

## Exhibit 1



Good afternoon,

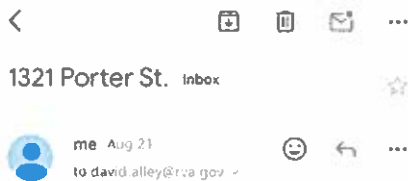
Please work diligently toward getting your SUP (special use permit) to allow the use of a multifamily building in that zoning district. Once the Sup has been approved, continue to work towards getting plans submitted with the building permit application that has been applied for already. Trade permits must also be applied for electrical, plumbing, and mechanical work that was done without the appropriate permits or inspections. Fire alarm and sprinkler permits will more than likely be required.

### Email from Rick Paul with clear steps on the order of operations for 1321 Porter St. on May 22, 2024

Mr. Alley will address your request, when he returns back to the office, per his earlier email.

Sincerely,

## Exhibit 2



1321 Porter St. inbox

Hello David!

I am emailing because there seems to be possible confusion about the continuation of the process for 1321 Porter St. I want to clarify that nothing has changed. I have a copy of your email from May 28, 2024 and I am continuing with the process in reference to Rick Paul's email on May 22, 2024. I have been working on the SUP for 3 months now and am coming to a close with the process. Once I have finished that I will address plans and any necessary permits needed for the building.

### Email to David Alley about the update on the SUP and future plans on recifying 1321 Porter St. permitting on August 21, 2024

Sincerely,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

### **Exhibit 3**

#### **Q and A provided to city council members and Kevin Vonck on September 9, 2024**

**Q: Why is a building permit referenced if nothing is going to be built or changed?**

**A:** Several years ago, a prior owner built an addition. Per the building department, they did get some permits but not all. I had no knowledge of this until May of 2024 and we have had full occupancy in all 4 units for 3-4 years. The building department has requested that we bring the property records up to date after the completion of the SUP process, which we have agreed to. While we know that section 6 is outside of the scope of SUP guidelines, we are comfortable leaving it in because we have and continue to show good faith in our willingness to work with the building department.

In agreement with the City Attorney who provided corrections in Reference B, we do insist that our \$1800 law that is being written specifically for our non-compliant side yard and lot size clearly state that we will be operating only within the confines of the law.



DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

Review & Approval process for  
**SPECIAL USE PERMIT**

In instances where it has been determined that underlying zoning regulations cannot be met, a special use permit may be granted by City Council to provide relief from zoning regulations.

Special use permit applications are reviewed for compliance with the Richmond 300 to ensure the proposal is compatible with the surrounding area and that it is an appropriate use for the site. Specifically, applications are reviewed to ensure that the City Charter conditions for granting special use permits have been met. The City Charter requires that prior to City Council approval; it must be shown that the proposed special use will not:

1. be detrimental to the safety, health, morals and general welfare of the community involved;
2. create congestion in streets, roads, alleys and other public ways and places in the area involved;
3. create hazards from fire, panic or other dangers;
4. tend to cause overcrowding of land and an undue concentration of population;
5. adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or
6. interfere with adequate light and air.

Applicants **are encouraged** to schedule a pre-application conference with the Division of Land Use Administration staff to review related Master Plan, land use and other issues that may be involved prior to making application. Please call (804) 646-6304 to schedule an appointment with the staff. Staff will review submitted applications to ensure all required materials and information are provided. If the application is not acceptable, the required information must be provided prior to formal staff review.

Applicants should also discuss the proposed special use permit with area civic associations, property owners, residents, and the area Council Representative prior to submitting an application. Letters from the associations and property owners stating their position in regards to the request should be submitted with the application.

The Division of Land Use Administration circulates the special use permit application materials to appropriate City agencies as determined necessary. City agencies reviewing the proposal may include: Public Works, Building Permits & Inspections, Public Utilities, Water Resources, Zoning Administration, and Fire and Emergency Services. The Division of Land Use Administration will coordinate responses by City agencies. Written comments will be provided generally within 30 days of the application submittal date.

After review by these agencies and by the Division of Land Use Administration, the staff will confer with the applicant regarding suggested conditions to be included in the ordinance and any suggested changes to the plans. If the property is located in a City Old and Historic District and the request involves exterior alterations, additions or new construction, the plans should also be reviewed by the Commission of Architectural Review prior to an ordinance being introduced in City Council. Once the plans are in final form, an ordinance is drafted and the plans are attached to and are made a part of the ordinance. The staff will forward a copy of the ordinance to the applicant for review and approval.

The ordinance is then reviewed by the City Attorney's office and the City Administration. Once their review is complete, the ordinance is introduced to City Council and a public hearing is scheduled, usually thirty days after introduction. During this thirty-day period, public notice of the hearing is posted on the site and in a daily newspaper. Notices are also mailed to the owners of all properties within 150 feet of the subject property. One week prior to the City Council public hearing, the Planning Commission, after receiving a report from the Department of Planning and Development Review, considers the proposed special use permit and forwards a recommendation to City Council. The Planning Commission welcomes information submitted prior to the meeting and may ask questions of proponents and opponents during the course of its deliberation on the ordinance. Six affirmative votes of City Council are required to adopt a special use ordinance. Please note that there is a fee of \$250 for each continuance caused by the applicant.

If the special use ordinance is adopted by City Council, the applicant has a specified time period in which to apply for a building permit to implement the special use permit. Building permit plans must be substantially in accordance with the adopted special use permit plans, otherwise a building permit will not be issued. In general, the approval process for special use permits takes between 120 to 180 days. However, depending on the complexity of the proposed special use permit, more or less time may be required. The City Planning Commission considers approval of special use permits at its regular meetings on the first and third Monday of each month. Incomplete submissions or major modifications to the plan during the review process may cause delays in the schedule.