



## Legislation Text

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**File #:** ORD. 2023-317, **Version:** 1

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To authorize the special use of the property known as 7 North 2<sup>nd</sup> Street for the purpose of a certain hostel use or emergency housing use, upon certain terms and conditions, and to repeal Ord. No. 2011-141-144, adopted Jul. 25, 2011. (6<sup>th</sup> District)

WHEREAS, the owner of the property known as 7 North 2<sup>nd</sup> Street, which is situated in a B-4 Central Business District, desires to use such property for the purpose of a hostel use, as defined herein, or an emergency housing use, which use, among other things, is not currently allowed by section 30-698.2, concerning regulations for emergency, transitional, and permanent supportive housing, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), 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 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 (2020), 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 7 North 2<sup>nd</sup> Street and identified as Tax Parcel No. W000-0047/027 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “Plat of Nos. 7 and 9 N. Second Street, Situated on the Eastern Line of Second Street, between Main and Franklin Streets, Richmond, VA,” prepared by Chas. H. Fleet, and dated September 20, 1943, 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 a hostel use, as defined herein, or an emergency housing use, hereinafter referred to as “the Special Use.”

(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 a hostel use, as defined herein, or an emergency housing use.

(b) The emergency housing use shall be authorized to operate on a year-round basis and house, at any one time, up to (i) 60 people or (ii) the maximum number of people permitted under applicable building, fire, and health codes, whichever is less.

(c) Except as otherwise provided by this ordinance, the emergency housing use shall be subject to and at all times in compliance with Article VI, Division 15 of Chapter 30 of the Code of the City of Richmond (2020), and amendments thereto.

(d) The capacity of the hostel use shall not exceed 80 guest beds in up to 20 guest rooms. For the purposes of this ordinance, a hostel shall be defined as a shared-room accommodation, intended to be rented for compensation for occupancy by the traveling public on a daily basis, with access to guestrooms provided exclusively from within the building. The hostel shall contain shared sanitation and laundry facilities and a shared kitchen, all for the use of guests. Occupants of any age shall be permitted, however, children less than 18 years of age shall be accompanied by an adult.

(e) A dwelling unit for a manager of the hostel may be provided on the Property.

(f) A minimum of one employee, agent, or representative of the hostel shall be on the Property at all times that a hostel use is operated on the Property.

(g) No off-street parking shall be required for the Special Use.

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

**§ 4. Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) 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.

(b) 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.

(c) 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 (2020), as amended, and all future amendments to such laws.

(d) 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 (2020), 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 (2020), 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 (2020), 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, 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 Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Repeal of Prior Ordinance.** That Ordinance No. 2011-141-144, adopted July 25, 2011, be and is hereby repealed.

§ 8. **Effective Date.** This ordinance shall be in force and effect upon adoption.

### **O & R Request**

**DATE:** September 22, 2023

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor (Mayor, by Request)  
(This is no way reflects a recommendation on behalf of the Mayor.)

**THROUGH:** J.E. Lincoln Saunders, Chief Administrative Officer

**THROUGH:** Sharon L. Ebert, Deputy Chief Administrative Officer for Economic  
Development and Planning

**FROM:** Kevin J. Vonck, Director, Department of Planning and Development Review

**RE:** To authorize the special use of the property known as 7 North 2nd Street for the purpose of a hostel use, as defined herein, or emergency housing use, upon certain terms and conditions, and to repeal Ord. No. 2011-141-144, adopted July 25, 2011.

**ORD. OR RES. No.**

**PURPOSE:** To authorize the special use of the property known as 7 North 2nd Street for the purpose of a hostel use, as defined herein, or emergency housing use, upon certain terms and conditions, and to repeal Ord. No. 2011-141-144, adopted July 25, 2011.

**REASON:** The applicant is requesting authorization for an emergency housing facility, which use is authorized within the underlying B-4 Central Business District. However, the proposed facility does not meet the zoning requirement that it be located at least 1,320 feet from any other property with an emergency housing, transitional housing, or permanent supportive housing use. A current special use permit (Ord. No. 2011-141-144) authorizes a hostel use on the property and the property owner desires to retain authorization for the hostel use. The current special use permit ordinance will be repealed and the applicable conditions pertaining to the hostel have been incorporated into the new special use permit ordinance, along with new conditions pertaining to the emergency housing use.

**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.

**BACKGROUND:** The property is located in the Monroe Ward neighborhood between East Franklin and East Main Streets. The property is an approximately 4,930 sq. ft., (.11 acre) parcel of land improved with a 9,311 sq. ft. building constructed, per tax assessment records, in 1925.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Downtown Mixed-Use which is defined as the "Central business district of the Richmond region features high-density development with office buildings, residential buildings, and a mix of complementary uses, including regional destinations in a highly-walkable urban environment." (p. 66)

Intensity: Buildings typically a minimum height of five stories.

Primary Use: Retail/office/personal service, multi-family residential, cultural, institutional, government, and

open space.

The current zoning for this property is B-4 Central Business District. All adjacent and nearby properties are located within the same B-4 District. A mix of land uses are found in the area.

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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 a 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). However, the proposed emergency housing facility does not meet the supplemental regulation that the use be located at least 1,320 feet from any property with an emergency housing, transitional housing, or permanent supportive housing use.

The proposed emergency housing use will be operated by HomeAgain as a facility for families experiencing homelessness. The City will be leasing the property from the owner and subleasing to HomeAgain and will be supporting operating costs of the facility. The proposed emergency housing use will be an extension of HomeAgain's current family emergency housing facility, the Espigh Family Shelter, located at 2 E. Main Street in Richmond, which currently houses up to 35 individuals daily. In the past three years, HomeAgain has successfully helped 465 individuals and 126 households within the Espigh Family Shelter. Of these families, 91% have exited our shelter into permanent housing.

**FISCAL IMPACT / COST:** The Department of Planning and Development Review does not anticipate any impact to the departmental 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:** \$1,800 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** October 10, 2023

**CITY COUNCIL PUBLIC HEARING DATE:** November 13, 2023

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** Planning Commission  
November 6, 2023

**AFFECTED AGENCIES:** Office of Chief Administrative Officer  
Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Repeal Ord. No. 2011-141-144

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

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

**STAFF:** Matthew Ebinger, Principal Planner, Land Use Administration (Room 511) 646-6308  
Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734

**Key Issues:**

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: