



Oregon Hill Home Improvement Council, Inc.

619 West Cary Street, Richmond, Virginia 23220

To: Richmond City Planning Commission

From: Oregon Hill Home Improvement Council

Re: Opposition to CPR.2020.033: intent to amend the B-3 General Business District

Date: August 2, 2020

Dear Members of the Richmond City Planning Commission,

On behalf of the Oregon Hill Home Improvement Council, which owns the anti-slavery landmark Jacob House at 619 West Cary Street within the B-3 zoning, we remain strongly opposed to the process and much of the substance of CPR.2020.033. This resolution declares an intent to amend the B-3 General Business District in response to City Council Resolution 2018-R081.

We support the three primary objectives of Councilman Michael Jones:

We support the three primary objectives of Councilman Michael Jones in removing these three permitted principal uses from the B-3 zoning:

- adult uses (such as adult book stores and massage parlors)
- car lots
- predatory lenders

Removing these three permitted principal uses through the amendment process is appropriate. By contrast, extensive changes to B-3 zoning throughout the city must go through the rezoning process as per city code.

We strongly oppose the proposed wholesale change of the B-3 zoning through amendment process:

The substantial changes to the B-3 zoning proposed in the CPR.2020.033 are far beyond the scope of a simple amendment to the B-3 zoning and instead constitute a fundamental rezoning without the legally required due process as mandated in the city code. These fundamental zoning changes must be made through a legal public rezoning procedure and not through an "amendment" with little public input.

Unintended consequences of circumventing city code by wholesale rezoning by amendment:

According to the latest staff report, this proposed amendment would fundamentally change the **TYPE** of zoning within the **BUSINESS B-3** to allow **DWELLING** units as a permitted principal use. Such fundamental change in zoning type must go through the appropriate legal rezoning process as mandated by city code rather than an amendment process.

Among the unintended consequences of this unprecedented proposal of allowing **RESIDENTIAL** development as a primary permitted use in a **BUSINESS** zoning would be to allow apartment buildings by right to be constructed in the B-3 zoned corridor on Broad Street between the expressway and Willow Lawn, or the construction of *ad hoc* dormitories within the B-3 zoning of the Oregon Hill Historic District.

While the planning staff might find it more work to go through the legally required rezoning process as described in the city code, it would set a very damaging and illegal precedent to attempt to change the **TYPE** of zoning and all aspects of zoning through the amendment process. This would set back appropriate city zoning in Richmond by half a century when there was little regulation of business zoning adjacent to residential dwellings.

We strongly object to the substance of much of the proposed amendment as it relates to the B-3 within the Oregon Hill Historic District:

- **We strongly object to any increase in allowable building height within the B-3.** Staff has misrepresented that the current height limit within the B-3 is 60 feet. The current height limit within the B-3 zoning is 35 feet (without yard setback offsets that are generally not found in Oregon Hill). This must be clarified in writing.
- **We strongly object to the suggestion included in the staff report for CPCR.2020.033 that parking decks would become a permitted principal use in the B-3 zoning: “retains parking decks and garages as a Principal use.”** On our behalf, our former Councilman Parker Agelasto successfully removed parking decks as a primary permitted use within the B-3. We adamantly oppose the attempt to reintroduce parking decks and garages as a permitted primary use through amendment.
- **We strongly object to the suggestion included in the staff report for CPCR.2020.033 that dwelling units of any kind would be added as a permitted principal use in the B-3 zoning.** This far-fetched idea to simply amend the B-3 zoning allow dwellings as a primary use within a business zoning is contrary to fundamental good zoning and contrary to city and state code requirements for zoning changes. This would allow *ad hoc* dormitories to be constructed within the Oregon Hill Historic District.
- **We strongly object to the suggestion included in the staff report for CPCR.2020.033 that would allow as permitted principal uses within the B-3 zoning: breweries, dwelling units of any kind, and small manufacturing uses such as bakeries and garment making. These are the sort of uses that should be considered on a case by case basis through the Special Use Permit process.** For example, small manufacturing functions using harmful chemicals, loud noises, objectionable smells would not be appropriate within the B-3 zoning. It is appalling that the city would consider foisting these inappropriate permitted principal uses on the neighborhood without even consulting the affected community.

In Summary:

While we support the efforts of Councilman Michael Jones to eliminate adult uses, car lots, and predatory lenders as permitted principal uses within the B-3, we object to other wholesale changes of the B-3 zoning through amendment. We strongly object to any increase in the maximum the building height of 35 feet in the B-3 zoning. We strongly object to the proposed changes in permitted principal use function within the B-3 zoning by adding breweries, dwelling units of any kind, small manufacturing uses, and parking decks and garages.

We strongly object to these fundamental and substantial changes to our B-3 zoning without the legally required rezoning due process as mandated in the city code.

Thank you for your consideration on this important issue.

Sincerely,

Charles Pool
Board Member
Oregon Hill Home Improvement Council
619 West Cary Street
Richmond, VA 23220