



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**Ord. No. 2021-131:** To authorize the special use of the property known as 212 East Clay Street for the purpose of a mixed-use building, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** June 7, 2021

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#### **PETITIONER**

Mark Baker – Baker Development Resources

#### **LOCATION**

212 East Clay Street

#### **PURPOSE**

To authorize the special use of the property known as 212 East Clay Street for the purpose of a mixed-use building, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The applicant is requesting a Special Use Permit for the purpose of a basement dwelling unit within a B-2 Community Business Zoning District. The proposed use is not currently allowed by section 30-436.1(12) of the Code of the City of Richmond 2020, regarding dwelling units below the ground-floor of a commercial use. A Special Use Permit is therefore required.

Staff finds that the proposal would be consistent with the recommendations of the City's Richmond 300 Master Plan, including the designated uses within the Neighborhood Mixed-Use category, which includes multi-family dwelling units.

Staff further finds that the proposal would not pose an undue burden on the availability of on-street parking in the area, due to the provision of off-street parking spaces available on-site and availability of mass transit.

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 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 request.

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## **FINDINGS OF FACT**

### **Site Description**

The property is currently improved with a 30,245 sq. ft. mixed-use building, constructed in 1908, situated on a 9,757 sq. ft. (.22 acre) parcel of land. The building currently contains 12 dwelling units and 4,500 sq. ft. of ground floor commercial space. The property is located in the City Center neighborhood at the intersection of East Clay Street and 3rd Street.

### **Proposed Use of the Property**

The applicant is requesting a Special Use Permit for the purpose of authorizing residential use of a basement dwelling unit.

### **Master Plan**

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed Use which is described as "existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses."

The development style within Neighborhood Mixed Use features a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Setbacks, plazas, and parks create a sense of place and community gathering areas. New developments on larger parcels continue or introduce a gridded street pattern to increase connectivity within the neighborhood and to adjacent neighborhoods. In historic neighborhoods, small-scale commercial uses exist today or should be allowed to reestablish. In new neighborhoods, small scale commercial buildings should be introduced. Regardless of use, buildings should engage the street with features such as street-oriented façades with windows and door openings along street frontages. Appropriate setbacks, open space, front porches, elevated ground floors, and other features that provide a sense of privacy should be provided for residential uses. Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. New driveways are prohibited on Priority and Principal Street frontages. Vehicular access to parcels should use alleys wherever possible. Parking areas should be located to the rear of street-facing buildings. Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets. Parcels are generally between 1,500 and 5,000 sq. ft.

Primary uses include Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

Secondary uses include large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government. (p. 56)

### **Zoning and Ordinance Conditions**

The current zoning for this property is B-2 Community Business. The City's Zoning Administration reviewed the application and provided the following comments:

#### **ZONING AND USE:**

The B-2 zoning district permits dwelling units contained within the same building as other permitted principal uses. The dwelling units are required to be located above the ground floor of the building or to the rear of the other permitted principal uses so as not to interrupt the commercial frontage in the district.

*Zoning Issue: The proposed dwelling unit will be located on the basement level, rather than above the ground floor or to the rear of the other permitted principal uses.*

The special use permit would impose conditions on the property, including:

3(a) The Special Use of the Property shall be as a mixed-use building. One of the dwelling units may be located below the ground floor of the building, on the basement level.

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

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.

### **Surrounding Area**

Surrounding properties are within the same B-2 Community Business District of the subject property, as well as RO-2 Residential – Office District and DCC - Downtown Civic and Cultural District. A mix of commercial, office, mixed-use, and multi-family, two-family, and single-family residential land uses are present in the area. The Greater Richmond Convention Center is located across North 3<sup>rd</sup> Street from the subject property.

### **Neighborhood Participation**

Staff notified area residents, property owners, and the Historic Jackson Ward Association of the proposed Special Use Permit. Staff has not received any letters of support, nor opposition, for this application.

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