



**RESOLUTION OF THE CITY OF RICHMOND PLANNING COMMISSION**

**TO PROMOTE THE PROVISION OF ADEQUATE LIGHT AND AIR AND IN SO DOING TO BOTH ELIMINATE TO THE EXTENT REASONABLY POSSIBLE THE EXISTENCE OF WINDOWLESS DWELLING UNITS AND TO PROMOTE UTILIZATION OF OPERABLE WINDOWS IN THE RENOVATION OF HISTORIC BUILDINGS**

**WHEREAS**, the Planning Commission has on an increasing basis received applications for special use permits to allow for the creation of windowless dwelling units as part of conversions from former industrial/warehouse buildings to residential dwelling units; and

**WHEREAS**, a windowless dwelling unit is defined as a unit that does not contain a window(s) that penetrates an exterior wall of the building; and

**WHEREAS**, special use permits allow property to be utilized in a fashion that is not consistent with the underlying zoning and by their nature constitute special approvals which are to be held to higher standards than byright developments; and

**WHEREAS**, increasingly the special use permit applications for conversion of industrial/warehouse buildings to residential dwelling units provide for density increases which represent multiples of the maximum allowable densities as provided for in the zoning ordinance while at the same time failing to address open space needs; and

**WHEREAS**, conversion of industrial/warehouse buildings to high density residential uses often requires modifications that adversely impact a buildings historic nature through changes to the buildings defining characteristics which in turn has the potential of adversely affecting overall building sustainability; and

**WHEREAS**, LEED (Leadership in Energy and Environmental Design) certification encourages the use of natural lighting to facilitate building and occupant functioning and minimization of energy costs through establishment of specific day lighting credits used for building certification; and

**WHEREAS**, historic building conversions from industrial/warehouse uses to dwelling uses must address the quality of life issues that occur as a result of residential utilization; and

**WHEREAS**, Section 15.2-2283 of the Code of Virginia provides that zoning ordinances shall be designed to give reasonable consideration to the provision of adequate light and air; and

**WHEREAS**, Article I §114-100 of the City of Richmond zoning ordinance states in part that the purpose of this chapter is to adopt a comprehensive zoning plan designed to provide for adequate light and air; and

**WHEREAS**, the standards for granting special use permits state in part that the proposal cannot interfere with adequate light and air; and

**WHEREAS**, one of the stated policies for housing in the City of Richmond's Master Plan is the promotion of new, high quality housing and the elimination of substandard housing; and

**WHEREAS**, the Second Tenement House Act of 1879 was one of the first laws requiring that windows face a source of fresh air and light; and

**WHEREAS**, in 1901 the New York State Tenement House Act banned the construction of dark, poorly ventilated tenement buildings requiring outward-facing windows in every room; and

**WHEREAS**, deprivation of natural light is an established health risk and has been shown to cause depression, loss of physical strength, weight gain, stress on eyes and adrenal glands, contribute to sleep disorders and been proven to be psychologically damaging; and

**WHEREAS**, the Department of Interior/National Park Service has approved building modifications to former industrial/warehouse buildings which have the effect of eliminating or minimizing creation of windowless dwelling units; and

**WHEREAS**, other cities such as San Francisco have adopted ordinances that eliminate the provision allowing only artificial light in residences; and

**WHEREAS**, in cases where it is determined that windowless dwelling units should be permitted for the purpose of preserving historic buildings they should be the minimum number necessary to promote said preservation and the square footage of such units should be at least equal to or greater than the average square footage of the total number of units that include windows; and

**WHEREAS**, utilization of operable windows in the conversion of industrial/warehouse buildings to dwelling units is essential to improving the overall quality of life through provision of an enhanced ventilation, elimination of need to vacate buildings in the case of

mechanical system failures and promotion of public safety through increased interaction with activities occurring in the street and for emergency egress purposes; and

**WHEREAS**, in recent years the Planning Commission has recommended adoption of Form-Based zoning districts which include a provision requiring operable windows for all newly constructed dwelling uses.

**NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION:** that to provide for adequate light and air consistent with provisions of the Code of Virginia, the City of Richmond Zoning Ordinance and the standards for the granting of a special use permit that windowless dwelling units should be avoided as a general premise.

**NOW, THEREFORE BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION:** that the Planning Commission respectfully requests that the Department of the Interior/National Park Service and the Virginia Department of Historic Resources require that applicants for historic tax credit projects to convert former industrial/warehouse buildings to residential dwelling units demonstrate that there is no viable means for undertaking renovations to the subject building without the existence of windowless dwelling units.

**NOW, THEREFORE BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION:** that the Planning Commission respectfully requests that where the Department of Interior/National Park Service and the Virginia Department of Historic Resources determines that windowless dwelling units must be permitted for the purpose of preserving historic buildings that such windowless dwelling units should be the minimum number necessary to promote said preservation and the square footage of such units should be at least equal to or greater than the average square footage of the total number of units that include windows.

**NOW, THEREFORE BE IT FINALLY RESOLVED BY THE PLANNING COMMISSION:** that utilization of operable windows in the renovation of historic buildings is essential to improving the overall quality of life through provision of enhanced ventilation, elimination of need to vacate buildings in the case of mechanical system failures and promotion of public safety through increased interaction with activities occurring in the street and for emergency egress purposes.

  
CHAIRPERSON

  
SECRETARY