INTRODUCED: February 5, 2018

AN ORDINANCE No. 2018-023

As Amended

To authorize the special use of the property known as 806 Cathedral Place for the purpose of permitting up to five rooms or groups of rooms for short-term rental, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: FEB 26 2018 AT 5 P.M.

WHEREAS, the owner of the property known as 806 Cathedral Place, which is situated in a R-73 Multifamily Residential District, desires to use such property for the purpose of permitting up to five rooms or groups of rooms for short-term rental, which use, among other things, is not currently allowed by sections 30-420.1, concerning permitted principal uses, of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create

AYES:	7	NOES:	2	ABSTAIN:	
_					
ADOPTED:	APR 9 2018	REJECTED:		STRICKEN:	

congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. Grant of Special Use Permit.

- (a) Subject to the terms and conditions set forth in this ordinance, the property known as 806 Cathedral Place and identified as Tax Parcel No. W000-0355/020 in the 2018 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing Improvements on No. 806 Cathedral Place, in the City of Richmond, Virginia.," prepared by McKnight & Associates, P.C., dated May 17, 2006, and last revised June 6, 2006, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of up to five rooms or groups of rooms for short-term rental, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "806 Cathedral Place Carriage House," prepared by Johannas Design Group, with sheets SUP 1, SUP 2, and sheet SUP 3, dated October 5, 2017; and on the plans entitled "806 Cathedral Place Condominiums, Richmond, VA 23220," prepared by Blueprint Design, LLC, and dated August 30, 2006, hereinafter collectively referred to as "the Plans," copies of which are attached to and made a part of this ordinance.
- (b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as "the Owner." The conditions contained in this ordinance shall be binding on the Owner.
- § 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

- (a) The Special Use of the Property shall be as up to five rooms or groups of rooms that are used for short-term rental, as section 15.2-983(A) of the Code of Virginia (1950), as amended, defines the term "short-term rental." Up to four of such rooms or groups of rooms shall be located in an existing multifamily dwelling, and one of such rooms or groups of rooms shall be located on the proposed second floor of an existing garage, all 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 [room] bedroom at any given time.
 - (c) All building elevations shall be substantially as shown on the Plans.
- (d) 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.
- (e) 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."
- (f) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- (g) No fewer than two long-term bicycle parking spaces shall be provided for the Special Use.
- (h) No fewer than four on-site parking spaces shall be provided on the Property, substantially as shown on the Plans.

- (i) Signage pertaining to the Special Use shall comply with the signage standards for uses permitted in R-73 Multifamily Residential District as set forth in section 30-507(2) of the Code of the City of Richmond (2015), as amended.
- § 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:
- (a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.
- (b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.
- (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.
- (d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws.
- (e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.
- § 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

- (a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.
- (b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.
- (c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.
- (d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.
- (e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.
- (f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, whether as a result of

the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

- § 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.
 - § 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

City of Richmond

900 East Broad Street 2nd Floor of City Half Richmond, VA 23219 www.richmondgov.com

Item Request

File Number: PRE. 2017.553

Office of the Chief Administrative Officer

O & R Request

DATE:

January 4, 2018

EDITION: 1

behalf of the Mayor.)

TO:

The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayo

(This is no way reflects a recommendation

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and

Planning

FROM:

Mark A. Olinger, Director, Department of Planning and Development Review

RE:

To authorize a special use permit for the property known as 806 Cathedral Place for the purpose of permitting an existing multi-family building, and one planned carriage house /

apartment, to be used as short-term rental units, upon certain terms and conditions.

ORD, OR RES. No.

PURPOSE: To authorize a special use permit for the property known as 806 Cathedral Place for the purpose of permitting an existing multi-family building, and one planned carriage house / apartment, to be used as short-term rental units, upon certain terms and conditions.

REASON: The reason for the amendment is to allow 806 Cathedral Place to be used as short-term rental units. The city's zoning ordinance does not allow short-term rental units within the R-73 Multi-family Residential District, nor can side and rear yards for uses and buildings other than single-family, two-family and multi-family dwellings and buildings accessory thereto be less than ten feet in depth, which are the primary reasons for this Special Use Permit.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its February 20, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

File Number: PRE. 2017.

BACKGROUND: The subject property consists of a 6,615 SF or .15 acre parcel of land improved with a four (4) unit multi-family dwelling constructed, per tax assessment records, in 1865 as a single-family dwelling and is located in the Fan neighborhood and Near West Planning District.

The City's Downtown Master Plan recommends the property to be developed with consideration as an Urban Center Area "...characterized by higher density, mixed-use development, typically arranged on a fine-grained street network, with wide sidewalks, regular tree planting, and minimal setbacks." (Residential development) should be "... a dense urban fabric of three to five story buildings, and limited retail at key intersections." (2009 City Of Richmond, Downtown Plan, p. 3.29) Currently, adjacent properties on this block of Cathedral Place are a combination of private institutional uses with the above land use designation.

The density of the parcel if developed as proposed would be four (5) units on .15 acres or approximately 33 units per acre. Adjacent and nearby properties are the same R-73 Multifamily Residential zone and are a part of the VCU Neighborhood as well as the Monroe Park National Historic District. The current zoning under Section 30-420.5 (2)c stipulates that "Side and rear yards for uses and buildings other than single family, two family and multifamily dwellings and buildings accessory thereto shall be not less than ten feet in depth." (City of Richmond, Zoning Ordinance, 2015., p. 47)

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$1,200 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: January 22, 2018

CITY COUNCIL PUBLIC HEARING DATE: February 26, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission,

February 20, 2018

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Application Form, Applicant's Report, Draft Ordinance, Plans, Survey, Map

STAFF: Jonathan Brown, Senior Planner

Land Use Administration (Room 511) 646 5734

PDR O&R No.17-45



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.richmonda.cv.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 Adress: 806 CATHEDRAL PLACE Tax Map #: W-355-20 Fee: \$1,800 Total area of affected site in acres: LO46 SQAKE FEET (0.024 AcRES)
(See page 6 for fee schedule, please make check payable to the "City of Richmond")
Zoning Current Zoning: R-73
Existing Use MUIT- FAMILY
Proposed Use (Please include a detailed description of the proposed use in the required applicant's report) MULTI-PANILY WITH ADDITIONAL UNIT OVER GARAGE Existing Use: MULTI- PANILY
Is this property subject to any previous land use cases? Yes No If Yes, please list the Ordinance Number:
Applicant/Contact Person: DANIEL WASSUM Company: JoHannas Disign GROP Mailing Address: IGOL WEST CARY STREET
City: KICHANO State: VA Zip Code: 23220 Telephone: (904) 358-4993 Fax: (N/A) Email: daniel @ johannesdesign.com
Property Owner: FAIRWAYS + TREES, LLC If Business Entity, name and title of authorized signee: MARK KITTRELL
(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: P.O. BOX 14612 City: RICHMOND State: VA Zip Code: 23221 Telephone: (804) 399-8234 Fax: (N/A) Email: Mkittell@/ibertymortgage.rest
Property Owner Signature:
- TO SECURE AND THE PROPERTY OF THE PROPERTY O

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)



Special Use Permit Applicant's Report 5-23-2017

806 Cathedral Place Proposed Tourist Home with new Carriage House Unit

806 Cathedral Place is an existing 1865 house currently being used as a multi-family residence containing 4 dwelling units just west of Monroe Park in the heart of VCU's main campus, across the street from the Cathedral of the Sacred Heart. The 727 square foot detached garage holds four cars and faces the alley, creating a corridor that sees regular foot traffic from students, staff, and faculty. The building also has 2 allocated parking spots along Cathedral Place.

The owner of the property is applying for this special use to repurpose the 4 existing dwelling units into luxurious high-end, short-term rental units as well as the construction of a 750 square foot second story dwelling unit over the existing garage. The intent of the request is to legalize these 5 dwelling units to be used as short-term rental units in a luxury tourist home to service tourists, guests of the university, and other visitors to the neighborhood and city at large.

Currently zoned R-73, which accommodates multi-family housing, the Tourist Home and Carriage House are perfectly situated to showcase the foundations of the Richmond Downtown master plan and demonstrate the best Richmond has to offer to tourists and visitors. With a walk score of 93, the Tourist Home will offer visitors easy walking distance to a large number of local restaurants and businesses along Broad Street, cultural activities at the Altria and Grace Street Theaters, the new Institute for Contemporary Art, the Singleton center, the VCU campus, downtown, and the arts district.

The proposed Carriage House will be keeping with the historic character of the surrounding neighborhood with a gabled slate roof and dormers that offer gorgeous views of Monroe Park just down the block, which supports the master plan's goal, per page 3.10, to attract new residents and visitors to Downtown by emphasizing Richmond's integrated system of urban parks. The views from the proposed second floor addition will also highlight the beautiful historic architecture of the neighborhood, particularly the Cathedral of the Sacred Heart.

The increased height of Carriage House will add acoustic protection for the dwelling units and houses lining Cathedral Place from the heavy foot traffic along the alley.

The Character Map on page 3.19 of the Downtown Master Plan designates this location as an Urban Center Area which is "characterized by higher density, mixed-use development". It also notes that parking "is located on-street, or at the rear of the lot accessed from the alley". There will be 6 parking spaces dedicated solely for the use of this facility; 4 accessed from the alley and 2 designated on-street spots.

The proposed special use will not be detrimental to the safety, health, morals, and general welfare of the community involved. The current use allowed by the existing R-73 Zoning, is multi-family residential. The proposed project adds a singe one bedroom dwelling unit, which is inconsequential to the existing density of the neighborhood and welfare of the community.

The proposed special use will not create congestion on the streets, roads, alleys, or other public ways and places in the area involved. There is no required increase in parking requirements. The location's access to multi-modal transportation is exceptional.

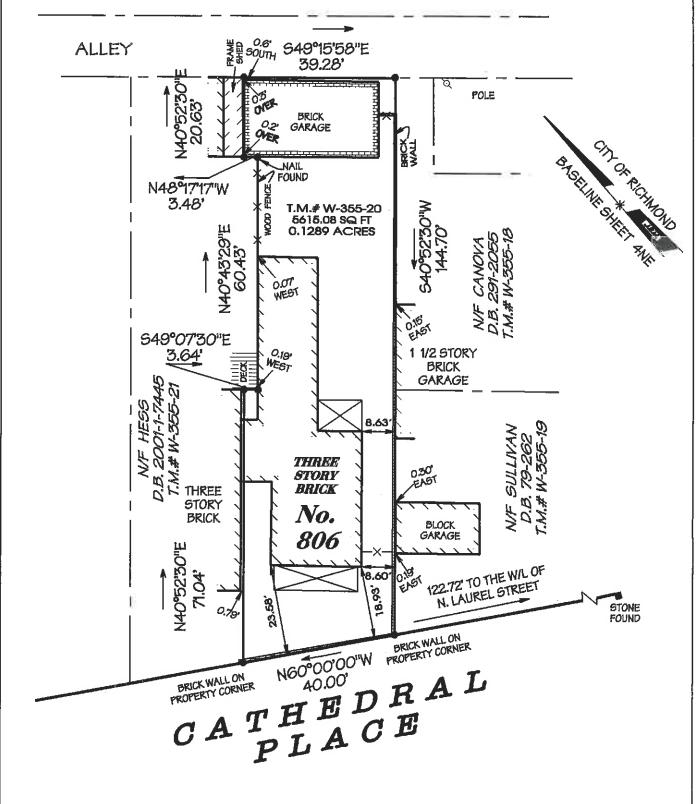
The proposed special use will not create hazards from fire, panic or other dangers. The new construction will be built in accordance with all applicable building codes.

The proposed special use will not tend to cause overcrowding of land and an undue concentration of population. The location is part of an Urban Center Area, the addition of a single one bedroom dwelling unit will be inconsequential to the density of this urban district.

The proposed special use will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or otherwise public requirements, conveniences and improvements. The proposed carriage house will not require an increase of services to the property. The new construction will not increase the amount of impermeable surfaces on the site.

The proposed second floor addition to the garage will not interfere with adequate light or air. The new second floor will not interfere with the available light and air to adjacent habitable spaces.

NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "C".
CURRENT OWNER: 806 PARK AVENUE, LLC.
UTILITIES UNDERGROUND.



PLAT SHOWING IMPROVEMENTS ON No. 806 CATHEDRAL PLACE, IN THE CITY OF RICHMOND, VIRGINIA.

PURCHASER:

REVISED JUNE 6, 2006

CHRISTOPHER C. NOWLAN THIS IS TO CERTIFY THAT ON MAY 17, 2006 I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS SURVEY IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT, PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE.

6-6-2006 U JAMES E. McKNIGHT No. 1926

McKNIGHT & ASSOCIATES, P.C.

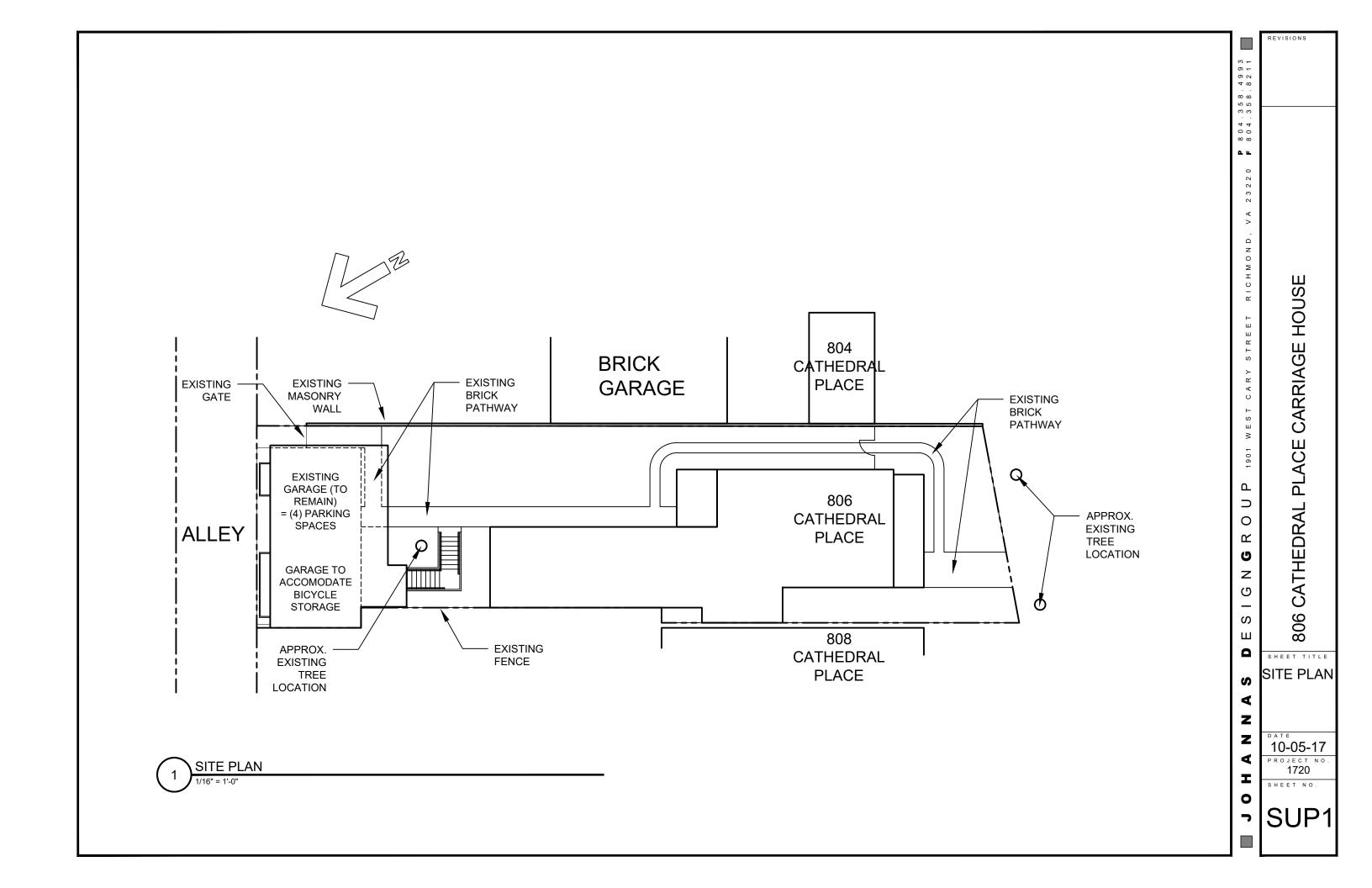
LAND SURVEYORS

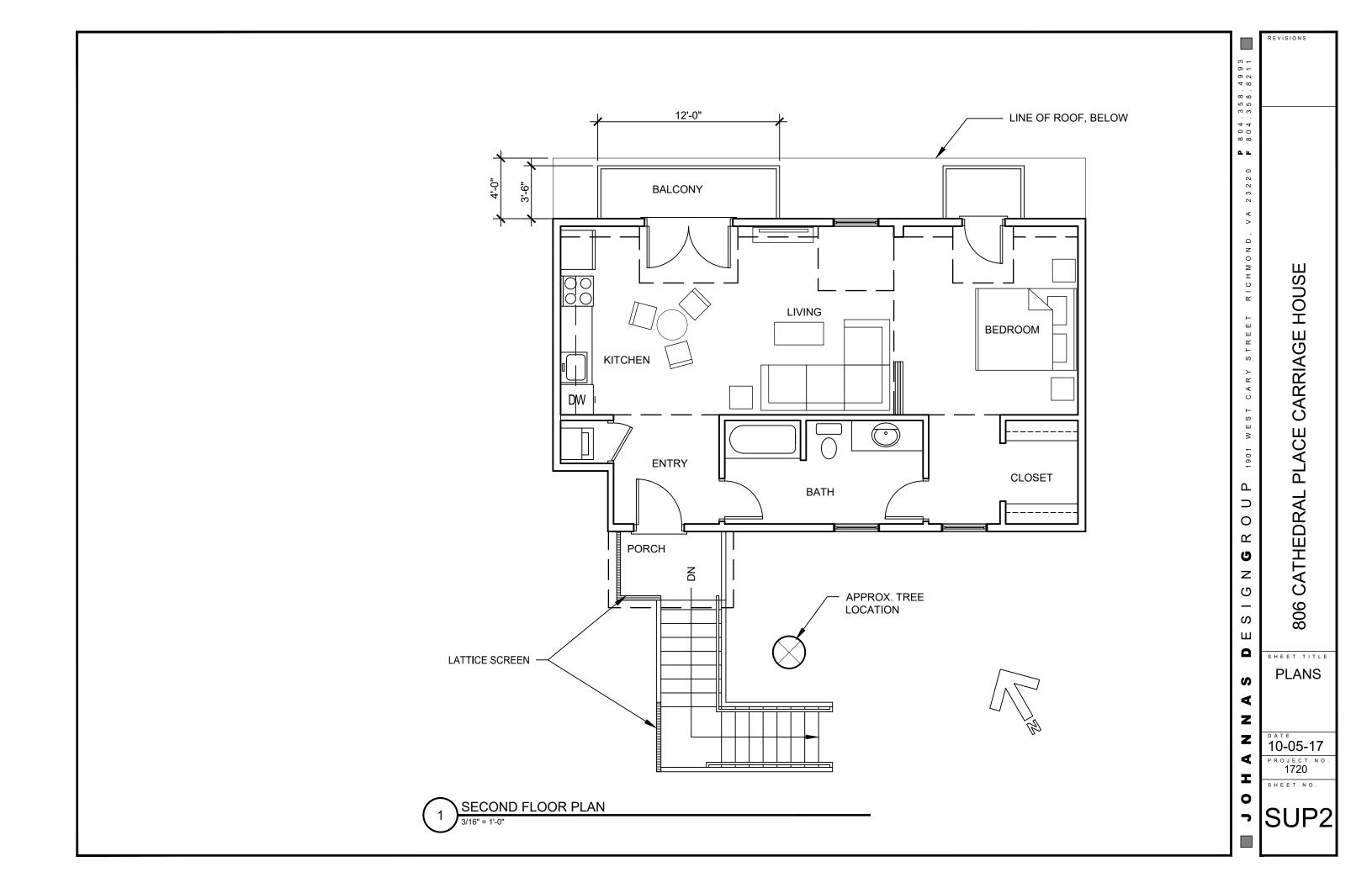
PLANNERS

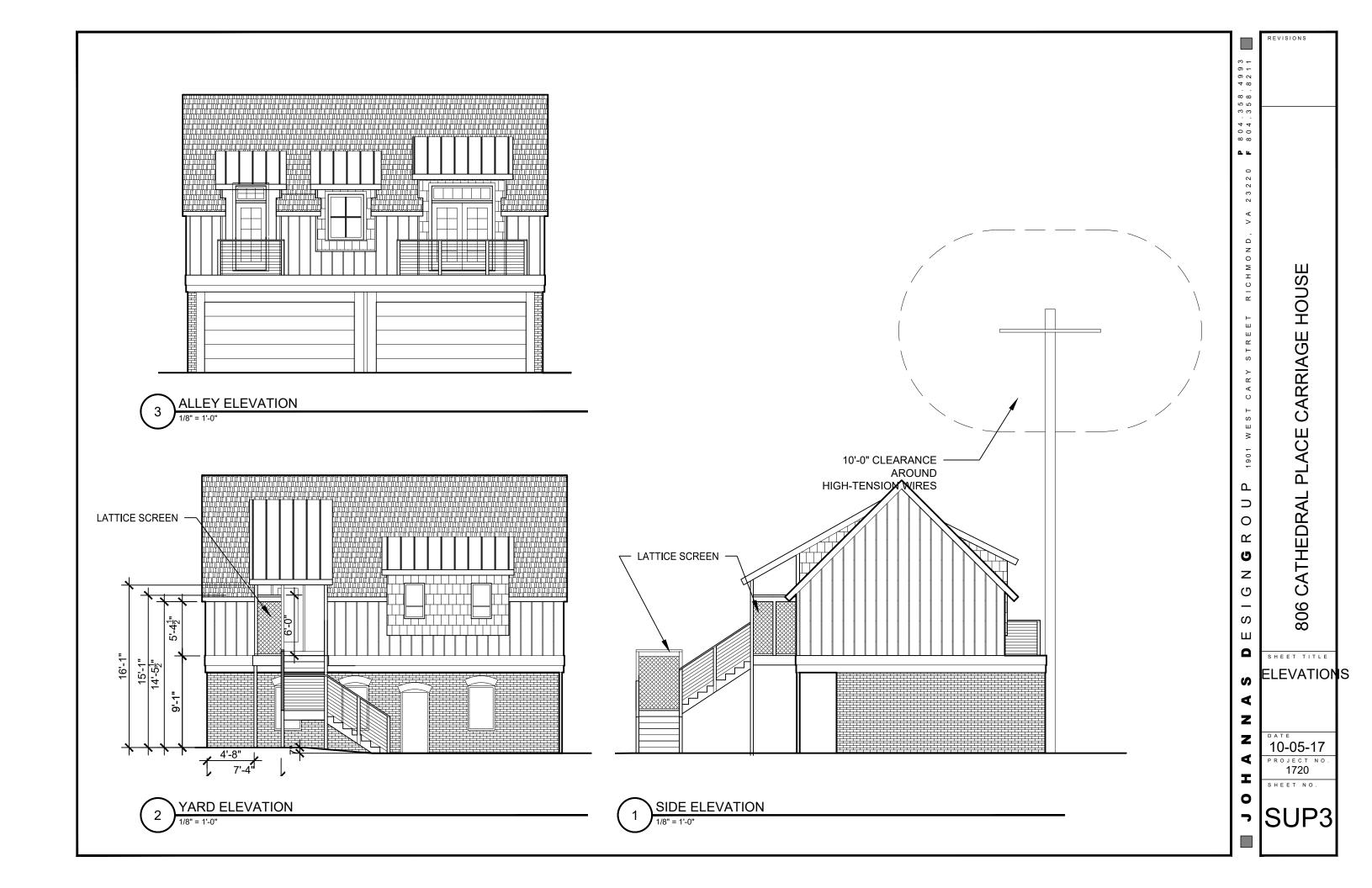
201 TWIN RIDGE LANE RICHMOND, VIRGINIA 23235 TELEPHONE (804) 320-2646

SCALE: 1" = 25'

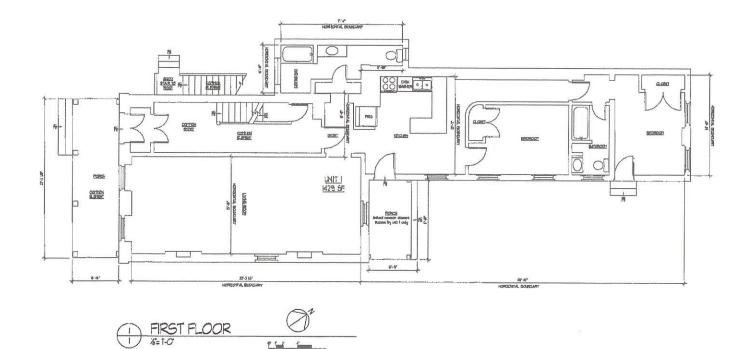
JOB NUMBER: 89120206











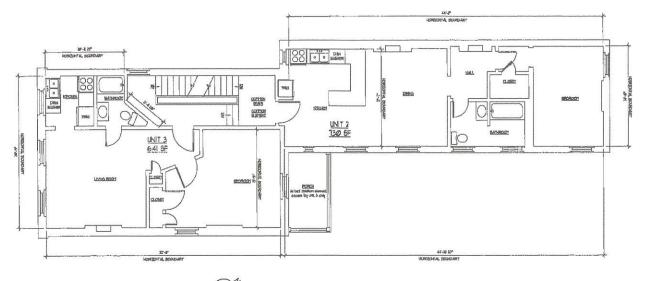
GENERAL NOTES:

I. PLANS ARE ACCURATE AND COMPLY WITH SECTION 55-7958 (B) OF THE CONDOMINIUM ACT.

2. ALL WHITS OR PORTIONS THEREOF HAVE BEEN SUBSTANTIALLY COMPLETED.

3. VERTICAL BOUNDARIES ARE THE UNIT BOUNDARIES.





SECOND FLOOR

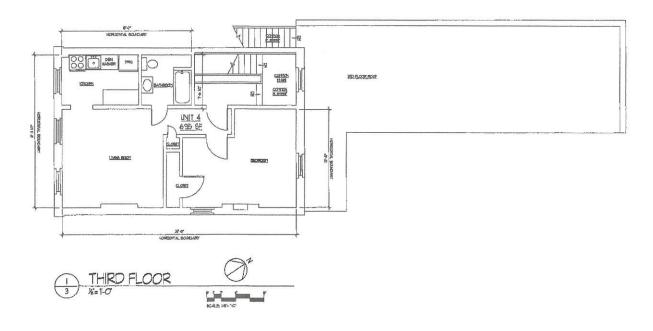
GENERAL NOTES:

L PLANS ARE ACCURATE AND COMPLY WITH SECTION 55-19.58 (B) OF THE CONDOMINIUM ACT. 2. ALL UNITS OR PORTIONS THEREOF HAVE BEEN

SUBSTANTIALLY COMPLETED.

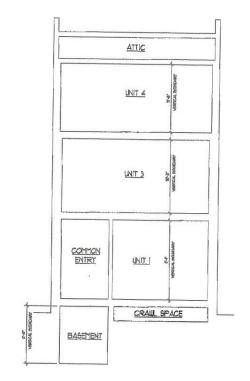
3. VERTICAL BOUNDARIES ARE THE UNIT BOUNDARIES.

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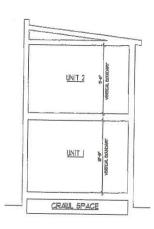


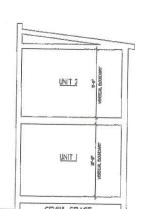
GENERAL NOTES

I. PLANS ARE ACCURATE AND COMPLY WITH SECTION 55-79,58 (B) OF THE CONDOMINIUM ACT. 2. ALL UNITS OR PORTIONS THEREOF HAVE BEEN SUBSTANTIALLY COMPLETED. 3. VERTICAL BOUNDARIES ARE THE UNIT BOUNDARIES.



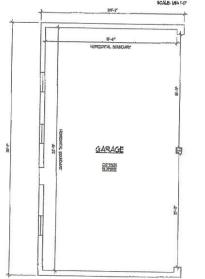
CROSS SECTION AT 3-STORY











GARAGE PLAN $\binom{3}{5}$



GENERAL NOTES:

I. PLANS ARE ACCURATE AND COMPLY WITH SECTION 55-1958 (B) OF THE CONDOMINUM ACT. 2. ALL UNITS OR PORTIONS THEREOF HAVE BEEN

SUBSTANTIALLY COMPLETED.

3. VERTICAL BOUNDARIES ARE THE UNIT BOUNDARIES.



