special Use until the Owner has complied with or caused its tenant or other operator of the Property to comply with section 30-698.3, concerning approvals for emergency, transitional, and permanent supportive housing, of the Code of the City of Richmond (2020), as amended.

Surrounding Area

The properties adjacent to the proposed use are owned by Fifth Street Baptist Church. Properties located across the alley to the northwest of the property contain single-family dwellings. Properties to the east of the alleyway are zoned R-6 Single-Family Attached Residential and properties located to the west of the alleyway are zoned R-5 Single-Family Residential.

Neighborhood Participation

Staff notified area residents and property owners of the proposed special use permit. The property is not represented by a civic association. No comments of opposition or support have been received.

Staff Contact:

Kevin J. Vonck, Director of Planning and Development Review, 804-646-3741 kevin.vonck@rva.gov
Matthew Ebinger, Principal Land Use Planner, 804-646-6308 matthew.ebinger@rva.gov