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January 24, 2020

VIA EMAIL AND FIRST-CLASS MAIL

Members, City of Richmond City Council Richmond City Hall 900 East Broad Street Richmond, Virginia 23219

RE: ORDINANCE No. 2019-328.

The Salvation Army Special Use Permit

Dear Members of City Council for the City of Richmond:

I write on behalf of the Chamberlayne Industrial Center Association ("CIC"), a group of businesses and residents interested in the development of the VUU / Chamberlayne Neighborhood. The CIC's members are located in the vicinity of 1900 Chamberlayne Avenue and will be negatively impacted by the proposed Special Use Permit requested by the Salvation Army ("Applicant"), referenced above. CIC respectfully requests that Applicant's Application for a Special Use Permit ("Application") be denied, or the issue continued to ensure proper input from the community is heard and considered by Council.

As you know, Applicant has asked for a Special Use Permit to operate an emergency housing program and office, with associated programmatic and supporting services space, at 1900 Chamberlayne Avenue. This area is currently zoned M-1 Light Industrial, which would preclude this type of use. As a result, for the proposed use to be allowed, the City Council ("Council") must issue a Special Use Permit ("SUP").

To grant a SUP, the City must find that the special use:

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 Letter to Members, City of Richmond City Council Page 2 of 4

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.

City of Richmond Charter, § 17.11 (2019); see also City of Richmond Code of Ordinances § 30-1050.1.

Note that under the City Charter, in making its findings, the City Council does not have to find a *significant* detrimental effect on "the safety, health, morals and general welfare of the community involved." *Id. Any detrimental effect* at all on the surrounding neighborhood is sufficient to permit the Council to deny the Application. In this case, Council should deny the Application pursuant to the City's Charter and Zoning Ordinance because the Application (1) does not have local support; (2) runs contrary to the City's planning; (3) will impede economic development in the Chamberlayne planning area; and (4) will set a bad precedent for future development in Richmond.

First, the Application is without local support. The CIC, which represents a consortium of local businesses, opposes the Application. Councilman Chris Hilbert opposed the Application before he recused himself due to a conflict of interest. Many local residents, businesses and their employees are also opposed as evidenced by a recent petition requesting Council deny the Application. See Exhibit A. This includes many local businesses who are providing services to the community at large. More signatures are expected to be gathered before the Council meeting on Monday, January 27.

While Virginia Union University initially supported the Application in a letter dated December 2, 2019, it reduced its support in their letter dated December 17, 2019 and made such support "contingent upon equal support by the residents and business owners of *Northside*." (emphasis added). As demonstrated above, the residents and businesses of Northside have expressed concerns and opposition to the Application. Other businesses in the area—such as Wells Fargo—have taken a similar stance by neither opposing nor supporting the project.

In fact, the vast majority of the support for the SUP comes from Applicant's current neighbors near Grace Street. While the CIC does not doubt the sincerity of this support, Applicant's current neighbors operate in a different part of the City with different needs and development goals. They do not speak for businesses and residents of the VUU / Chamberlayne neighborhood. In short, the vast majority of Applicant's supporters do not live in the "community" referenced in §17.11 of the Richmond Charter.

Second, the Application runs counter to the Master Plan and the VUU / Chamberlayne Neighborhood Plan. It is important to note that the CIC's opposition to the Application is not an opposition to The Salvations Army's mission. Rather, it is in opposition to the Application's attempt to nullify the City's Master Plan and the VUU / Chamberlayne Neighborhood Plan. Both plans envision this area being zoned as M-1. This precludes the type of use the Application envisions and such a use does not support local businesses in their attempts to revitalize the area.

Letter to Members, City of Richmond City Council Page 3 of 4

The Master Plan is not a document which should be ignored when convenient. The Master Plan itself states:

The Master Plan is one of the City's most important policy documents. It determines patterns of new developments and redevelopment including where business should locate. . . It sets policy and provides direction for public and private investment in the city for the next 20 years. . . The Master Plan represents the values of the community citywide.

Richmond Master Plan, P. 1 (2000).

Based on this plan, many local businesses have picked the VUU / Chamberlayne neighborhood to establish themselves, often by investing large sums of time and capital. Many did so not only in reliance upon the City's Master Plan, but also in reliance on the City's 2015 VUU / Chamberlayne Neighborhood Plan. The 2015 neighborhood plan, formed after consulting with local residents and businesses, seeks to attract more business and retail investment so the neighborhood can reach a critical mass of commercial development. For this reason, the VUU / Chamberlayne Neighborhood Plan—and current zoning—does not envision residential development in this section of the neighborhood. Importantly, this is a plan that was generated in consultation with the local community and passed by the City Council itself.

Applicant's proposed use runs directly counter to both of the City's planning documents, which were approved by the Council itself as recently as 2015. The City has expended significant time, money, and effort on preparing these documents, and it should therefore adhere to them. Doing so will also promote the public's trust in these planning documents, and in Council itself.

Third, the Application, if approved, will hinder the area's ability to continue to attract this type of commercial investment. As addressed in the previous letters provided by CIC, Applicant's plan has the potential to make the VUU / Chamberlayne neighborhood less attractive to commercial tenants and residents. The Application and subsequent planning does not address the issues, such as increased foot traffic and impacts on Chamberlayne Avenue, which are brought up in letters in opposition. These concerns will materially impact the growth of the neighborhood.

Investments in a community are premised on the anticipated future development, as well as existing development. Deviating from these premises harms developer expectations and economic development because it creates uncertainty as to the future of the area. Uncertainty limits new investments and encourages others looking to invest to choose locations elsewhere. Small businesses and retailers deserve to have their expectations in adopted comprehensive plans fulfilled, just like a residential community. Consistently applying the comprehensive plan allows investors and developers to make business choices with less uncertainty and less risk, which will encourage the revitalization of the VUU / Chamberlayne neighborhood. The Application will reduce the certainty that new investment in the VUU / Chamberlayne neighborhood requires.

Finally, the City would be setting a bad precedent. Every decision you make will be relied upon in the future by Staff, developers, residents, and City Councils in their decision-making. There is no question that each special use permit application is unique in some ways. But consistency in

application of the comprehensive plans in zoning is critical to guide future decision-making for developers, investors, and the City. Local stakeholders, including developers, residents, and businesses of the City, should be able to rely on the plain wording of the VUU / Chamberlayne Neighborhood Plan and the Master Plan, and uses contrary to these documents should only be permitted in the rare circumstances when the requirements of the Charter and the Zoning Ordinance are clearly met. This is not one of those circumstances. Moreover, ignoring the results of a lengthy, thorough community consensus process leads to a loss of community support, morale, and commitment to the neighborhood plan and the VUU/ Chamberlayne neighborhood itself. Some may ask, why seek out public input for a plan that is ignored? Why should the community care?

Such inconsistency undermines the public trust in the governmental decision-making of a locality. Consistency is an important reputation to have in dealings with other local governments, the Commonwealth, outside investors and rating agencies. It leads to economic success. Denying this SUP would be consistent with the clear statements in your adopted plans and would be a message to your constituents that the City says what it means, and means what it says. This would serve the City's interests as a whole.

In conclusion, there has not been proper input or support from the local community to justify granting this Special Use Permit as proposed. The lack of involvement can be rectified by denying the Application and allowing the community to come together with Richmond Economic Development to see if an accommodation could be developed which would accommodate the business interests of those who have already invested significant amounts of time, energy, and capital into the redevelopment of the VUU / Chamberlayne neighborhood and the interests and needs of the Applicant. Alternatively, Council can postpone its decision on this important topic to allow proper input from local businesses.

Council should not find that this project does not harm the VUU / Chamberlayne neighborhood. The opposition to this project demonstrates that many in the community believe it will directly hurt the revitalization efforts currently underway.

I welcome your questions, and hope that this has been helpful analysis to assist your decision-making.

Very truly yours,

Andrew R. McRoberts

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cc: The Honorable Levar M. Stoney, Mayor
Mr. Leondard Sledge, Department of Economic Development
Mr. Mark Olinger, Department of Planning and Review

Richmond City Attorney

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Neighborhood and it will negatively impact existing businesses. NAME/COMPANY (PRINT) **ADDRESS (PRINT)** SIGNATURE/DATE 2026 Chamberlayne Ave A.J. Runney a graney 1-20-20 A.J. Ruoney Auto Paint Supply Co. Richmond MA 73222 **Email (optional)** Phone # (optional) NAME/COMPANY (PRINT) ADDRESS (PRINT) SIGNATURE/DATE RON BEASLEY 2026A CHAMBHRLANNEAVE. RICHMOND, VA-27227 AUTO PAINT SUPPLY CO. **Email (optional)** Phone # (optional) Montre Dorollym 14 NAME/COMPANY (PRINT) **ADDRESS (PRINT)** 2026-A Chamberhyne Ave Rich Va 23222 Monroe Woodham Auto Paint Supply Email (optional) Phone # (optional) NAME/COMPANY (PRINT) SIGNATURE/DATE ADDRESS (PRINT) 2026 A CHAMBELL TNE AVE ROUER WRIGHT RICHMOND WA 23222 AUTO PAINT SUPPLY 1-20-2020 **Email (optional)** Phone # (optional) NAME/COMPANY (PRINT) SIGNATURE/DATE **ADDRESS (PRINT) Email (optional)** Phone # (optional) NAME/COMPANY (PRINT) SIGNATURE/DATE **ADDRESS (PRINT) Email (optional)** Phone # (optional) Petitioner Name: alesa Hemenway Address: 1520 Brook Rd., Richmond, UL 23220 **Phone Number:** 804 643-8397

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Phone Number: 804-643-2397

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Petitioner Name: Mike Salmon - Talley Sign Company Address: 1908 Chamberlayur Ave Richmond, VA 23222 Phone Number: 804-649-0325			

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Petitioner Name: Mike Salnow-Talley Styn Company Address: 1908 Chamberlague Ave Richmond, VA 23222			
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1/23/2020 AdaiN HAMblin Petitioner Name: Miloe Salmon-Talley Sign Company Address: 1908 Chambanlay Ne pur Richmond. UN 23222 Phone Number: 804-649-0325

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To the City of Richmond in opposition to the relocation of The Salvation Army to 1900 Chamberlayne Avenue, Richmond, Virginia (SUP-052135-2019 and Ordinance 2019-328). The relocation of The Salvation Army to 1900 Chamberlayne Avenue is not compatible with the VUU/Chamberlayne Neighborhood Plan, it will discourage future business and residential development, it will worsen crime in the VUU/Chamberlayne

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NAME/COMPANY (PRINT) ADDRESS (PRINT) SIGNATURE/DATE **Email (optional)** Phone # (optional) NAME/COMPANY (PRINT) ADDRESS (PRINT) 10/51 Stags Leap Dr. So Young Na Mechanicsville, VA 23116 Email (optional) Phone # (optional) SIGNATURE/DATE NAME/COMPANY (PRINT) ADDRESS (PRINT) 1801 Chamberlayn Ave. Whang Heo Store Richmond, VA. 23222 Email (optional) bbc coolegnon/ an Phone # (optional) 804 NAME/COMPANY (PRINT) ADDRESS (PRINT) **Email (optional)** Phone # (optional) NAME/COMPANY (PRINT) ADDRESS (PRINT) SIGNATURE/DATE **Email (optional)** Phone # (optional) SIGNATURE/DATE NAME/COMPANY (PRINT) ADDRESS (PRINT) Email (optional) Phone # (optional) me: Whong he o 1301 Chamberlays Ave Richmond VA. 23222 Petitioner Name: Address: Phone Number: