

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	February 22, 2022
Action Required:	Motion to Approve a Certificate of Appropriateness, or Motion to Deny a Certificate of Appropriateness
Presenter:	Jeff Werner, Preservation & Design Planner, Department of Neighborhood Development Services (NDS) Breck Gastinger, Chair, BAR
Staff Contacts:	Jeff Werner, Preservation & Design Planner, Department of NDS James Freas, Director, NDS
Title:	605 Preston Place - Appeal of BAR approval of a Certificate of Appropriateness (BAR 21-05-03)

- On October 19, 2021 the City’s Board of Architectural Review approved a certificate of appropriateness to allow construction of a three-story apartment building at 605 Preston Place, pursuant to the details set forth within City application number BAR 21-05-03.
- Several homeowners/ residents who live on Preston Place have appealed the BAR’s decision to City Council, pursuant to City Code §34-285(b) (“any aggrieved person may note an appeal of the BAR decision to the city council”).
- State enabling legislation authorizes the City to establish historic districts within its zoning ordinance, and to designate specific buildings or structures within the zoning ordinance as having important historic, architectural, archaeological or cultural interest. Va. Code §15.2-2306(A)(1). Within the City’s zoning ordinance, **605 Preston Place** is designated as an **Individually Protected Property** (ref. City Code §34-273) and the building/structure located on the property is identified as a structure that contributes to the character of the Rugby Road-University Circle-Venable Neighborhood Architectural Design Control (ADC) District (“**contributing structure**”) (ref. City Code §34-272(8), *and see* Charlottesville’s ADC Design Guidelines, Ch. 1 (Introduction, Parts 1 & 2, Map of Contributing Structures).
- State law also authorizes the City to include within its ordinance a requirement that no building or structure may be erected, reconstructed, altered or restored unless approved by the local review board (or, on appeal, by the governing body) as being architecturally compatible with the other properties within the district. Va. Code §15.2-2306(A)(1). This authority has been implemented in the City’s zoning ordinance by City Code §§ 34-275 and 34-276.
- **The City Council’s role in this appeal is to make the final decision on the certificate of appropriateness (i.e., approval or denial).** According to City Code §34-286(b): “City

Council shall consult with the BAR and consider the written appeal, the criteria [standards for review] set forth within City Code Sec. 34-276, as applicable, and any other information, factors, or opinions it deems relevant to the application.” Council should make a final decision on the application, and should not refer the matter back to the BAR.

Sample motion to approve: “Upon consideration of all of the information and factors referenced in City Code §34-276 and 34-286, I move to approve a certificate of appropriateness for Application No. BAR 21-05-03.”

Sample motion to deny: “Upon consideration of all of the information and factors referenced in City Code §34-276 and 34-286, I move to deny a certificate of appropriateness for Application No. BAR 21-05-03.”

- If the owner of 605 Preston Place is aggrieved by City Council’s final decision, the owner may appeal the decision to the Charlottesville Circuit Court. The City’s ordinance does not allow appeals to Circuit Court by anyone *other than* the landowner. See City Code §34-286(c).

The order of presentation for Council’s review of an appeal from a BAR decision is: (1) City Preservation Planner presentation of the Staff report, (2) Appellants’ presentation, and (3) BAR chair presentation.

Staff Recommendation:

Based on the application materials, the information and standards set forth within City Code §34-276 and §34-286, and for the reasons set forth within the Staff Report, staff’s recommendation is that City Council should render a final decision to approve a Certificate of Appropriateness for 605 Preston Place [Application No. **BAR 21-05-03**]

Discussion:

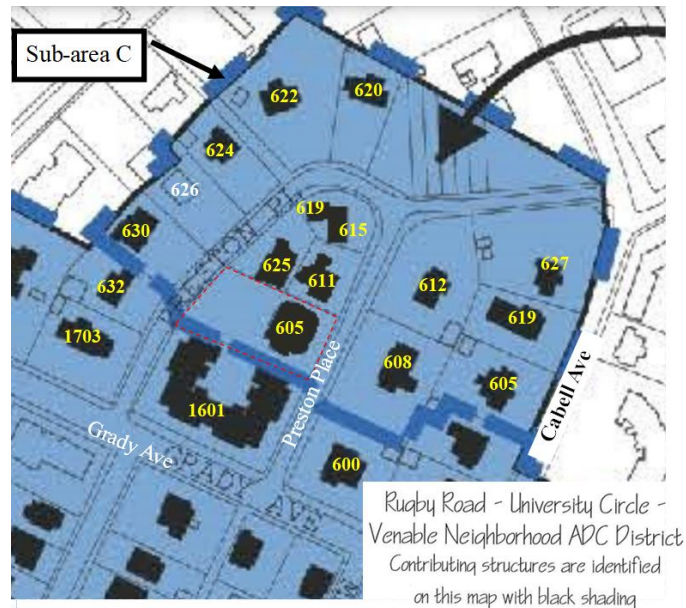
Note: For citations of the referenced City Code Sections and the ADC District Design Guidelines, see Attachment 3.

Built in 1857, Wyndhurst was the manor house of the 100-acre farm that is now the Preston Heights section of the city.

From the ADC District Design Guidelines, Chapter 1 – *Introduction*, pages 26 and 27.

Rugby Road - University Circle - Venable Neighborhood ADC District: This residential area north of the University of Virginia was carved out of two large farms to house the University’s growing number of students and faculty during the boom years between 1890 and 1930. The neighborhood contains a number of architecturally significant structures including apartment buildings, residential dwellings, and fraternity houses, as well as a school, a library, and two churches. Although a wide variety of architectural styles exist in this area, the Colonial Revival and Georgian Revival styles are most commonly represented.

[Sub-area C] Preston Place: A moderate scale single family residential neighborhood constructed in the 1920s and 1930s with the exception of Wyndhurst (605 Preston Place), built in 1857, which was the original farmhouse on the property; porches, brick, wood frame, variety of architectural styles, deep setbacks, wooded lots.



Links: [Chapter 1 Introduction \(Part 1\)](#) and [Chapter 1 Introduction \(Part 2\)](#)

The requested CoA was presented to and discussed by the BAR as follows:

- September 15, 2020: CoA applicant presented the project to the BAR during a pre-application conference, as required by City Code Sec. 34-282. [Link to BAR action letter and staff report and Applicant's submittal: http://weblink.charlottesville.org/public/0/edoc/798341/2020-09_605%20Preston%20Place_Preliminary%20Discussion.pdf]
- May 18, 2021: BAR review of CoA request. BAR accepted applicant's request for deferral [Link to BAR action letter and staff report and Applicant's submittal: http://weblink.charlottesville.org/public/0/edoc/798408/2021-05_605%20Preston%20Place_BAR.pdf]
- August 17, 2021: BAR review of CoA request. BAR accepted applicant's request for deferral [Link to BAR action letter and staff report and Applicant's submittal: http://weblink.charlottesville.org/public/0/edoc/799009/2021-08_605%20Preston%20Place_BAR.pdf]
- October 19, 2021: BAR review of CoA request. BAR approves CoA with conditions. [Link to BAR action letter and staff report and Applicant's submittal: http://weblink.charlottesville.org/public/0/edoc/799036/2021-10_605%20Preston%20Place_BAR.pdf]

In approving the CoA request on October 19, 2021, the BAR cited the City's Architectural Design Control (ADC) District Design Guidelines (adopted September 17, 2012).

Motion: (Schwarz) Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find the proposed new construction at 605 Preston Place satisfies the BAR's criteria and is compatible with this property and other properties in the Rugby Road-University Circle-Venable Neighborhood ADC District, and that the BAR approves the application as submitted, with the following modifications and recommendations:

- We require that all lighting be dimmable, if that option is available with the specified light fixtures, the Color Temperature not exceed 3,000K, and the Color Rendering Index is not less than 80, preferably not less than 90.
- We recommend undergrounding the new electrical service in a manner that protects existing trees
- We require that during construction, the applicant must protect the existing stone walls and curbs within the public right of way. Provide documentation prior to construction. If damaged, repair/reconstruct to match prior to final inspection.
- We make a recommendation to the city traffic engineer that the proposed driveway be 12' wide or as narrow as possible
- We recommend that a smaller statured tree or shrub be selected from the City's Master Tree List for the site of the currently proposed fringetrees in front of Wyndhurst
- We recommend that all archaeological resources be protected and documented, and a Phase 1 archaeological survey be conducted
- We require that City staff will follow up on concerns over the condition of Wyndhurst and determine if there are zoning violations

Bailey seconds motion. Motion passes (8-0).

Note: For the BAR meeting minutes from September 15, 2020, May 18, 2021, August 17, 2021 and October 19, 2021, see Attachments 4, 5, 6 and 7. Note: Meeting minutes for August 2021 and October 2021 meetings have not been approved by BAR. The draft minutes reflect only the BAR's discussion and do not include public comments made during the meeting.

Alignment with City Council's Vision and Strategic Plan:

Upholding the BAR's decision aligns with Council's vision for *Charlottesville Arts and Culture*: Charlottesville cherishes and builds programming around the evolving research and interpretation of our historic heritage and resources; and for *A Green City*: Charlottesville citizens live in a community with a vibrant urban forest, tree-lined streets, and lush green neighborhoods. It contributes to Goal 2 of the Strategic Plan, to be a safe, equitable, thriving and beautiful community, and objective 2.5, to provide natural and historic resources stewardship.

Community Engagement:

City Code Sec. 34-284 requires public notice prior to the BAR's review of a CoA request. For the BAR meetings on May 18, 2021, August 17, 2021, and October 19, 2021 the abutting landowners were notified by letter and the meeting was publicly posted, as required by

Charlottesville City Code. (Note: Unless the request for a pre-application conference is concurrent with the submittal of a formal CoA request, the code provision does not require public notice.)

At the September 15, 2020 preliminary discussion, there were no public comments recorded.

Public comments prior to/during the May 18, 2021 BAR meeting, [See Attachment 8.]

Public comments prior to/during the August 17, 2021 BAR meeting, [See Attachment 9.]

Public comments prior to/during the October 19, 2021 BAR meeting, [See Attachment 10.]

Note: Meeting minutes for August 2021 and October 2021 meetings have not been approved by BAR. The draft minutes reflect only the BAR's discussion and do not include public comments. In Attachments 9 and 10 staff has inserted notes on who spoke and links to the meeting videos.

Budgetary Impact:

None.

Attachments:

1. October 21, 2019 appeal of BAR's October 19, 2021 action re: BAR 21-05-03.
2. Staff response to appeal.
3. Citations and references.
4. BAR chair response to appeal.
5. BAR meeting minutes, September 15, 2020.
6. BAR meeting minutes, May 18, 2021.
7. BAR meeting minutes, August 17, 2021.
8. BAR meeting minutes, October 19, 2021.
9. Public comments prior to/during the May 18, 2021 BAR meeting.
10. Public comments prior to/during the August 17, 2021 BAR meeting.
11. Public comments prior to/during the October 19, 2021 BAR meeting.



Board of Architectural Review (BAR) Certificate of Appropriateness

Please Return To: City of Charlottesville
Department of Neighborhood Development Services
P.O. Box 911, City Hall
Charlottesville, Virginia 22902
Telephone (434) 970-3130

Please submit ten (10) hard copies and one (1) digital copy of application form and all attachments.
Please include application fee as follows: New construction project \$375; Demolition of a contributing structure \$375;

* **Appeal of BAR decision \$125; Additions and other projects requiring BAR approval \$125; Administrative approval \$100.**
Make checks payable to the City of Charlottesville.

The BAR meets the third Tuesday of the month.
Deadline for submittals is Tuesday 3 weeks prior to next BAR meeting by 3:30 p.m.

RECEIVED

NOV 02 2021

Owner Name <u>Neighborhood Investments</u>	Applicant Name _____
Project Name/Description <u>Three-story apt. bldg.</u>	Parcel Number <u>Tax Parcel 050111000</u>
Project Property Address <u>605 Preston Place</u>	_____

Applicant Information

Elizabeth Hutton Turner
Address: 630 Preston Place
Charlottesville, VA 22903
Email: eh5va@virginia.edu
Phone: (W) _____ (C) 202-412-0104

Signature of Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct.

Elizabeth Hutton Turner November 2, 2021
Signature Date

Elizabeth H. Turner November 2, 2021
Print Name Date

Property Owner Information (if not applicant)

Address: _____
Email: _____
Phone: (W) _____ (C) _____

Property Owner Permission (if not applicant)

I have read this application and hereby give my consent to its submission.

Signature _____ Date _____

Print Name _____ Date _____

Do you intend to apply for Federal or State Tax Credits for this project? _____

Description of Proposed Work (attach separate narrative if necessary): This is an appeal of BAR's October 19, 2021 approval of the requested CoA. Please see the attached letter.

List All Attachments (see reverse side for submittal requirements): _____

For Office Use Only	Approved/Disapproved by: _____
Received by: _____	Date: _____
Fee paid: _____ Cash/Ck. # _____	Conditions of approval: _____
Date Received: _____	_____
Revised 2016	

(\$125 CHECK - \$4539 / 11/2/2021)

November 2, 2021

To Whom It May Concern:

We write to appeal the October 19, 2021 Board of Architectural Review approval of a Certificate of Appropriateness (BAR 21-05-3) for adding a new structure to the lot of 605 Preston Place. We argue that the standards (Sec.34-284b of the City Code) for the historic overlay on the R-3 zoning of the Rugby Road-University Circle-Venable Neighborhood ADAC District were not fully acknowledged and properly applied.

This proposal, as approved, does not meet Charlottesville City's stated criteria that new structures be in harmony with their setting and environs in historic districts and that "new infill in residential areas should relate in footprint and massing to the majority of surrounding historical dwellings." (ADC District Design Guidelines Chapter 3, A. 3b. Infill) The proposed apartment block does not reflect the scale of the majority of the structures on Preston Place that surround it on three sides. On one side stands the vastly larger 72,000 square foot Preston Court Apartments, which the proposal and the BAR used as the standard for the scale and massing the new building instead of the neighborhood surrounding the parcel.

The plan for a three story, commercially styled student housing block, renting at an estimated \$1,500 per bedroom per month, would occupy the entire area of the side yard of a significant historic home, the circa 1857 Wyndhurst manor house. Wyndhurst is designated as a contributing structure with all of the protections afforded to the historic district and registered as a National Landmark. The proposed new structure would do nothing to provide affordable housing nor address the "missing middle" that has been the City's recent focus. We also point out that the proposed project intrudes into Wyndhurst's immediate environs, requiring the partial removal of Wyndhurst's current 15 foot wide west terrace and all of the 4 foot grade transitioned by steps leading to the side yard. As such the proposed plan violates the ADC District Design Guidelines, Chapter 3, on infill construction in historical districts. It also should be noted that the size of the proposed structure would exceed Wyndhurst both in height and breadth. In fact, the new dormitory-style structure would entirely and permanently remove from view the west façade of Wyndhurst in violation of guidelines that a new building, "should not visually overpower its historic neighboring buildings." (ADC District Design Guidelines, Chapter 3, *New Construction and Additions*, I.) The proposed crowding of a contributing historic structure is visually and physically in conflict with the human scale of the Preston Place neighborhood surrounding it on three sides. Thus the proposed plan to obscure Wyndhurst is in direct opposition to the stated goals of preserving Charlottesville's historic character.

Also out of keeping with the green space of neighborhood, we note that the built forms in this proposal—the building, the driveways, walkways, parking surfaces and other hardscape—fill most of the lot. The footprint of the proposed building crowds a neighborhood where, according to the staff report, the average side spacing is 38 feet. While brick facing makes a nod to the residential character of this neighborhood, the brick is unarticulated

without distinction between the foundation, middle section and cap or cornice (ADC District Design Guidelines, Chapter 3 Section L, Foundation and Cornice, #1,) leaving the massing very different from the houses on Preston Place around it. As currently designed, the proposed structure reads as an annex to the Preston Court Apartments. It will be a three-story unarticulated brick building that will tower over and overwhelm not only historic Wyndhurst but the houses to the West and North and Northeast, only 22 feet from two adjacent buildings.

Moreover, Wyndhurst, the National Landmark, which occupies the same lot as the proposed new structure, has become in the hands of the developer a derelict property, and is not being properly maintained with its rusting roof, peeling paint, rotting wood and holes of the attic story overhang infested by squirrels. Indeed, contrary to the renderings submitted with the application for the CoA, the preservation of the historic building was equally neglected in the planning of the new building. and is mostly concealed by the bulk of the proposed new structure. This violates the Secretary of Interior's Standards for the Treatment of Historic Properties which advocates: "Designing new exterior additions to historic buildings or adjacent new construction that are compatible with the historic character of the site and preserves the historic relationship between the building or buildings and the landscape."

We argue that the proposed Certificate of Appropriateness fails to acknowledge and protect identified historic resources and their vital role in keeping neighborhoods like Preston Place livable, humanely scaled, and equitable. The proposed three-story building is too large for the lot in this context and should be redesigned with a smaller footprint in keeping with the historic district around it. In light of these considerations, we respectfully ask that you overturn the Certificate of Appropriateness issued by the Board of Architectural Review.

Residents of Preston Place:

Elizabeth Hutton Turner, 630 Preston Place
Lawrence O. Goedde, 630 Preston Place
Dylan and Emily Hawkins, 626 Preston Place
Patricia Price, 625 Preston Place
Sophie Delzel, 625 Preston Place
Richard Crozier and Marjorie Balge Crozier, 624 Preston Place
Lisa and Gregg Kendrick, 622 Preston Place
Paul and Marilyn Wright, 612 Preston Place
Christine and Scott Colley, 611 Preston Place



Appendix A:

The status of the properties mentioned:

In the Division 2 Historical Preservation and Architectural Design Control Overlay Districts, Section 34-272, # 8, District H (Rugby Road-University Circle-Venable Neighborhood Architectural Control District) is listed among Major design Control districts.

605 Preston Place is the location of the proposed new build for which Certificate of Approval was granted October 19th. Also on the same lot is Wyndhurst, built approximately 1857, and individually protected property number 55, parcel 111. Wyndhurst occupies the East half of the lot, and the proposed building would occupy the West half of the lot.

Adjacent to the North of Wyndhurst is 611 Preston Place, individually protected property # 56, parcel 112.

A dozen houses around the Preston Place circle are marked on the map of the Rugby Road, University Circle, Venable Architectural Design Control District as contributing structures.

Appendix B: Responsibilities of the BAR:

Sec. 34-288.- Responsibilities of the BAR:

“The function of the board of architectural review (BAR) shall be to administer the provision division”

Division 2 Historical Preservation and Architectural Design Control Overlay Districts, Section 34-271.-Purposes: 1. “To preserve and protect buildings, structures and properties which serve as important reminders of the historic, cultural, and architectural or archaeological heritage of this city, the Commonwealth of Virginia, or this nation.”

2. “To assure that, within the city’s historic districts, new structures, additions, landscaping, and related elements will be in harmony with their setting and environs;”

3. “To promote local historic preservation efforts through the identification and protection of historic resources throughout the city.”

4. “To maintain and improve property values by providing incentives for the upkeep, rehabilitation, and restoration of older structures in a safe and healthful manner,”

5. “To promote tourism and enhance business” ...”through protection of historic, cultural, and archaeological resources.”

Appendix C: Relevant Texts from the Governing Code and Guidelines

Section 34-276; 12-1-03(2) Standards for review of construction and alterations.

The BAR review is to include:

1. Whether the material, texture, color, height, scale, mass, and placement of the proposed addition, modification, or construction are visually and architecturally compatible with those of the design control district;
2. The harmony of the proposed change in terms of overall proportion, and the size and placement of entrances, windows, awnings, exterior stairs, and signs;
4. The effect of the proposed change on the historic district neighborhood;
5. The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, Walls, and walks.;
8. Any applicable provisions of the city’s design guidelines. (see section 34288(6))

Section 34-281,- Maintenance and Repair Required.

(a) "Neither the owner of nor the person in charge of a contributing structure or protected property shall allow such property to fall into a state of disrepair which may result in the deterioration of exterior appurtenance or architectural feature so as to produce or tend to produce a detrimental effect upon the character of a major architectural design district"

Examples include

1. the deterioration of exterior walls...
2. The deterioration of roofs...
3. The deterioration of exterior chimneys...
4. The deterioration or crumbling of exterior plasters or mortar;
5. The ineffective waterproofing of exterior walls, roofs, and foundations, including windows or doors;
6. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition...

Charlottesville Architectural Design Control District Design Guidelines, approved City Council Sept 17, 2012.

Page 5: Section III. New Construction and Additions

"setback and spacing between buildings may be more important than roof forms or materials"

"When studying the character of a district, examine the forms of the historic contributing buildings."

"Some parts of a historic districts retain a high degree of their original historic character. In these areas, care should be taken to ensure that the new design does not visually overpower its historic neighboring buildings. In other areas where there are more non-contributing buildings or more commercial utilitarian buildings, new designs could be more contemporary and the BAR may be more flexible in applying these guidelines."

"The Secretary of the Interior's standards for rehabilitation, new addition, or new 'builds' shall not destroy historic materials that characterize properties. New work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment."

Page 9. Massing and Footprint

"2. New infill construction in residential sub-areas should relate in footprint and massing to the majority of surrounding historic dwellings."

Attachment 2

City Staff Report in Response to the Appeal from the BAR's
Decision Granting a "CoA" for proposed apartment building at 605 Preston Place
(Application No. BAR 21-05-03)

(Throughout this Response, references to "Staff" represent the collective positions of the BAR, the City's Preservation and Design Planner, and the City Attorney's Office.)

EXECUTIVE SUMMARY OF STAFF'S RESPONSE

This appeal has been taken by Elizabeth Turner et al (Appellants), who all reside on Preston Place, near the property that is the subject of this appeal. For the reasons stated below (within specific responses to each of the Appellants' separate contentions), Staff's position is that the concerns expressed by the Appellants do not provide a basis for denial of a Certificate of Appropriateness, under the standards set forth within Chapter 34 (Zoning) Article II (Overlay Districts), Division 2 (Historical Preservation and Architectural Design Control Overlay Districts).

Council's Role on Appeal: reference Sec. 34-286(b) and (c) of the City Code (Chapter 34 of the City Code is referred to as the "Zoning Ordinance"). Council's role on appeal is to serve as the final decision-maker. Council must consider the appeal, consider the BAR's position communicated in this Response as the "Staff Response", and Council may consider any other information, factors or opinions it deems relevant to the application. Council should make a final decision on the application and should not refer the matter back to the BAR.

Staff Specific Responses to Appellants' Contentions

Item 1. [ADC District Design Guidelines not properly applied.]

Appellant: We write to appeal the October 19, 2021 [BAR] approval of a [CoA] (BAR 21-05-03) for adding a new structure to the lot of 605 Preston Place. We argue that the standards (Sec. 34-284b of the City Code) for the historic overlay on the R3 zoning of the Rugby Road—University Circle—Venable Neighborhood ADC District were not fully acknowledged and properly applied.

Staff Response: Disagree. In the October 19, 2021 motion approving the CoA, the BAR specifically stated it had considered the standards set forth within the City Code, including the Architectural Design Control District (ADC) Design Guidelines (adopted September 17, 2012) and found the proposed new construction at 605 Preston Place satisfied the BAR's criteria and is compatible with this property and other properties in the Rugby Road-University Circle-Venable Neighborhood ADC District.

Motion: (Schwarz) Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find the proposed new construction at 605 Preston Place satisfies the BAR's criteria and is compatible with this property and other properties in the Rugby Road-University Circle-Venable Neighborhood ADC District, and that the BAR approves the application as submitted, with the following modifications and recommendations:

- We require that all lamping be dimmable, if that option is available with the specified light fixtures, the Color Temperature not exceed 3,000K, and the Color Rendering Index is not less than 80, preferably not less than 90.
 - We recommend undergrounding the new electrical service in a manner that protects existing trees
 - We require that during construction, the applicant must protect the existing stone walls and curbs within the public right of way. Provide documentation prior to construction. If damaged, repair/reconstruct to match prior to final inspection.
 - We make a recommendation to the city traffic engineer that the proposed driveway be 12' wide or as narrow as possible
 - We recommend that a smaller statured tree or shrub be selected from the City's Master Tree List for the site of the currently proposed fringetrees in front of Wyndhurst
 - We recommend that all archaeological resources be protected and documented, and a Phase 1 archaeological survey be conducted
 - We require that City staff will follow up on concerns over the condition of Wyndhurst and determine if there are zoning violations
- Bailey seconds motion. Motion passes (8-0).

City Code Sec. 34-284(b) requires that, in considering an application, the BAR shall approve a requested CoA, unless it finds specific standards or applicable guidelines have not been met, or that the proposed development is incompatible with the character of the ADC district in which the property is located. [Sec. 34-284 in Attachment 3.]

In brief, if the BAR believes a CoA must be denied, Sec. 34-284 requires the motion reference a specific provision justifying the denial. Conversely, however, as the basis for approval of a CoA, the ordinance does not require the BAR provide a written or verbal justification citing each and every factor or consideration addressed within the Design Guidelines. [Links to Design Guidelines in Attachment 3.]

All provisions of the ADC District Design Guidelines are interpretive, intended to assist the BAR and the general public in applying the concept of architectural compatibility in a given context. The Design Guidelines are NOT intended as an inflexible "checklist", and a cookie-cutter approach to reviewing applications is not practical.

Legally, the BAR cannot design a project; the BAR can only determine whether or not a particular design proposal, overall, is architecturally compatible with the ADC District, based on the recommendations of the design guidelines. As applied here, the BAR determined that the new building, as designed, was compatible with the ADC District

In this case, the BAR has correctly considered the Design Guidelines, and has been correctly applied which will reasonably inform the ultimate determination: whether or not this proposed development is architecturally compatible with the ADC District. In the opinion of the BAR, in the context of both the Downtown ADC District and the height regulations of the Water Street Zoning District, the proposed development meets the standard of architectural compatibility and a CoA should be approved.

Note: See also response to Item 2.

In the course of reviewing this application, every staff report presented to the BAR included pertinent provisions of the Design Guidelines—either within the report or via reference.

- September 15, 2020: CoA applicant presented the project to the BAR during a pre-application conference, as required by City Code Sec. 34-282. [Link to BAR action letter and staff report and Applicant’s submittal: http://weblink.charlottesville.org/public/0/edoc/798341/2020-09_605%20Preston%20Place_Preliminary%20Discussion.pdf]
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Additionally, 605 Preston Place is private property that can be developed/improved within the provisions of the Zoning Ordinance. The new apartment building is consistent with the zoning for this property—including height, footprint, setbacks, and use.

Item 2. [*Footprint and massing of new structure not in harmony with ADC District*]

Appellant: This proposal, as approved, does not meet Charlottesville City’s stated criteria that new structures be in harmony with their setting and environs in historic districts and that “new infill and residential areas should relate in footprint and massing to the majority of surrounding historical dwellings.” (ADC District Design Guidelines Chapter 3, A. 3b. Infill) The proposed apartment block does not reflect the scale of the majority of the structures on Preston Place that surrounded it on three sides. On one side stands the vastly larger 72,000 square foot Preston Court Apartments, which the proposal and the BAR used as the standard for scale and massing the new building instead of the neighborhood surrounding the parcel.

Staff Response:

Harmony

Code Sec. 34-276(2) addresses new structures being *in harmony* with a historic district: ***The harmony of the proposed change in terms of overall proportion and the size and***

placement of entrances, windows, awnings, exterior stairs and signs. This is one of eight standards established by this provision. **[emphasis added]** (Note: Of these, one standard relates to the review of proposed signage, which was not applicable for this CoA request.) [Sec. 34-276 in Attachment 3.]

Per the ADC Design Guidelines, Chapter 3 - *New Construction and Additions*: (pages 5-6) *Flexibility: The following guidelines offer general recommendations on the design for all new buildings and additions in Charlottesville's historic districts. **The guidelines are flexible enough to both respect the historic past and to embrace the future. The intent of these guidelines is not to be overly specific or to dictate certain designs to owners and designers.** The intent is also not to encourage copying or mimicking particular historic styles. These guidelines are intended to provide a general design framework for new construction. Designers can take cues from the traditional architecture of the area and have the freedom to design appropriate new architecture for Charlottesville's historic districts.* [Links to Design Guidelines in Attachment 3.]

Staff reports to the BAR for May 18, 2021, August 17, 2021, and October 19, 2021 summarized the design, materials and architectural elements relative to the provisions of the design guidelines. [See Item 1 for links to BAR staff reports.]

For example, from the October 19, 2021 staff report:

Materials and Design

- Roofing: Flat roofs may be appropriate on a contemporary designed building.
 - The new building will have a flat roof.

- Materials and Textures: Materials should be compatible with neighboring buildings.
 - Of the neighboring structures: seven are brick; six have wood siding or shingles; two are stucco; 10 have shutters.
 - The proposed building features brick with copper panels. Some of the balcony doors will be enclosed by shutters.

- Color Palette: Colors should be compatible with adjacent buildings, not intrusive.
 - Neighboring structures include red brick, painted stucco, stained shingles, and painted siding—painted features are primarily light colors. Trim is predominantly white. Shutters are dark. The existing apartment building include stone columns and corner blocks.
 - The proposed palette features the grays, greens and black.

Legally, the BAR cannot design a project; the BAR can only determine whether or not a particular design proposal, overall, is architecturally compatible with the ADC District, based on the recommendations of the design guidelines, which for new structures specifically recommend flexibility and to not *encourage copying or mimicking particular historic styles*. As applied here, the BAR determined that the new building, as designed, was compatible with the ADC District.

Footprint and Massing

Per the ADC District Design Guidelines, Chapter 3 - *New Construction and Additions*:

- (page 6) *Building Types within the Historic Districts. When designing new buildings in the historic districts, one needs to recognize that while there is an overall distinctive district character, there is, nevertheless, a great variety of historic building types, styles, and scales throughout the districts and sub-areas that are described in Chapter 1: Introduction. Likewise, there are several types of new construction that might be constructed within the districts the design parameters of these new buildings will differ depending on the following types: [...] b. Residential Infill. These buildings are new dwellings that are constructed on the occasional vacant lot within a block of existing historic houses. Setback, spacing, and general massing of the new dwelling are the most important criteria that should relate to the existing historic structures, along with residential roof and porch forms.*
- **D. Massing and Footprint. #2. New infill construction in residential sub-areas should relate in footprint and massing to the majority of surrounding historic dwellings.**

[Links to Design Guidelines in Attachment 3.]

The City does not catalogue or maintain information regarding the footprint dimensions of all structures. The referenced dimensions are based on the first-floor square footage listed for each property in the City's GIS database.

<https://gisweb.charlottesville.org/GisViewer/>

Footprint

Staff reviewed the footprints of all the structures on Preston Place. (Excluding the adjacent Preston Court apartments that face Grady Avenue.) The average footprint is 2,085 square feet, ranging from 961 square feet to 4,404 square feet, with three buildings exceeding 3,500 square feet. The footprint of the new building is 3,523 square feet. The footprint of Wyndhurst is 4,404 square feet.

Within Sub-area C, the average footprint is approximately 2,291 square feet, ranging from 1,324 square feet to 4,404 square feet, with four buildings exceeding 3,500 square feet. The proposed building has a footprint of 3,523 square feet, which is within the range of nearby structures and those within Sub-area C.

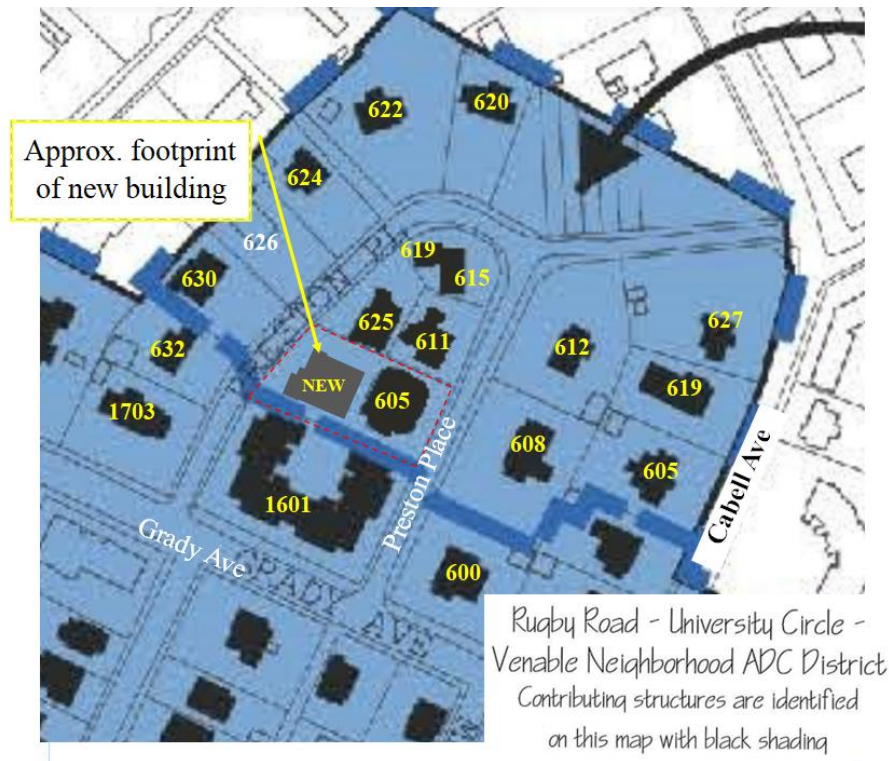
Legally, the BAR cannot design a project or mandate any particular footprint; the BAR can only determine whether or not a particular development proposal, overall, is architecturally compatible with the ADC District, based on the recommendations of the design guidelines. As applied here, the BAR determined that a building with a footprint of 3,523 square feet is not inconsistent with the design guidelines.

The following information was provided to the BAR within the Staff Reports:

- May 18, 2021: Not including the adjacent apartments [with a footprint of 42,50 square feet], the average footprint is 2,085 square feet, ranging from 961 square feet to 4,404 square feet. [Three building exceed 3,500 square feet.] The proposed building will be approximately 4,125 square feet.

- August 17, 2021: Not including the adjacent apartments [with a footprint of 42,50 square feet], the average footprint is 2,085 square feet, ranging from 961 square feet to 4,404 square feet. [Three building exceed 3,500 square feet.] The proposed building will be approximately 4,125 square feet.
- October 19, 2021: Not including the adjacent apartments [with a footprint of 42,50 square feet], the average footprint is 2,085 square feet, ranging from 961 square feet to 4,404 square feet. [Three building exceed 3,500 square feet.] The proposed building will have a footprint of approximately 3,523 square feet.

Note: The footprint of 961 square foot is for a non-contributing property (626 Preston Place); however, staff still included that dimension to provide context. Additionally, staff did not include the dimensions for three properties on Cabell Ave. While within this subarea, their values did not alter the range and seemed less important to the immediate context of the proposed new structure—the properties on Preston Place.



Massing

The massing of a building refers to how one perceives its general shape and size, its three-dimensional form. However, evaluating a building's mass takes consideration its design, setbacks, architectural elements, materials, and even landscaping. In the BAR's October 19, 2021 discussion, not less than six times the BAR referred to the new building's mass, expressing support for its treatment,

For example:

- *What they have proposed breaks up the mass in a way that is appropriate to a residential neighborhood.* (Gastinger)

- *The brick detailing on the parapet did actually break down a little bit of the mass. (Gastinger)*
- *It reduces the apparent scale and massing of the building as you are going down that side street. (Lahendro)*
- *It reduces the apparent scale and massing of the building as you are going down that side street. (Lewis)*
- *I do like the idea of using the hand molded brick. That really softens things at a street level considerably. I don't have an issue with the massing. (Mohr)*

Base solely on dimensionality, the new building's massing exceeds the average for the surrounding buildings. However, as expressed, the new building's height, width, and footprint are consistent with the recommendations of the Design Guidelines. In its discussions, the BAR further expressed that the perception of the building's massing was adequately treated.

Scale

Per the ADC District Design Guidelines Chapter 3 – *New Construction and Additions* re: scale. *F. Scale. Height and width also create scale, the relationship between the size of a building and the size of a person. Scale can also be defined as the relationship of the size of a building to neighboring buildings and of a building to its site. The design features of a building can reinforce a human scale or can create a monumental scale. In Charlottesville, there is a variety of scale. For instance, an institutional building like a church or library may have monumental scale due to its steeple or entry portico, while a more human scale may be created by a storefront in a neighboring commercial building. #1. Provide features on new construction that reinforce the scale and character of the surrounding area, whether human or monumental. Include elements such as storefronts, vertical and horizontal divisions, upper story windows, and decorative features. [Links to Design Guidelines in Attachment 3.]*

The BAR determined the height and width of the new building relative to nearby structures was not inconsistent with the recommendations of the design guidelines. As such, with scale being a function height and width, the scale of the new building was not inconsistent with the recommendations of the design guidelines.

Also contributing to the perception of a building's scale are design details and physical elements that can enhance—or detract from—that perception. Most importantly, a building's scale must be perceived as compatible with its setting. In the BAR's October 19, 2021 discussion, not less than nine times the BAR referred to the new building's scale.

For example:

- *In the end this is a project that is actually properly scaled. (Gastinger)*
- *I like these setbacks as the building goes from south to north. That is appropriate. It reduces the apparent scale and massing of the building as you are going down that side street. (Lahendro)*
- *It also has a residential scale and residential feel to it. It helps this project tie itself back into the neighborhood much better. (Schwarz)*

- *Wyndhurst footprints are very similar. The massing is different. It does a pretty good job of starting to break the scale down.* (Mohr)
- *Fenestration reflects the residential scale of apertures elsewhere on the street.* (Lewis)

Legally, the BAR cannot design a project or mandate any particular scale, specifically as a function of specific heights and widths; the BAR can only determine whether or not a particular development proposal, overall, is architecturally compatible with the ADC District, based on the recommendations of the design guidelines. As applied here, the BAR determined the new building (including landscaping and site improvements) was designed at a scale that was compatible with this ADC District.

Item 3. [*New apartments not consistent with City's affordable housing goals.*]

Appellant: The plan for a three story commercially styled student housing block, renting at an estimated \$1500 per bedroom per month, would occupy the entire area of the side yard of a significant historic home, the circa 1857 Wyndhurst manor house. Wyndhurst is designated as a contributing structure with all of the protections afforded to the historic district and registered as a National Landmark. The proposed new structure would do nothing to provide affordable housing nor address the “missing middle” that has been the City's recent focus.

Staff Response: Not germane. The BAR does not evaluate or even consider how a property or structure will be used or occupied; those are a matter for zoning. The BAR review is solely about the exterior design. Additionally, neither the rental rates for the proposed apartments or who might occupy them was presented to the BAR; however, had they been presented or mentioned, they are not relevant to design review.

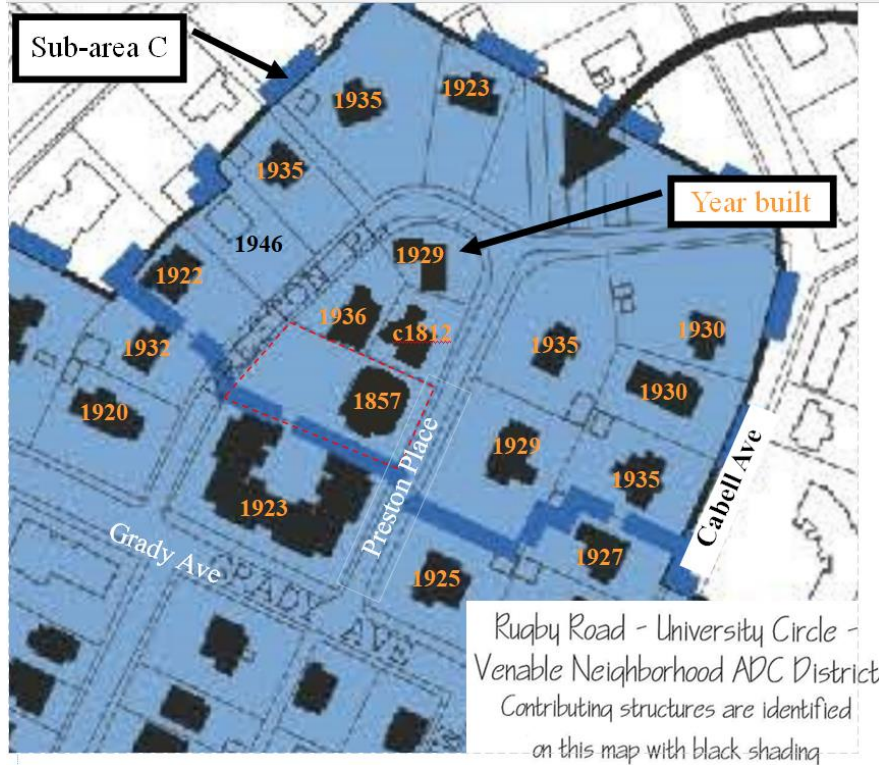
Item 4. [*New structure will remove portion of Wyndhurst's west terrace.*]

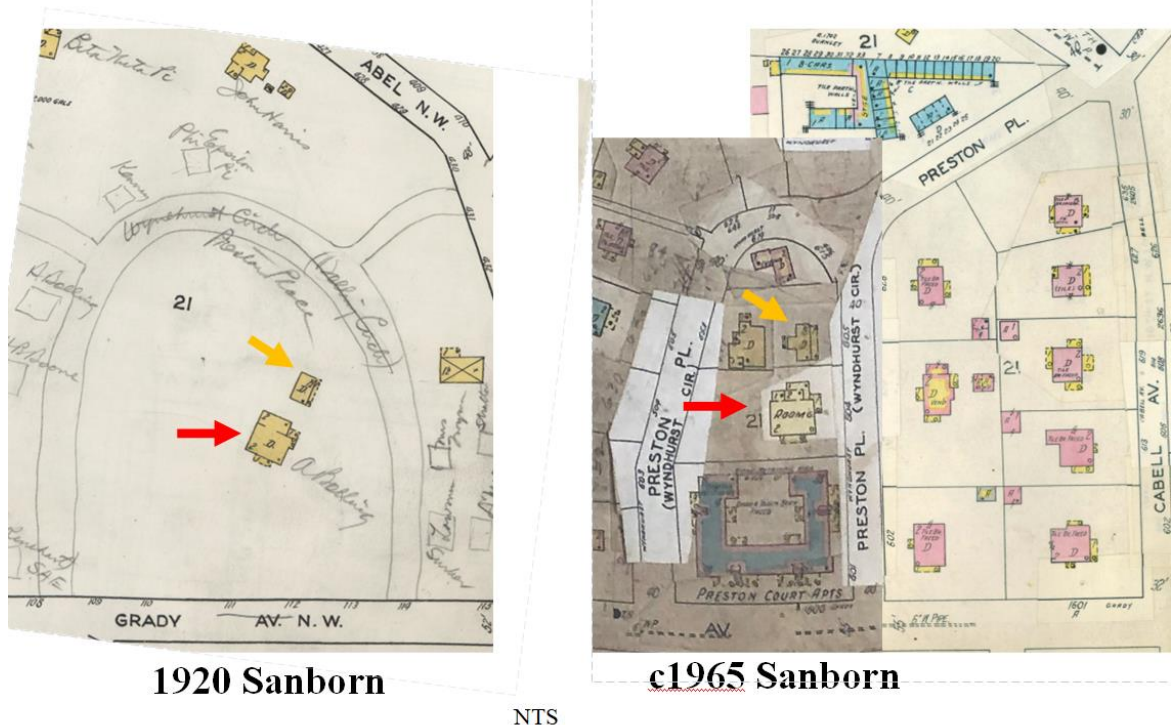
Appellant: We also point out that the proposed project intrudes into Wyndhurst's immediate environs, requiring the partial removal of its current 15-foot wide west terrace and all of the 4-foot grade transitioned by steps leading to the side yard. As such the proposed plan violates the ADC District Design Guidelines, Chapter 3, on infill construction in historic districts.

Staff Response: Alteration of the existing terrace and grade does not *violate* the ADC District Design Guidelines relative to recommendations for Residential Infill in Chapter 3 - *New Construction and Additions*, which state: *These buildings are new dwellings that are constructed on the occasional vacant lot within a block of existing historic houses. Setback, spacing, and general massing of the new dwelling are the most important criteria that should relate to the existing historic structures, along with residential roof and porch forms.* [Links to Design Guidelines in Attachment 3.]

The ADC District Design Guidelines, as a whole, recommend that a new structure respect and be compatible with the historic landscape and context of a district and nearby properties; however, the historic context of the Wyndhurst (that is, both the manor house itself and the original 102-acres surrounding the house) has been significantly altered. While it can be assumed that the grade immediately adjacent to house has not been changed and that the existing steps within the terrace are not recent or contemporary,

there is no documentation indicating the west terrace is an original element of the landscape.





It should be noted that in August 2017, the BAR approved a CoA (BAR 17-08-12) that allowed relocation of the historic house to a vacant lot at the north end of Preston Place. That relocation would have removed the house entirely from its current context, including the west terrace. At the time, several neighboring property owners (including three of the appellants) expressed support for moving Wyndhurst.

From the August 14, 2017 BAR meeting minutes:

- Murdoch Matheson: I am the neighbor to the receiving site. I have been along for the ride of the hostage situation with the treat of the townhouses. I think the garages were torn down for public safety and not in prep for the building. We think that this is absolutely the right thing for the neighborhood. It is in sadly dialect shape and cannot be worth anything in its current location. I have a privacy fence because of this lot that the townhouses were going to come on to, and I would be willing to take that down
- Paul Wright: That house will come by my house right next to the ash tree that will have to come down. It has had branches come down, and it's just a matter of time for when that tree would have to come down anyway. It would be very sad to let this house become a boarding house again. I think putting this into a new, prominent site, is the only good solution. The burying of the power lines would be an enormous boom for the trees on the street.
- Christine Colley: The walk to the additions to the back of that house is just a few feet from the property line. 611 is quite a bit older, we found that out when we restored it. It would have been a farmhouse until Wyndhurst was built. There is not an integral relationship between those two buildings. We will be most impacted by the move. We will not miss the ash tree, it seems to have problems

with ashes and so the chances of this tree are not good. We are enthusiastic proponents of this project.

- Gregg Kendrick: We have been in our home for 21 years. We are in full support, as are our neighbors. The manor house where it is, I would call it the invisible house. You walk right by it, it is uninteresting and unattractive. It would be great to see the front of the house.

[Links to August 14, 2017 BAR submittal, staff report and meeting minutes in Attachment 3.]

The original front (north) facade of the house now faces the rear wall of the Preston Court Apartments (constructed 1923) The new building will not alter Wyndhurst's current context relative to its south (primary) elevation. (See also Item 7.)

The original east (side) elevation faces Preston Place. The new structure will not alter Wyndhurst's current context relative to this elevation. (See also Item 7.)

The original rear (north) elevation of Wyndhurst faces 611 Preston Place (constructed c1812, predating Wyndhurst). The new structure will not alter Wyndhurst's current context relative this elevation. (See also Item 7.)

Item 5. [*Height and width of new structure will obscure Wyndhurst.*]

Appellant: It also should be noted that the size of the proposed structure would exceed Wyndhurst both in height and breadth. In fact, the new dormitory-style structure would entirely and permanently remove from view the west facade of Wyndhurst in violation of guidelines that a new building, "should not visually overpower its historic neighboring buildings." (ADC District Design Guidelines, Chapter 3, *New Construction and Additions*, I.) The proposed crowding of a contributing historic structure is visually and physically in conflict with the human scale of the Preston Place neighborhood surrounding it on three sides. Thus the proposed plan to obscure Wyndhurst is in direct opposition to the stated goals of preserving Charlottesville historic character.

Staff Response: (Note: See also Item 7.)

Height and Width

Per the ADC District Design Guidelines Chapter 3 – New Construction and Additions re: height and width of new structures: E. Height and Width. #2. Keep the height and width within a maximum of 200 percent of the prevailing height and width in the surrounding sub-area. [Links to Design Guidelines in Attachment 3.]

The City does not catalogue or maintain information regarding the "prevailing" building height and width of each and every building within the various ADC Districts or their sub-areas, and the Design Guidelines do not explain what is meant by the term "prevailing height and width."

Height

The referenced building heights (in stories) are based on the information for each property in the City's GIS database. <https://gisweb.charlottesville.org/GisViewer/>

Staff reviewed the height (in stories) of the historic structures immediately adjacent to the new building, including all on Preston Place. Three are 1-1/2 stories, one is 2-1/2 stories, one is 4 stories, and nine are 2 stories, which staff accepted as the prevailing height.

Within Sub-area C, three buildings are 1-1/2 stories and ten are 2 stories. Therefore, the prevailing height for the surrounding sub-area is 2 stories.

200 percent (200%) of 2 stories, the prevailing height, is 4 stories. The new building is 3 stories and therefore below the maximum height recommended by the design guidelines.

Legally, the BAR cannot design a project or mandate any particular height; the BAR can only determine whether or not a particular development proposal, overall, is architecturally compatible with the ADC District, based on the recommendations of the design guidelines. As applied here, the BAR determined a 3-story building is consistent with the design guidelines.

Width

The referenced widths are approximate using the measurement tool in the City's GIS mapping system. <https://gisweb.charlottesville.org/GisViewer/>

Staff reviewed the street-facing widths of all the structures on Preston Place. (This did not include the adjacent apartments that face Grady Avenue.) The average building width is approximately 54 feet, ranging between 32 feet and 104 feet, with approximately 50 to 51 feet being the most frequent (five of the 13 buildings).

Within Sub-area C, the average building width is approximately 56 feet, ranging between 40 feet and 104 feet, with approximately 50 to 56 feet being the most frequent (eight of the 13 buildings). Generally, the prevailing building width for the surrounding sub-area is consistent with the buildings on Preston Place.

200 percent (200%) of 56 feet, the prevailing width, building would be 112 feet. (200% of 52 feet is 104 feet.) The proposed building is 58 feet wide, facing Preston Place and therefore well below the maximum recommended by the design guidelines; in fact, it is arguably consistent with the prevailing building width.

Legally, the BAR cannot design a project or mandate any particular width; the BAR can only determine whether or not a particular development proposal, overall, is architecturally compatible with the ADC District, based on the recommendations of the design guidelines. As applied here, the BAR determined a building with street-facing width of 58 feet is consistent with the design guidelines.

Item 6. [*Footprint and side yard spacing of new structure crowds neighboring properties.*] Appellant: Also out of keeping with the green space of neighborhood, we note that the built forms in this proposal--the building, the driveways, walkways, parking surfaces and other

hardscape--fill most of the lot. The footprint of the proposed building crowds a neighborhood where, according to the staff report, the average side spacing is 38 feet.

Staff Response:

Footprint.

See Item 2

Spacing

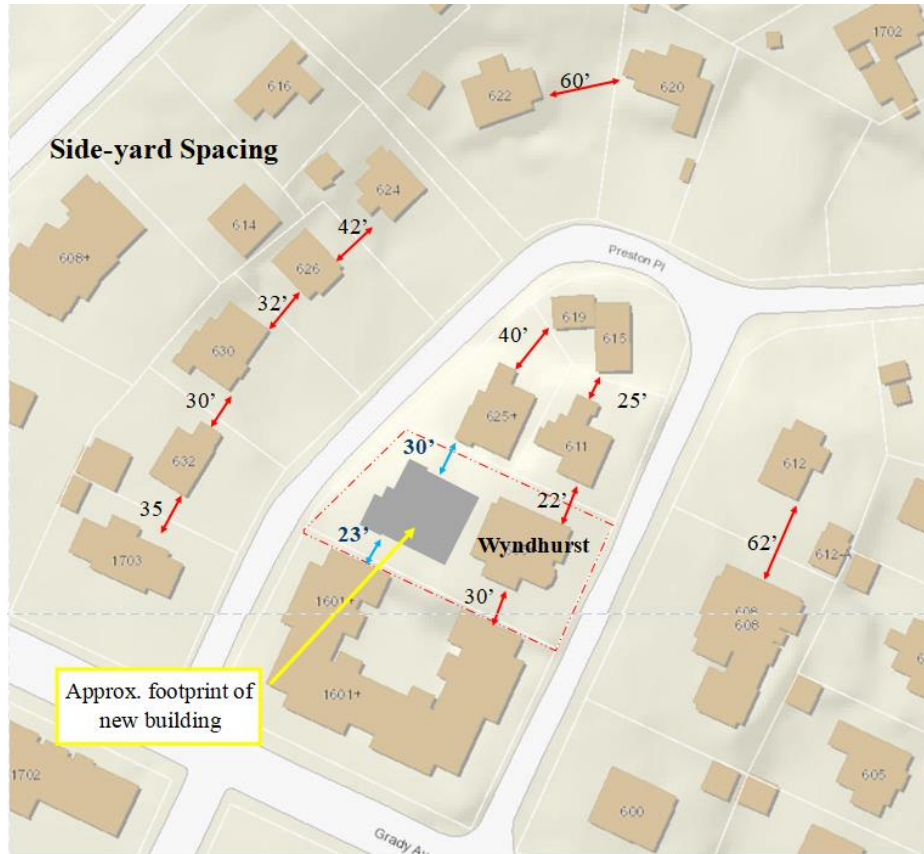
Per the ADC District Design Guidelines Chapter 3 – *New Construction and Addition, C. Spacing. #1.* Maintain existing consistency of spacing in the area. New residences should be spaced within 20 percent of the average spacing between houses on the block. [Links to Design Guidelines in Attachment 3.]

The City does not catalogue or maintain information regarding the spacing between all structures. The referenced dimensions are approximate using the measurement tool in the City's GIS mapping system. <https://gisweb.charlottesville.org/GisViewer/>

Staff reviewed the spacing between all structures fronting on Preston Place, including the spacing between Wyndhurst and the apartments at 1601 Grady Avenue. The average dimension was 38 feet, ranging between 22 feet and 62 feet. 20 percent (20%) of 38 feet is 8 feet. Therefore, per the guidelines, the recommended spacing for the new building would be between 30 feet and 46 feet. ($38 - 8 = 30$; $38 + 8 = 46$.)

The proposed building is approximately 23 feet and 30 feet, respectively. from the two adjacent buildings on Preston Place. While the spacing of 23 feet is less than what is recommended, the spacing for the new building is essentially identical to the spacing between Wyndhurst and the two adjacent structures, 30 feet and 22 feet.

Legally, the BAR cannot design a project or mandate any side yard spacing, the BAR can only determine whether or not a particular development proposal, overall, is architecturally compatible with the ADC District, based on the recommendations of the design guidelines. As applied here, the BAR determined that a side spacing of the new building spacing was not inconsistent with the design guidelines.



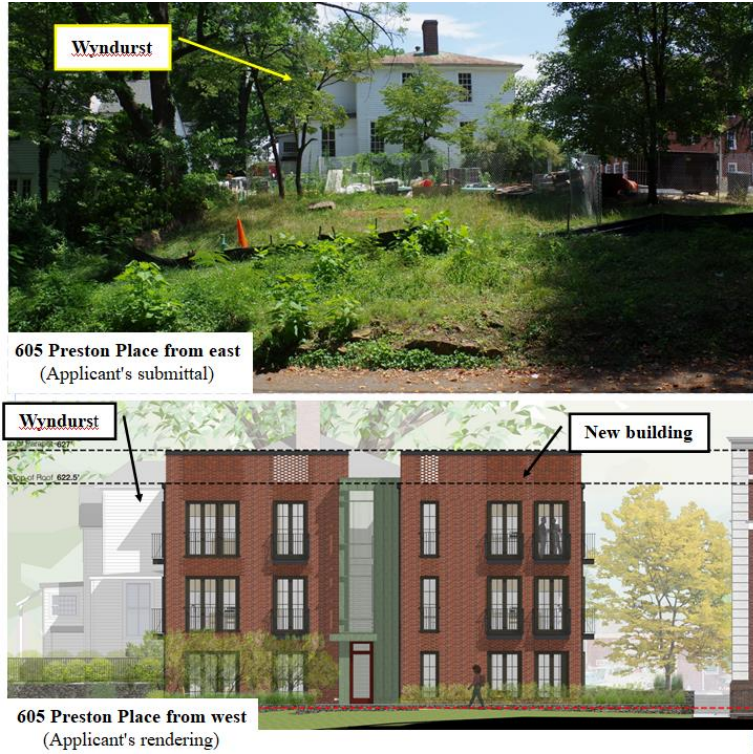
Item 7. [Design and massing of new structure overwhelms Wyndhurst and adjacent properties.]

Appellant: While brick facing makes a nod to the residential character of this neighborhood, the brick is unarticulated without distinction between the foundation, middle section and cap or cornice (ADC District Design Guidelines, Chapter 3 Section L, Foundation and Cornice, #1,) leaving the massing very different from the houses on Preston Place around it. As currently designed, the proposed structure reads as an annex to the Preston Court Apartments. It will be a three-story unarticulated brick building that will tower over and overwhelm not only historic Wyndhurst but the houses to the west and northeast, only 22 feet from two adjacent buildings.

Staff Response: Regarding appellant claim that the new building *obscuring* Wyndhurst. By definition, this suggests the historic structure will no longer be visible and/or its historic setting and context will be difficult, if not impossible, to interpret.

Each of the applicant’s submittals included elevations, plans, and renderings illustrating the new building’s relationship to Wyndhurst and adjacent properties. (Links to the BAR submittals in Item 1.)

View from the west. Wyndhurst is located on the east edge of a rectangular, east-to-west oriented parcel. The new building will be on the west side of the parcel and will, to some extent, block the visibility of Wyndhurst from the west segment of Preston Place.



View from the east. Visibility from the public right of way of the south (original front), east, and north elevations of Wyndurst will not be altered by the new building.



Note: See also Item 4.

Massing:
See Item 2

Item 8. [*New structure not supported by Secretary of the Interior Standards.*]

Appellant: Moreover Wyndhurst, the National Landmark, which occupies the same lot as the proposed new structure, has become in the hands of the developer a derelict property, and is not being properly maintained with its rusting roof, peeling paint, rotting wood and holes of the attic story overhang infested with squirrels. Indeed, contrary to the rendering submitted with the application for the CoA, the preservation of the historic building was equally neglected in the planning of the new building and is mostly concealed by the bulk of the proposed new structure. This violates the Secretary of Interior Standards for the Treatment of Historic Properties which advocates: “Designing new exterior additions to historic buildings or adjacent new construction that are compatible with the historic character of the site and preserves the historic relationship between the building or buildings and the landscape.”

Staff Response: Wyndhurst is listed on the Virginia Landmarks Register (“VLR”) and the National Register of Historic Places (“NRHP”) as an individual site (<https://www.dhr.virginia.gov/historic-registers/104-0048/>) and as a contributing structure to the Rugby Road-University Corner Historic District (<https://www.dhr.virginia.gov/historic-registers/104-0133/>).

However, the BAR design review, required under the provisions of Division 2, Historical Preservation and Architectural Design Control Overlay Districts, is solely a function of this property’s designation by the City under Sec. 34-272 and Sec. 34-273 of Division 2.

This property, including the house, was initially designated by the City as an *Individually Protected Property* (or *IPP*). When the City later established the Rugby Road-University Circle-Venable Neighborhood ADC District, Wyndhurst was incorporated into the district. Per Sec. 34-275, there is no distinction between the design review for a project within an ADC District and the design review for a property designated as an IPP; the review process and the relevant design guidelines are the same for both.

Being listed individually and within a district listed on the VLR and NRHP does not result in this property being subject to the City’s regulatory oversight relative to falling under BAR purview, per Division 2. Again, that purview is singularly due to City designation of the property. Additionally, being listed on the VLR and NRHP is neither a requirement nor a prerequisite for local designation. In brief, relative to the BAR’s purview and the design review process (including the applicable guidelines), the state and federal *designations* are not germane.

Secretary’s Standards

These standards are advisory only, not proscriptive.

From the 2017 the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*:

- “[The Standards] are regulatory **only for projects receiving Historic Preservation Fund grant assistance and other federally-assisted projects**. Otherwise, these Guidelines are intended to provide general guidance for work on any historic building.” [Emphasis added.]
- “The purpose of The Secretary of the Interior’s Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings is to **provide guidance** to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers prior to beginning work. It is always recommended that preservation professionals be consulted early in any project. The Guidelines are **intended as an aid** to assist in applying the Standards to all types of historic buildings. **They are not meant to give case-specific advice** or address exceptions or unusual conditions.” [Emphasis added.]

Note: The *Secretary of the Interior's Standards for the Treatment of Historic Properties* were initially published in 1977 as the *Secretary of the Interior's Standards for Rehabilitation*. Updated in 2017 as the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*, these guidelines are collectively referred to as the *Secretary's Standards*. Relative to BAR design review, when referring to the Secretary’s Standards, it is the practice of the BAR to refer to the most current version.

Code Sec. 34-276(3) states the *Secretary of the Interior's Standards for Rehabilitation*, “shall be considered” by the BAR “as may be relevant.” The ADC District Design Guidelines (Chapter 1 – *Introduction*, Section E) references the *Secretary of the Interior's Standards for Rehabilitation*. [Sec. 34-276 in Attachment 3.] [Links to Design Guidelines in Attachment 3.]

Note: The *Secretary of the Interior's Standards for Rehabilitation*, published in 1992, is a list of ten, general standards to be applied to rehabilitation projects. [Link <https://www.nps.gov/tps/standards/rehabilitation.htm>]

The ADC District Design Guidelines (Chapter 1 – *Introduction*, Section D) notes that the guidelines “are based on the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.” [Links to Design Guidelines in Attachment 3.]

The ADC District Design Guidelines Chapter 3 - *New Construction and Additions* (page 5) refer to the *Secretary of Interior's Standards for Rehabilitation* as follows:

According to the Secretary of the Interior's Standards for Rehabilitation:

- *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be*

differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

- *New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

[Links to Design Guidelines in Attachment 3.]

Maintenance and Repair

See Item 13.

Item 9. [*New structure should be redesigned with smaller footprint.*]

Appellant: We argue that the proposed Certificate of Appropriateness fails to acknowledge and protect identified historic resources and their vital role in keeping neighborhoods like Preston Place livable, humanely scaled, and equitable. The proposed three-story building is too large for the lot in this context and should be redesigned with a smaller footprint in keeping with the historic district around it.

Staff Response: The BAR's approval of this CoA action was consistent with Sec. 34-271, which delineates the purposes of Division 2. Historical Preservation and Architectural Design Control Overlay Districts. (See Items 1, 2, and 6.)

Item 10. [*605 Preston Place is an IPP and within an ADC District.*]

Appellant: Appendix A: The status of the properties mentioned: In the Division 2. Historical Preservation and Architectural Design Control Overlay Districts, section 34-272, #8, District H (Rugby Road—University Circle—Venable Neighborhood Architectural Design Control District) is listed among major design control districts.

605 Preston Place is the location of the proposed new build for which [CoA] was granted on October 19th [2021]. Also on the same lot is Wyndhurst, built approximately 1857, and [IPP] #55, parcel 111. Wyndhurst occupies the east half of the lot, and the proposed building would occupy the west half of the lot.

Adjacent to the north of Wyndhurst is 611 Preston Place, [IPP] #56, parcel 112.

A dozen houses around the Preston Place circle are marked on the map of the Rugby Road—University Circle—Venable Neighborhood Architectural Design Control District as contributing structures.

Staff Response: No comment. Reference to Division 2. Historical Preservation and Architectural Design Control Overlay Districts

Item 11. [*BAR responsibilities per City Code.*]

Appellant: Appendix B: Responsibilities of the BAR: Sec. 34-288. - Responsibilities of BAR: "The function of the board of architectural review ("BAR") shall be to administer the provisions

of this division.” Division 2. Historical Preservation and Architectural Design Control Overlay Districts, section 34-271. Purposes:

1. “To preserve and protect buildings, structures and properties which serve as important visible reminders of the historic, cultural, and architectural or archaeological heritage of this city, the Commonwealth of Virginia, or this nation.”
2. “To assure that, within the city's historic districts, new structures, additions, landscaping and related elements will be in harmony with their setting and environs;”
3. “To promote local historic preservation efforts through the identification and protection of historic resources throughout the city.”
4. “To maintain and improve property values by providing incentives for the upkeep, rehabilitation and restoration of older structures in a safe and healthful manner,”
5. To promote tourism and enhance business” ... “through protection of historic, cultural and archaeological resources.”

Staff Response: No comment. Reference to Sec. 34-288. [Sec. 34-288 in Attachment 3.]

Item 12. [BAR standards for design review per City Code.]

Appellant: Appendix C: Relevant Texts from Governing Code and Guidelines

Section 34-276; 12-1-03(2) Standards for review of construction and alterations

The BAR review is to include:

1. Whether the material, texture, color, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable design control district;
2. The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs and signs;
4. The effect of the proposed change on the historic district neighborhood;
5. The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks;
8. Any applicable provisions of the city's design guidelines (see section 34-288(6)).

Staff Response: No comment. Reference to Sec. 34-276. (Regarding the BAR’s application of Sec. 34-276, see Item 1.) [Sec. 34-276 in Attachment 3.]

Sec. 34-276 lists eight standards, however, no particular weight is assigned to any one or more of the listed standards. (Note: Of these, one standard relates to the review of proposed signage, which was not applicable for this CoA request.) The reference to architectural compatibility is the most legally significant term. Local decisions granting or denying a CoA should always be grounded on an assessment of the architectural compatibility of proposed construction, see Va. Code §15.2-2306. (A. 1. [...] *The ordinance may include a provision that no building or structure, including signs, shall be erected, reconstructed, altered or restored within any such district unless approved by the review board or, on appeal, by the governing body of the locality as being architecturally compatible with the historic landmarks, buildings or structures therein.*) As a practical matter, each of the eight standards listed in Sec. 34-276 is a different way of describing the concept of *architectural compatibility*.

Item 13. [*Maintenance and repair requirements per City Code.*]

Appellant: Sec. 34-281. - Maintenance and repair required.

“Neither the owner of nor the person in charge of a contributing structure or protected property shall allow such property to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce a detrimental effect upon the character of a major architectural design district”

Examples include

1. The deterioration of exterior walls...
2. The deterioration of roofs...
3. The deterioration of exterior chimneys...
4. The deterioration or crumbling of exterior plasters or mortar;
5. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
6. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or condition...

Staff Response: Reference to Sec. 34-281. Staff acknowledges this must be addressed, per the approved CoA. (See Item 1.) Staff will coordinate with the Zoning Administrator. [Sec. 34-281 in Attachment 3.]

Item 14. [*Setting and spacing recommendations per ADC District Design Guidelines.*]

Appellant: ADC District Design Guidelines. Chapter IV. *New Construction and Additions*, page

5. “...setback and spacing between buildings may be more important than roof forms or materials” [Staff note: This is from Chapter 3 of the ADC District Design Guidelines, not Chapter IV.]

Staff Response: Reference to the ADC District Design Guidelines, Chapter 3, *New Construction and Additions*, page 5, second paragraph: *For instance, setback and spacing between buildings may be more important than roof forms or materials since there is more variety of the last two criteria on most residential streets. All criteria need not be met in every example of new construction although all criteria should be taken into consideration in the design process. When studying the character of a district, examine the forms of historic contributing buildings and avoid taking design cues from non-contributing structures. [emphasis added] [Links to Design Guidelines in Attachment 3.]*

Setback:

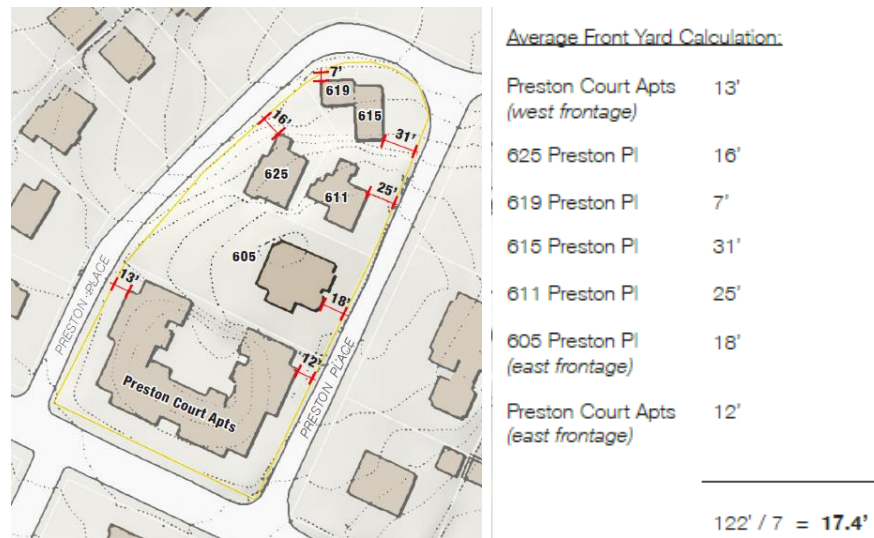
Per the ADC District Design Guidelines Chapter 3 – *New Construction and Additions* re: setbacks: *B. Setback. #10. Keep residential setbacks within 20 percent of the setbacks of a majority of neighborhood dwellings.* [Links to Design Guidelines in Attachment 3.]

The City does not catalogue or maintain information regarding the setbacks of all structures. The Design Guidelines do not explain what is meant by the term “*a majority of neighborhood dwellings.*”

The referenced dimensions are approximate using the measurement tool in the City’s GIS mapping system. <https://gisweb.charlottesville.org/GisViewer/>

Staff reviewed the front setbacks of all the structures fronting on Preston Place. The average is 43 feet, ranging between 10 feet and 80 feet. 20 percent (20%) of 43 feet is 8 feet. Therefore, per the design guidelines, the recommended front setback for the new building would be between 35 feet and 51 feet. (43 - 8 = 35; 43 + 8 = 51.)

In September 2020, the applicant conferred with Zoning staff, who determined the minimum setback must be 17.4 feet. (See below.) The proposed building has a setback of approximately 20 feet, which is within the dimension determined by Zoning.



(From the applicant’s submittal.)

It is worth noting that this calculation does not represent an evaluation of a majority of neighborhood dwellings. The Rugby Road - University Circle - Venable Neighborhood Architectural Design Control District covers roughly 100 acres with approximately 300 structures.

Legally, the BAR cannot design a project or mandate any particular setback; the BAR can only determine whether or not a particular development proposal, overall, is architecturally compatible with the ADC District, based on the recommendations of the design guidelines. As applied here, with the setback being established by Zoning, the BAR determined the building, as designed, placed and oriented, was compatible with the ADC District.

The following information was provided to the BAR within the Staff Reports for May 18, 2021, August 17, 2021, and October 19, 2021:

- Average front setback is 43 feet, ranging between 10 feet and 80 feet. The recommended setback for the new building would be between 35 feet and 51 feet. The proposed building has a setback of approximately 20 feet. (Facing Preston Place, the two adjacent structures have setbacks of 15 feet and 27 feet. Wyndurst is setback

20 feet from the parcel line at the street.) Note: In September 2020, the applicant conferred with NDS. Per zoning, the minimum set back was determined to be 17.4 feet.

Item 15. [*Character of an ADC District per ADC District Design Guidelines.*]

Appellant: ADC District Design Guidelines. Chapter IV. *New Construction and Additions*, page 5. “When studying the character of a district examine the forms of the historic contributing buildings.” [Staff note: This is from Chapter 3, not Chapter IV.]

Staff Response: No comment. Reference to the ADC District Design Guidelines, Chapter IV, *New Construction and Additions*, page 5, second paragraph: *For instance, setback and spacing between buildings may be more important than roof forms or materials since there is more variety of the last two criteria on most residential streets. All criteria need not be met in every example of new construction although all criteria should be taken into consideration in the design process. **When studying the character of a district, examine the forms of historic contributing buildings and avoid taking design cues from non-contributing structures.** [emphasis added] [Links to Design Guidelines in Attachment 3.]*

Item 16. [*Design of new structures per ADC District Design Guidelines.*]

Appellant: ADC District Design Guidelines. Chapter IV. *New Construction and Additions*, page 5. “Some parts of historic districts retain a high degree of their original historic character. In these areas care should be taken to ensure that the new design does not visually overpower its historic neighboring buildings. In other areas where there are more non-contributing buildings or more commercial utilitarian buildings new designs could be more contemporary and the BAR maybe more flexible in applying these guidelines.” [Staff note: This is from Chapter 3, not Chapter IV.]

Staff Response: No comment. Reference to the ADC District Design Guidelines, Chapter IV, *New Construction and Additions*, page 5, third paragraph: *There may be the opportunity for more flexibility in designing new buildings or making an addition depending on the level of historic integrity of a particular area. **Some parts of the historic districts retain a high degree of their original historic character. In these areas care should be taken to ensure that the new design does not visually overpower its historic neighboring buildings. In other areas where there are more non-contributing structures or more commercial utilitarian buildings, new designs could be more contemporary and the Board of Architectural Review (BAR) may be more flexible in applying these guidelines.** Thus, the overall context of historic integrity of an area needs to be understood and considered on an individual basis and what may be appropriate in some areas may not be appropriate in others.* [emphasis added] [Links to Design Guidelines in Attachment 3.]

Item 17. [*Differentiating new structures from existing per ADC District Design Guidelines.*]

Appellant: ADC District Design Guidelines. Chapter IV. *New Construction and Additions*, page 5. “The Secretary of the Interior’s standards for rehabilitation new, addition, or new ‘builds’ shall not destroy historic materials that characterize properties new work shall be differentiated

from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.” [Staff note: This is from Chapter 3, not Chapter IV.]

Staff Response: No comment. Reference to the ADC District Design Guidelines, Chapter IV, *New Construction and Additions*, page 5, fourth paragraph: *According to the Secretary of the Interior’s Standards for Rehabilitation: New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. [And] New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. [emphasis added] [Links to Design Guidelines in Attachment 3.]*

Item 18. [*Residential infill construction per ADC District Design Guidelines.*]

Appellant: ADC District Design Guidelines. Chapter IV. *New Construction and Additions*, Page 9. Massing and Footprint. “2. New infill construction in residential sub areas should relate in footprint and massing to the majority of the surrounding historic dwellings.” [Staff note: This is from Chapter 3, not Chapter IV.]

Staff Response: No comment. Reference to the ADC District Design Guidelines, Chapter 3 - *New Construction and Additions*, D. Massing & Footprint: 2. New infill construction in residential sub-areas ***should relate in footprint and massing*** to the majority of surrounding historic dwellings. [emphasis added] [Links to Design Guidelines in Attachment 3.]

Attachment 3: Citations and references (listed per Item #s in the appeal)

Item 1

City Code Sec. 34-284. - BAR review and hearing.

- a) The BAR shall afford each applicant, and any other interested party, an opportunity to be heard, prior to rendering its decision on any application. No published notice of a particular application is required; however, the director of neighborhood development services shall send written notice of the time, date, place and subject of a meeting to the applicant, or his agent, and to each property owner, or his agent, abutting or immediately across a street or road from the property that is the subject of the application, and to all properties having frontage along the same city street block. Notice sent by first class mail to the last known address of such owner or agent, as shown on the city's current real estate assessment books, postmarked not less than fourteen (14) days before the meeting, shall be deemed adequate. A representative of the department of neighborhood development services shall make affidavit that such mailing has been made and file the affidavit with the papers related to the application. Additionally, a sign shall be posted at the property which is the subject of the application, at least ten (10) days prior to the board's meeting, identifying the time, date, place and nature of the application which has been scheduled for a hearing.
- b) In considering a particular application the BAR shall approve the application unless it finds:
 1. That the proposal does not meet specific standards set forth within this division or applicable provisions of the design guidelines established by the board pursuant to section 34-288(6); and
 2. The proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located or the protected property that is the subject of the application.
- c) An applicant may appear in person at the BAR hearing, or may be represented by an agent or attorney.
(9-15-03(3))

Links to the City of Charlottesville's ADC District Design Guidelines

- [Chapter 1 Introduction \(Part 1\)](#)
- [Chapter 1 Introduction \(Part 2\)](#)
- [Chapter 2 Site Design and Elements](#)
- [Chapter 3 New Construction and Additions](#)
- [Chapter 4 Rehabilitation](#)
- [Chapter 5 Signs, Awnings, Vending, and Cafes](#)
- [VII: Public Improvements](#)
- [Chapter 7 Moving and Demolition](#)
- [Index](#)

Item 2

City Code Sec. 34-276. - Standards for review of construction and alterations.

The following features and factors shall be considered in determining the appropriateness of proposed construction, reconstruction, alteration or restoration of buildings or structures pursuant to section 34-275 above:

Attachment 3

- (1) Whether the material, texture, color, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable design control district;
- (2) The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs and signs;
- (3) The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;
- (4) The effect of the proposed change on the historic district neighborhood;
- (5) The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks;
- (6) Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;
- (7) When reviewing any proposed sign as part of an application under consideration, the standards set forth within Article IX, sections 34-1020, et seq. shall be applied; and
- (8) Any applicable provisions of the city's design guidelines (see section 34-288(6)).
(9-15-03(3))

Link to ADC District Design Guidelines, Chapter 3, *New Construction and Additions*:
[Chapter 3 New Construction and Additions](#)

Secretary of the Interior's Standards for the Treatment of Historic Properties
<https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>

The Secretary's Standards offers the following guidance for alterations and additions for a new use:

Page 142 Building Site (Cited in October 19, 2021 BAR Staff Report)

Recommended

- Designing new onsite features (such as parking areas, access ramps, or lighting), when required by a new use, so that they are as unobtrusive as possible, retain the historic relationship between the building or buildings and the landscape, and are compatible with the historic character of the property.
- Designing new exterior additions to historic buildings or adjacent new construction that are compatible with the historic character of the site and preserves the historic relationship between the building or buildings and the landscape.
- Removing non-significant buildings, additions, or site features which detract from the historic character of the site.
- Locating an irrigation system needed for a new or continuing use of the site where it will not cause damage to historic buildings.

Not recommended

- Locating parking areas directly adjacent to historic buildings where vehicles may cause damage to buildings or landscape features or when they negatively impact the historic character of the building site if landscape features and plant materials are removed.
- Introducing new construction on the building site which is visually incompatible in terms of size, scale, design, material, or color, which destroys historic relationships

- on the site, or which damages or destroys important landscape features, such as replacing a lawn with paved parking areas or removing mature trees to widen a driveway.
- Removing a historic building in a complex of buildings or removing a building feature or a landscape feature which is important in defining the historic character of the site.
 - Locating an irrigation system needed for a new or continuing use of the site where it will damage historic buildings.

Note: This is also cited on page 146 (Setting/District), with similar wording.

Recommended

- Designing new onsite features (such as parking areas, access ramps, or lighting), when required by a new use, so that they are as unobtrusive as possible, retain the historic relationship between the building or buildings and the landscape in the setting, and are compatible with the historic character of the setting.
- Designing new exterior additions to historic buildings or adjacent new construction that are compatible with the historic character of the setting that preserves the historic relationship between the building or buildings and the landscape.
- Removing non-significant buildings, additions, or site features which detract from the historic character of the setting.

Not recommended

- Locating parking areas directly adjacent to historic buildings where vehicles may cause damage to buildings or landscape features or when they negatively impact the historic character of the setting if landscape features and plant materials are removed.
- Introducing new construction on the building site which is visually or that destroys historic relationships within the setting, or which damages or destroys important landscape features.
- Removing a historic building, a building feature, or landscape feature which is important in defining the historic character of the setting.

Item 3

n/a

Item 4

Link to ADC District Design Guidelines, Chapter 3, *New Construction and Additions*:
[Chapter 3 New Construction and Additions](#)

Link to City's Historic Survey of 605 Preston Place:
http://weblink.charlottesville.org/public/0/edoc/652143/605%20Preston%20Place_Historic%20Survey.pdf

Link to City's Historic Survey of 611 Preston Place:
http://weblink.charlottesville.org/public/0/edoc/652147/611%20Preston%20Place_Historic%20Survey.pdf

Attachment 3

Link to August 14, 2017 BAR meeting minutes:

http://weblink.charlottesville.org/public/0/edoc/792622/2017-08_Meeting%20Minutes_BAR.pdf

August 14, 2017 – BAR approved moving [to 506-512 Preston Place] the house, porch, chimneys, and east side additions located at 605 Preston Avenue and demolition of the rear additions.

http://weblink.charlottesville.org/public/0/edoc/724642/2017-08_605%20Preston%20Place_BAR.pdf

Item 5

Link to ADC District Design Guidelines, Chapter 3, *New Construction and Additions*:

[Chapter 3 New Construction and Additions](#)

<https://www.merriam-webster.com/dictionary/obscure>

Obscure: not well-known; not known to most people; difficult to understand; difficult or impossible to know completely and with certainty; dark; dim; shrouded in or hidden by darkness; not clearly seen or easily distinguished; not readily understood or clearly expressed; relatively unknown. (Synonyms: *blanket, blot out, cloak, conceal, cover, curtain, disguise, enshroud, hide, mask, screen, shroud, suppress, veil.*)

Item 6

Link to October 19, 2021 BAR staff report and submittal:

http://weblink.charlottesville.org/public/0/edoc/799036/2021-10_605%20Preston%20Place_BAR.pdf

Item 7

Link to ADC District Design Guidelines, Chapter 3, *New Construction and Additions*:

[Chapter 3 New Construction and Additions](#)

See Item 1 for links to BAR staff reports and applicant's submittal.

Item 8

See Item 2 re: the *Secretary's Standards*.

VLR/NRHP: Wyndhurst

<https://www.dhr.virginia.gov/historic-registers/104-0048/>

VLR/NRHP: Rugby Road-University Corner Historic District

<https://www.dhr.virginia.gov/historic-registers/104-0133/>

City Code Sec. 34-276. - Standards for review of construction and alterations.

The following features and factors shall be considered in determining the appropriateness of proposed construction, reconstruction, alteration or restoration of buildings or structures pursuant to section 34-275 above:

...

- (3) The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;

Item 9

City Code Sec. 34-271. - Purposes.

The City of Charlottesville seeks, through the establishment of its several historic districts and through the protection of individually significant properties, to protect community health and safety, to promote the education, prosperity and general welfare of the public through the identification, preservation and enhancement of buildings, structures, landscapes, settings, neighborhoods, places and features with special historical, cultural and architectural significance. To achieve these general purposes, the City of Charlottesville seeks to pursue the following specific purposes:

- (1) To preserve and protect buildings, structures and properties which serve as important visible reminders of the historic, cultural, and architectural or archaeological heritage of this city, the Commonwealth of Virginia, or this nation;
- (2) To assure that, within the city's historic districts, new structures, additions, landscaping and related elements will be in harmony with their setting and environs;
- (3) To promote local historic preservation efforts through the identification and protection of historic resources throughout the city;
- (4) To maintain and improve property values by providing incentives for the upkeep, rehabilitation and restoration of older structures in a safe and healthful manner, and by encouraging desirable uses and forms of development that will lead to the continuance, conservation and improvement of the city's historic, cultural and architectural resources and institutions within their settings;
- (5) To promote tourism and enhance business and industry, and to promote an enhanced quality of life within the city, through protection of historic, cultural and archaeological resources.

Item 10

City Code Sec. 34-272. - Major design control districts.

The following areas have been determined by city council to be of unique architectural and/or historic value, and are hereby designated as major architectural design control districts, the limits of which are shown on the city's zoning map:

(1) [...]

(8) District H (Rugby Road—University Circle—Venable Neighborhood Architectural Design Control District): City council has designated only certain buildings within this overlay district as contributing structures. Those contributing structures are identified on a map included within the design guidelines, a copy of which is available within the department of neighborhood development services.

(9-15-03(3); 11-17-03, § 1; 2-7-05, § 1; 1-17-06(4), § 1; 1-17-06(5), § 1)

City Code Sec. 34-273. - Individually protected properties.

- a) The City of Charlottesville seeks, through the creation of a protected property list, to protect community health and safety and to promote the education, prosperity and general welfare of the public, through identification, preservation, protection and enhancement of certain buildings, structures, and landmarks, together with their landscapes and settings, which are of special historic, cultural, or architectural significance, and which are located outside the city's

major design control districts. To achieve these general purposes, the city seeks to pursue the following goals and objectives:

1. To enrich the quality of life for city residents, by protecting familiar landmarks and other treasured elements of the city;
 2. To protect historic and cultural resources, and thereby to promote tourism and to enhance business and industry;
 3. To maintain and improve property values by providing incentives for the upkeep, rehabilitation and restoration of historically and culturally significant structures;
 4. To promote local historic preservation efforts through identification and protection of historic resources throughout the city;
 5. To encourage nomination of historic properties to the National Register of Historic Places and the Virginia Landmarks Register; and
 6. To assure that additions, alterations, restorations, landscaping and related elements be in harmony with a building or structure and its setting.
- b) Following is a list of landmarks, buildings and structures outside the city's major design control districts, which are deemed by city council to be of special historic, cultural, or architectural value (each, individually, a "Protected Property"). Each parcel containing a protected property is hereby designated a minor design control district.

55.	605	Preston Place	Tax Map 5	Parcel 111
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(6-6-05(2); 12-18-06(2), § 2; 9-15-08(3); 11-3-08(3), § 2; 4-18-11(1), § 2; 9-19-11(1), § 2)

Item 11

City Code Sec. 34-288. - Responsibilities of BAR.

The function of the board of architectural review ("BAR") shall be to administer the provisions of this division. In carrying out this responsibility the BAR shall:

- (1) Approve, deny, or approve with conditions applications for certificates of appropriateness in accordance with the provisions of this division.
- (2) Recommend additional surveys of potential districts or properties, and recommend properties for inclusion in or deletion from major design control districts or the city's list of protected properties.
- (3) Act in an advisory role to city council and city departments, boards and commissions.
- (4) Disseminate information within the city on historic preservation issues and concerns.
- (5) Develop a preservation plan with goals and recommendations for consideration by the planning commission, and from time to time the board shall update such plan.
- (6) Develop and recommend to the city council for its approval design guidelines for the city's architectural design control districts ("design guidelines"), consistent with the purposes and standards set forth within this division. The BAR shall develop the design guidelines in consultation with the city's urban design committee and after seeking input from business and property owners in the various districts. Guidelines developed by the board shall become effective upon approval by city council and thereafter shall have the status of interpretive regulations. The BAR shall undertake a comprehensive review and update the design guidelines at least once every five (5) years.

(9-15-03(3))

Item 12

City Code Sec. 34-276. - Standards for review of construction and alterations.

The following features and factors shall be considered in determining the appropriateness of proposed construction, reconstruction, alteration or restoration of buildings or structures pursuant to section 34-275 above:

- (1) Whether the material, texture, color, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable design control district;
 - (2) The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs and signs;
 - (3) The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;
 - (4) The effect of the proposed change on the historic district neighborhood;
 - (5) The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks;
 - (6) Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;
 - (7) When reviewing any proposed sign as part of an application under consideration, the standards set forth within Article IX, sections 34-1020, et seq. shall be applied; and
 - (8) Any applicable provisions of the city's design guidelines (see section 34-288(6)).
- (9-15-03(3))

Regarding Code of Federal Regulations (36 C.F.R. §67.7(b)), link to the federal statute:
<https://www.ecfr.gov/current/title-36/chapter-I/part-67/section-67.7>

Item 13

City Code Sec. 34-281. - Maintenance and repair required.

- (1) Neither the owner of nor the person in charge of a contributing structure or protected property shall allow such property to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce a detrimental effect upon the character of a major architectural design district or the life and character of a contributing structure or protected property. Examples of the type of disrepair prohibited include, but are not limited to:
 - a. The deterioration of exterior walls or other vertical supports;
 - b. The deterioration of roofs or other horizontal members;
 - c. The deterioration of exterior chimneys;
 - d. The deterioration or crumbling of exterior plasters or mortar;
 - e. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
 - f. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.
 - (2) The zoning administrator shall give notice by certified or registered mail of specific instances of failure to maintain or repair. The owner or person in charge of such structure or property shall have sixty (60) days to remedy such violation; provided that the zoning administrator, upon request, may allow an extension of up to sixty (60) days to remedy such violations. Thereafter, each day during which there exists any violation of this section shall constitute a separate violation and shall be punishable as provided in this zoning ordinance.
- (9-15-03(3))

Item 14

Link to ADC District Design Guidelines, Chapter 3, *New Construction and Additions Chapter 3 New Construction and Additions*

Item 15

Link to ADC District Design Guidelines, Chapter 3, *New Construction and Additions Chapter 3 New Construction and Additions*

Item 16

Link to ADC District Design Guidelines, Chapter 3, *New Construction and Additions Chapter 3 New Construction and Additions*

Item 17

Link to ADC District Design Guidelines, Chapter 3, *New Construction and Additions Chapter 3 New Construction and Additions*

Item 18

Link to ADC District Design Guidelines, Chapter 3, *New Construction and Additions Chapter 3 New Construction and Additions*

Additional references

Prior BAR Reviews (Not previously cited. Not germane to current appeal.)

June 18, 2019 – Request to construct a 25-space parking lot in the rear yard of the historic structure. The BAR moved to accept the applicant’s request for deferral (9-0).

http://weblink.charlottesville.org/public/0/edoc/791143/2019-06_605%20Preston%20Place_BAR.pdf

October 15, 2019 – BAR denied CoA request to construct parking lot in the rear yard of the historic structure. (December 2019 – Council denied applicant appeal.)

http://weblink.charlottesville.org/public/0/edoc/791778/2019-10_605%20Preston%20Place_BAR.pdf

Attachment 4: BAR chair response to appeal

605 Preston Place Appeal

February 15, 2022

My name is Breck Gastinger, and I serve as the Chair of the Board of Architectural Review. I have served for nearly 5 years on the Board and professionally I am a Landscape Architect here in the City of Charlottesville. The BAR is made up of 9 citizens of Charlottesville and all are volunteers that are appointed by City Council. We work on your behalf and that of the City. We are made up of design professionals, business owners and residents of properties within historic districts. We recently welcomed two new members, so thank you for those appointments.

As members of the BAR, we are charged not to apply our own opinions, but to rely on the provisions in the City Code and the adopted design guidelines that are applicable to the various City-designated historic districts and properties. We use our judgement as professionals and citizens as to the impacts of projects on the City's historic fabric. We volunteer our time, and we take this role seriously because we believe it's important to our community. It's important that all our stories are legible and conserved for future generations.

But we are part of history as well – and our community's story is constantly being written. Our work on the BAR does not mandate particular styles of architecture or prevent new buildings to be added within historic districts. Charlottesville continues to grow and evolve as a city, and we work to make sure that it's done in a compatible way. This is important work. Our guidelines provide the framework to build appropriately in and amongst our historic architectural fabric.

605 Preston is an interesting project that we are very familiar with. This is the 3rd time in the last 4 years that projects related to the historic home of Wyndhurst have come before the board.

- The home at Wyndhurst was built in 1857 - one of the oldest in the city
- It was originally built on 100 acres of farmland. Its development history tells the story of early boarding for students, and the later transformation of the district into a residential neighborhood.
- Together, the buildings of Preston Court and Preston Place, their relationship to each other, along with the subsequent homes and additions - with all of their oddities and quirkiness - tell a fascinating, still-legible story about Charlottesville's growth and development.

For this current project alone, we reviewed the materials on four occasions. Each time we reviewed materials submitted by the architect, considered comment from the public, and applied the City's ADC District Design Guidelines in our commentary and guidance to the design team. I can say that our comments made significant improvement to the project throughout the process, and, in our judgement, the changes were consistent with those guidelines.

When the Board performed final review and considered the multiple changes made by the project designers along the way, the project was approved as appropriate in a unanimous vote, 8-0.

Attachment 4

Further details of our discussion have been recorded and submitted in the staff report and all of our minutes and recordings of our meetings are available for review. I ask you tonight to consider the care and diligence that the Board of Architectural review has given this matter and to uphold our decision to grant the project at 605 Preston Place a Certificate of Appropriateness.

Breck Gastinger
Chair, Charlottesville Board of Architectural Review

Attachment 5

**BAR Meeting Minutes
City of Charlottesville
Board of Architectural Review
Regular Meeting
September 15, 2020**

Excerpts re: Preliminary Discussion

605 Preston Place – New apartment building.
IPP and Rugby Road/University Circle/Venable Neighborhood ADC District
Kevin Riddle, Mitchell Matthews Architects and Planners

PUBLIC COMMENTS

No Comments

SUMMARY OF PROJECT

- Recently a surface parking lot was proposed.
- New proposal is an apartment building located to the west of Wyndhurst.
- There are parking places supporting the new apartment building relegated to the site interior.
- Proposal of a connection that runs along south of the site to access the parking.
- It will be designated for one way travel and would reduce vehicle traffic.
- The street could rejuvenate and strengthen the perception of Wyndhurst's original frontage.
- Not involved to move the earlier proposal to move Wyndhurst or introduce surface parking.
- The introduction of a new building will address the problems of earlier efforts.
- This would provide more housing close to the University.
- There is potential in this proposal to animate the site.

SUMMARY OF BOARD COMMENTS AND QUESTIONS

- Something that can be considered.
- Interested in seeing how this project moves forward and could enhance the neighborhood.
- Questions about the parking and the north yard. Parking spots 7 and 8 encroach very close to the building.
- Cautious about the under sides of parking areas and very bright lighting with the parking area.
- Not sure about the grades on the other side of the building.
- This is far more appropriate than what was previously proposed.
- Staff went over the review of the previous COA application that was denied in October, 2019.
- The previous proposal did nothing to enhance the Wyndhurst frontage.
- Two trees are going to be retained.

- You would enter and exit from the north drive.
- The parking under the building would be entered from the south.
- There would be a 25 foot setback for the front yard.
- There was a concern about the distance between the proposed building and the Wyndhurst building.
- The basement windows are going to stay where they are.
- The guidelines are friendlier with a building versus a parking lot.
- There was some concern regarding the massing that was raised by several members of the Board.
- There was a straw poll regarding this proposed project and whether the project could gain approval from the BAR.
- The project is better than the previous proposal for this site and it is better than moving the house.

Attachment 6

Attachment 6

**BAR Meeting Minutes
City of Charlottesville
Board of Architectural Review
Regular Meeting
May 18, 2021**

Excerpts re: Certificate of Appropriateness Application
BAR 21-05-03
605 Preston Place, Tax Parcel 050111000
Rugby Road-University Circle-Venable Neighborhood ADC District
Owner: Neighborhood Investment – PC, LP
Applicant: Kevin Riddle, Mitchell Matthews Architects
Project: Three-story apartment building with below-grade parking

QUESTIONS FROM THE BOARD

Mr. Gastinger – Has there been any arborist assessment of the 36 inch oak that is on site that is to be removed?

Mr. Riddle (applicant) – We do have an arborist report. We can pass that along. My understanding is that the existing trees on site that are to be removed are pretty far along. They don't have a lot of life left.

Mr. Schwarz – I am guessing the driveway is about 24-25 feet wide. Have you explored whether there is any way to reduce the width of that at the curb cut?

Mr. Riddle – When I look at the zoning and have a two way travel on a driveway that doesn't have parking on either side, it appears that the city expects 24 feet. If we could reduce that down to 20 feet, I think that would be great and it would be acceptable with this being a small lot. I think narrowing it down would be good. There is still the question of whether city zoning is going to be OK with that.

Mr. Schwarz – I thought it was 20 feet.

Mr. Riddle – We can look at the language and confirm that.

Mr. Schwarz – I think there is language that the BAR can recommend a narrower curb cut. If you could investigate that, that would be great.

I think you are showing the parapets as brick. Is that the intention?

Mr. Riddle – Yes it is. We haven't yet had an opportunity to explore how much from street level you would be able to see those. There are going to be portions of those enclosures that would not be visible from the street. A brick cladding there wouldn't be necessary. There are enough

places. If you look at page 17 and our view from the southeast, there are places where the parapets are going to be turning and visible. Continuing to use the same brick cladding in those locations would be pretty important to preserve this appearance. We know that is going to imply some structural work that would not be necessary otherwise.

Mr. Schwarz – With the wood soffits and the wood underneath the balconies, you do intend to drain water through the top surface of the balcony and having it percolate through the undersides?

Mr. Riddle – The little section detail perhaps divulges a little too much with the construction approach. It is a little bit of a place holder. We don't really want water to be dripping through or spilled drinks coming through from one balcony down to another balcony. Our intention is to have that balcony floor covered. I don't think it is going to be spaced. I think we're going to slope that slightly to drain water away from the balcony and not to encourage it to get into the cavity space. Architecturally, our intention remains the same. You will see a light colored wood like oak as the soffit material on the underside.

Mr. Schwarz – The intention is to not have water drips. You're going to have the water drain off the top surface.

It looks like your lighting plan may not be quite coordinated with the final site plan you have. How are those bollards mounted? Are they in the brick wall?

Mr. Riddle – The intention with those bollards is that they would actually be mounted to the surface walk. Presumably, there would be a flexible conduit used under the walk when it is poured. These bollards have a base that can be mounted to the walk.

Mr. Schwarz – That is not a tripping hazard.

Mr. Riddle – They are a little more prominent than a recessed or flush walk. This is based on an early round of discussions we had with our lighting consultant. This is what we are going with for our lighting strategy. I understand your concern that they are sticking out on a narrow walk.

Mr. Schwarz – Aesthetically, they're great. I was curious.

Mr. Riddle – That's one where we'll confront it as we get further in the process. If we decide to go with a different option, we know that if this project was to be approved, we would have to update you if there is a change in direction.

Ms. Lewis – Is the building 36 feet to the parapet?

Mr. Riddle – That's correct.

Ms. Lewis – I know there are members of the public who are concerned about the relationship between this building and Wyndhurst. What is the roofline height on Wyndhurst?

Mr. Riddle – The eaves of Wyndhurst are about 27/28 feet up from the ground level. If you look at the south elevation, you can see the brow that we have there over the stucco portion that extends out is roughly equivalent to the eaves of the house. When you get up to the ridge of Wyndhurst, the ridge of Wyndhurst is actually taller than this building.

Ms. Lewis – Is there a little bit of grade change on that lie from the north to the southside?

Mr. Riddle – Yes. The elevation is noted on the site plan. You can see that along the walk at the southern boundary. We are stepping up as the grades do so that the walk can meet with the landing of the stair that leads down into the Preston Court Apartments courtyard. As you get over into Wyndhurst, it is about four feet when you get to the landing at the bottom of the wood stair. It is about four feet up from what would be a patio area that is adjacent to the south and southeast portion of the new building.

Mr. Mohr – With the wall packs, the ledges, and the A fixers along the parking lot wall, I was wondering if it makes sense to knock those down one temperature range to 2700 and keep your basic lighting package to minimize that going down the driveway.

Mr. Riddle – That sounds fine to us.

Mr. Mohr – I don't think it is necessary beneath the building. The more constant light color and temperature, the better it is from a visibility standpoint.

Mr. Gastinger – It is clear in the synapse between the two volumes there is a lighter colored material. Is that the white oak that we're seeing in that soffit that continues into the interior?

Mr. Riddle – Yes.

Mr. Gastinger – The other question is about the paving material. It is called out in the drawings as a stone paving. The photo looks like a blue stone. The wall cap is called out as blue stone. The renderings are a little bit lighter. Is there a particular thought about the stone choice? Is blue stone what you are proposing?

Mr. Riddle – Yes it is. We haven't picked out a particular stone for the paving on the walks. As this is proposed, it would be similar to the capstones. If we could have a slight distinction so that there was a slightly darker color for the capstone along the walls, that would be nice. We just don't have samples of what we might use for those walks.

Mr. Gastinger – There is an existing, per our previous reviews and the survey, stone patio on the western side of Wyndhurst. What is the condition of that? Are you intending to maintain in place or reuse any of that stone as part of that paved plaza between the two structures?

Mr. Riddle – At the moment, we hadn't planned to reuse any. It is in rather rough shape. It's pretty deteriorated. It's hard to discern. We have yet to do an investigation of that terraced area that you are referring to, to see if materials there would be salvageable. With investigation, we could make a better assessment and decide if some of that could be reused.

Mr. Mohr – One other thing that Carl noted about narrowing down the driveway is whether there was a possibility of getting another tree in there. In the summer, that's going to radiate a lot of heat.

Mr. Riddle – I think that's a good suggestion.

Mr. Mohr – It helps minimize the canyon-like effect.

Mr. Schwarz – A question came in from Ms. Turner. When was the side yard of the only remaining façade of this historical structure carved off as a building lot? What is the obligation of the owner to preserve the historic structure and setting at 605? Is the current owner and developer getting tax credits for this historic property?

Mr. Riddle – That question goes to zoning. It is not related to architecture. It's a lot where this building is allowed. We're not touching the historic structure with this building. We're staying about 12 feet away.

Mr. Schwarz – Is it the same parcel?

Mr. Riddle – It is the same parcel.

Mr. Schwarz – The actual lot hasn't been separated off. Do you know if the owner is going to try to get tax credits on Wyndhurst?

Mr. Riddle – I don't think that is his intention.

COMMENTS FROM THE BOARD

Mr. Gastinger – I have a number of thoughts. I appreciate the commentary from the architects and from the concerned citizens. I agree with some of what both have said. I was opposed to the earlier project that had a parking lot on this site. It seems that the parking area was not sufficiently deferential to the adjacent house, which is very important to telling Charlottesville's early history. It also didn't seem like a use that was necessary and worth the damage that it would do to the reading of that structure. It is possible to imagine a contemporary structure on this site that is complimentary of Wyndhurst and that is relative to the scale of the surrounding neighborhood. There are some aspects of this project that could definitely do that. The materiality and the color that is proposed in the model and the renderings is actually a quiet approach towards this site. It actually recedes quite a bit, especially in its relationship to the very bright, white structure of the historic home. It pops it out. I have some concerns about the scale. I wish I had more information relative to the adjacent 625 and to the adjacent Preston Court Apartments. It does sit in a transitional location within the block. I don't know if we fully appreciate the relationship to 625. I am concerned about the removal of the oak and the way that the drive aisle might be damaging to the experience of the neighborhood. I do think that it is an improvement over what was proposed earlier that had the drive aisle going through the block and it had cars parking near the foot of Wyndhurst. The approach is a better one. I am concerned about the height of that retaining wall and how close it is to 625. I am also concerned that the oak would have to go. It still remains in a lot of the perspectives. It's really hard to tell what the

impact of losing that tree is. They have to remove that tree. It is still providing a lot of green in the perspectives. It's a little bit misleading.

Mr. Mohr – I don't have a problem with the materiality of it. I do see where it is problematic in the sense of the massing. It's a full blown apartment building sliding more into the district. That started with the construction with Preston Place. The objections of the balconies strictly facing the side yard towards the house to the north is certainly understandable. I didn't feel the parking lot was an appropriate approach. One question I have is whether the wing to the north should lose a floor. The driveway is problematic in terms of its scale relative to the neighborhood. I assume what is driving that is because it has to be a two lane driveway. They already have enough parking issues in that area. I am torn about it. I understand the logic of more housing. At the same time, it is not really housing that really works with this neighborhood. This is all a series of single bedrooms and shared common space. This is student housing. These are not apartments. That is a questionable item. That is dealing with function. Function is not in our purview. It's about that north edge and whether or not the massing of that should be reconsidered and if there's something that can be done about the driveway. There was an earlier version where the driveway went straight into the building. It does get you the gaping issue. That would allow the green space in the yard to come down. The way the existing diodoras work along that edge pretty well. The real issue is to the north towards the smaller building and completely obscuring the Wyndhurst building from that street. It is a mixed bag. This is an area where the zoning is calling for higher density. I am conflicted about how exactly how we're supposed to address that.

Ms. Lewis – I wanted to echo what Mr. Mohr said about addressing the neighborhood comments and our lack of jurisdiction over a lot of those comments. This board looks at the ADC Architectural Design Control District Guidelines. We look at the application in front of us and decide whether the application meets those guidelines. We may deal with zoning issues tangentially. They inform the massing and the size of other forms of the building itself. We don't dictate zoning. We also don't dictate use. That was established when the underlying zoning was up-zoned in 2003/2005 by the city. I think it is university medium density (UMD). I want to acknowledge that it is quite a change in the neighborhood. This board doesn't have a say in all of the objections that the neighbors have voiced even though we may agree with them. I lived on this street almost 40 years ago as a student right across the street. At that time, 632 Preston Place had converted to single-family into a group home/sorority house. It was students. It remains student housing as does 630 Preston Place, as do the fraternities on the far other side. They are directly across from Wyndhurst. Preston Place is one of the most charming places you can live in within the city. The variation of architecture and the preservation level of very old structures make it a really lovely place. Long ago, the zoning was changed. Long ago, multi-family started the intrusion on the Grady side on this block or Preston Place. I would note that although this application places a building there, we're not changing the zoning. I don't think we're changing the use all that much. Students have been in this area for a while. I think there are certain things the applicant has done correctly and done right and may be has done in response to preliminary discussions that may have been had last year or informally. I know that the balconies have been reduced so that there will be no lighting on them. They're basically places that I don't think you could put a chair. They do engage the street hopefully in a good way but not in a way where people are out shouting and congregating in the same way that Preston Court Apartments allow people to do. It is a large building. The massing is something my colleagues have noted. The

applicant has done a pretty good job with articulating the building and breaking it down in its design; including those balconies, which break up the massing of the exterior. I do agree that the dark color is a nice contrast with the white clapboard of Wyndhurst. It shows Wyndhurst off as best as a contemporary building can. The applicant has also responded to earlier meetings with us. They relegated the parking to underground. There was surface parking before. I think the neighbors would appreciate that. I do wonder if the applicant might be able to pursue a waiver from the city to reduce that lane that goes underneath the building and see if the 24 feet could be choked down a little bit or down to one lane, considering how few spaces are under there. I don't know how many times you would have two cars enter and exit at the same time. It seems like it could help a little there. I think that is something we could look at so we can make sure that there is a decreased impact on adjoining 625. I would tend to be in favor of this application. I am leaning that way for reasons in the staff report that it really does meet the guidelines. I just don't find anything objectionable under our guidelines.

Mr. Edwards – I don't have much to add. I agree with my fellow members. I do feel that this does meet the guidelines. I hear what the residents are saying. I hear your concerns. It makes me wonder if there has been a dialogue between the architect and the residents. I would encourage you to continue having that open dialogue. This does seem to follow the guidelines.

Mr. McClure – There are a lot of cities that require the neighborhoods surrounding projects to sign off/come to meeting like this to voice their opinion as a group. We're limited in what we can do. In situations like this, it sucks.

Mr. Zehmer – I went over there this afternoon and took a couple laps around Preston Place. I feel that Preston Place Apartments addresses Grady Avenue. I don't think of that apartment complex as part of this neighborhood. It is on the same block. It faces Grady Avenue. It has size in its rear elevation. I do agree that there's a lot of student housing in this general vicinity. There's a fraternity with a new addition across the street from Wyndhurst. There is some on the other side of Preston Place. It is noted on the Sanborn Map that it used to be called Wyndhurst Circle instead of Preston Place. I think that speaks to the significance of Wyndhurst as a house. I don't necessarily think that blocking the west view of Wyndhurst is a horrible thing. I don't feel it is the primary façade of the house. I think the façade faces the backside of Preston Place Apartments. For the proposed design, I do like the color palates. They draw on some of the earth tones. One of the character defining features of that neighborhood does have an "arts and crafts" feel to it. You do have cottages and houses that are nestled into the landscape around in that area and have softer lines. I think the proposed project is a little bit harsh. My wish would be for something that can fill the need for adding more housing space but something that looks more residential in nature that better suits the neighborhood. Looking at the staff report, the thing that jumped out to me in terms of our review criteria: City code states that in considering a particular application, the BAR shall approve the application unless the BAR finds the proposal incompatible with the historic, cultural, and architectural character of the district in which the property is located or the protected property that is the subject of the application. I don't feel that this fits in or is compatible with the historic, cultural, or architectural character of this district. I don't think that I would be able to support this. I wouldn't be opposed to something within that space.

Mr. Schwarz – I think this typology is actually fitting for a neighborhood like this. We have examples throughout Charlottesville in some of the older neighborhoods where a three story walkup apartment building does fit into a neighborhood. There are some examples over in University Circle. There are examples scattered around the Rugby Venable neighborhood. I am very frustrated that this is student housing. I wish you hadn't shown the floor plans. It is so clear that is what it is. That's not our purview. I am also disappointed that's what has become of the Preston Court Apartments. It's sad. That's not our purview. I agree a lot with what Ms. Lewis said. I agree with Mr. Gastinger on the materiality. The brick, the stucco, and the color scheme does make it recessive. I think it fits in a residential neighborhood. With the steel on the balconies, I am wavering on that. It's contemporary. It's not something you find in the neighborhood. It's attached to iron railings. That might make sense. I am most bothered by the open stair. If the intention is that it looks like two buildings, I don't think it does it. It is going to look messy and look more like an apartment building. That open stair is not helping the compatibility with the neighborhood. If you just glazed it that would go a long way. I am leaning towards approval with some modifications. I do want to see what you're thinking of with handling the water on the balconies. We've discussed various items. They seem like they're not fully flushed out yet. It would be good to know. When this goes through the site plan, it is going to change. It should come back to us so we know what the implications are. I think your curb cut is significantly wider than any of the curb cuts in the neighborhood. As much as the city will allow, I think you need to reduce it. Mr. Mohr made a really good point about adding a tree right there. One of the beautiful things about this neighborhood is the tree canopy. It is very complete. It would be nice to maintain that. I do appreciate you adding the gum trees adjacent to Wyndhurst. That's definitely a hole in the tree canopy.

Mr. Gastinger – If we don't take action on this tonight, I feel there's just a few more drawings that are necessary to adequately assess the impact of this on adjacent properties. We're just getting hints of Wyndhurst or little hints of Preston Court or 625. I would ask for some longer sections to describe that relationship. It's difficult to do that with some of the materials that are included.

Mr. Mohr – In other parts of the city, we have asked for 3-D modeling to pick up adjacent buildings. One of the things that isn't apparent in the drawings is how much bigger that façade at Preston Place is than this building. It is in a transitional space. Wyndhurst is a pretty sizable building. The building next to it is quite small. The same is true of the white house. You have this major drop off in scale. On the other side of the street, you have this large fraternity with a very large parking area. You have a number of houses in the immediate vicinity with quite large parking lots. It is trying to maintain that quality in the density of the tree canopy and doing a better job of embedding the building. Whether that means manipulating the height of the left block; that does have some appeal. I can see where it becomes architecturally problematic having one of the blocks taller than the other one. We really can't address use. I think a number of the neighborhood objections run much deeper than what the BAR can address.

Mr. Riddle – The zoning is R-3 for this property. Everything we are proposing, as far as use, density, and size are entirely appropriate and within the zoning regulations. One of the things that has come up a few times is the large tree that is close to the boundary with 625. It was misidentified on the surveys as oak. It is an ash. The arborist who did inspect it months ago

pointed out that it is currently dying. It has limbs that are dead. It does appear to be at the end of its life. That's certainly a report that we can include in materials that we subsequently present. With talking to the neighbors, a few neighbors brought up how the discussion can be important. We have had multiple meetings with neighbors. We have met with them onsite. We have exchanged emails with them. Ahead of this meeting, I sent them a preview of our presentation. We have done a lot to keep them in the loop, even though there is a great deal of opposition. With regards to the massing of the building, it is worth pointing out that if you were to build a single-family house or a couple of townhouses on this property, you could build them to the same size. As far as modulating the massing goes, I understand some personal preferences might be for greater modulation. I can imagine a project where that would be interesting and exciting. My question: Is what we are proposing cross a line to being inappropriate or not appropriate? That's a struggle for us to understand how this would be deemed inappropriate for its massing considering what is allowed in this neighborhood and considering what staff mentioned about it staying within a percentage range of heights of nearby buildings. Comments about the building looking harsh are a little hard for us to assess when we are comparing it to guidelines. Somebody mentioned something about wanting to keep a view from the west side of the circle to Wyndhurst. I understand where people are coming from, especially if they're used to having that view who have lived in the neighborhood or walked around the circle for a long time. At the same time, you could argue that empty space that has been there takes a little bit from what could be perceived as a street wall along that edge. This building comes in and fills a space. The interpretation that the Preston Court Apartments belong to Grady Avenue and not to Preston Circle; I don't see that. I look at the Preston Court Apartments and I see three significant facades. They're in the west, south, and east. I see it as a building that participates inevitably with this circle. In the guidelines for this particular historic district, it is noted specifically that Wyndhurst was among two farms that were initially subdivided and sold off in the early 20th century largely for the sake of housing and an expanding university faculty and students. Even though the demographic of the potential tenants in this building are not something that the BAR can address, it is entirely appropriate that there are students living here. There have been students living here for decades.

Mr. Schwarz – Is there anybody who is opposed to a 6 unit, 3 story apartment building here?

Mr. Zehmer – I am not opposed to it. The word that I wasn't using was the word 'inappropriate.' The word that I was citing from our staff report was 'incompatible.' I could support the building here. I feel that it was incompatible.

Mr. Schwarz – You could support it in concept. You would like to see some significant changes?

Mr. Zehmer – That's correct.

Mr. Schwarz – Is there anyone else in the same boat with significant changes? Things such as stepping back the northwest corner. Do they need to completely change the materiality? Is it too big? Is it too close to Lyndhurst?

Ms. Lewis – Not major changes. James’ comments were very persuasive to me. I am at a loss to think of one architectural detail of this building that takes a cue from another building on Preston, except for Preston Court Apartments. A lot of the street is vernacular or primitive looking. There are a lot of architectural styles. I wouldn’t want to borrow from all of them at one time. It would be nice if this building reminded us of the other beautiful buildings further down the street. I am persuaded for not a wholesale. That would get me over. I don’t disagree with James’ objection to compatibility. I do agree that exposed stairway is a little new dorm for me. I can say that because I lived in a new dorm. You have that Motel 6 in the middle. I do wonder if you were able to glaze it or shade it to obstruct that from the street view. There might be a design opportunity in that space for that façade that shields that. I would agree with Carl on that one as well. With regards to the balconies, it sounds like the group is in favor. When I lived across the street at 632, I was in the room that has the balcony on it. Balconies on Preston have been used by misbehaving students. These balconies are modest and they’re hopefully not nearly as large as what I was afforded. That’s a use reality that this board has no say on this.

Mr. Schwarz – I do think you, Kevin, are trying to put the residential details in there. I think the shutters are a nice addition. You have a contemporary building. It is a nod that there are houses nearby.

Mr. Riddle – I know there are various takes on this. We’re going for something that we viewed as just a rather simple building with materials that we do see elsewhere on the block. When you’re trying to pick and choose “quotations” from around the circle, it can converge into pastiche in doing that. We wanted to be cautious about incorporating that.

It is a pretty eclectic circle. That is one of its virtues. The Preston Court Apartments coming along in the 1920s really caused a big change. Further circumscribing and diminishing the original presence of the historic house are all of the houses that were built around the circle. It looks like a place where historic fabric is dynamic. Introducing a building that doesn’t necessarily be too deferential or take too many cues from what is around it. There is something to be said for that.

Mr. Mohr – Even if this is a single-family house, the way it would get developed, Wyndhurst would be blocked from view from the street edge if it was broken up. It does seem like this is fundamentally an addendum to the original big building. I think having a better sense of the street scale would actually, in reference to Preston Place and the scale of this building, would make for a better argument about the scale of your building.

Mr. Schwarz – I want to figure out how we can tie this up in a way that makes sense. I am under the impression that we’re not going to get an approval tonight. I do want to make sure Kevin gets the right direction.

Mr. Riddle – I do believe that the owner would like a vote tonight. If there is a set of conditions that might be attached to this application so that some members could see their way to approval.

Mr. Schwarz – We can do that. That is risky in that we cannot have administrative approvals. We have to either design things tonight or it would be better to defer. With a show of hands, who

could approve this tonight with conditions? I think you're better off requesting a deferral. If you want a vote, you know what is going happen. We don't want to do that.

Mr. Gastinger – I am largely supportive of the approach and what has been designed here. I feel like I need a little more information related to the scales, especially on the northwest corner, the drive aisle, and the retaining wall.

Mr. Schwarz – I want to know what you're going to do with the balconies. I strongly suggest enclosing that staircase. I am not sure it is going to be a deal killer. I think that is really important.

Ms. Lewis – Besides aesthetics and compatibility with the neighborhood, I would think an open stairwell would be a noisy place for neighbors. If the consideration here is to lessen the impact on an apartment building, enclosing those stairs might be a better way of accomplishing that. It might be a nice concession.

Mr. Riddle – Does that get to points about behavior and remark whether it will be noisy or not? Is that an architectural issue?

Ms. Lewis – It is if you can insulate noise from the street. Do we have materials on the stairs?

Mr. Schwarz – It is metal and wood. I liked how Cheri described it. It has a Motel 8 feel to it with the open stair. The connotation that I have seen with an open stair is very rarely done in a way that feels residential or feels compatible with a neighborhood of this type of character. It feels like something that is 'cheap.'

Mr. Riddle – If you look at the west perspective, I am not seeing 'cheap' there. I would be concerned with enclosing the stair with some kind of glazed volume. It might take from the perception you have of these two separate wings of the building. I think it is clearer and crisper in this rendition.

Mr. Schwarz – I don't think you're getting two buildings out of this. It is reading as one with a hole in the middle. It doesn't seem like there is a whole lot of agreement.

Mr. Mohr – I read it as two masses. If you do glaze it in, unless you step it back, it will definitely continue to read as one solid block. You have to get that glass line significantly back behind the corner. Are both facades in plane?

Mr. Riddle – The one on the left/north is back a bit.

Mr. Mohr – Whether it is a glaze or screen, you would have to pull it back behind that.

Mr. Riddle – In the floor plan, the landing is projected beyond the north wing.

Mr. Schwarz – I don't know if the perspective is deceptive or not, it does look very light filled. It looks like there is a skylight in there.

Mr. Riddle – I haven't artificially enhanced that. I know that it is an illustration. There would be lighting in there that would help to enhance this space when people are going up and down the stairs. I think it is proposed to be something that has slightly higher aspirations than just a fire escape.

Mr. Schwarz – You're putting nice materials on there.

Mr. Gastinger – We did recently approve a very similar approach on the Virginia Avenue apartment building. It is for the BAR to decide if that context has an impact on this neighborhood.

Mr. Schwarz – I think that one also had an upper level that was partially open to the sky. For me, I don't know if that would have helped here. I think it is the context.

Mr. Mohr – My concern was that driveway edge and that delineation. I don't think the massing, when you bring in the other building façade, is as big as it seems right now. The building is very front and center as we currently look at it. The building to the left is considerably lower once you starting taking in the aggregate. The one thing that would soften it would be if it had a pitched roof. That's antithetical to the building to the right and to the aesthetics of this building. It is about working on the street edge and doing something about that driveway. Maybe that retaining wall has a planter edge where it spills down. One of the elevations showed vines coming down one side. A lot of this can be handled and starting to bring in some things that make the detailing more residential and less commercial. A lot of that is at the street edge.

Mr. Schwarz – Kevin, you have pretty good support for the project in general with some modifications.

Mr. Riddle – This has been very helpful. Regarding the balconies in the neighborhood, there is opposition to them. They are rather shallow balconies. If we were to eliminate most or all of them, it would create an even greater challenge to potentially incorporating the kind of detailing that would give it a greater sense of scale and give it something of a residential touch, which some people are looking for here. I want to confirm that, among BAR members, that the balconies seem to be OK.

Mr. Zehmer – Somebody had mentioned possibly not having them on the north façade that would overlook right into the backyards a lot of the neighbors. That is maybe a consideration.

Mr. Riddle – I do see what you mean there.

Mr. Zehmer – Tim phrased it really well in terms of trying out detailing more residential in nature than commercial in nature. I want to echo that. In looking at the view west, with that big retaining wall off of the driveway going down, maybe consider stone. Make that retaining wall not feel like part of the building. Make it more natural. It is worth taking a walk around Preston Place and looking at the other landscape features.

Mr. Riddle – That’s a pretty good suggestion.

Mr. Schwarz – It would be nice if you started the site plan process while this is going on.

Mr. Gastinger – I do think that western entrance to Wyndhurst is an important story to that house. Some acknowledgement of that terrace and doorway can be made in the design of that interior space. It is very difficult to see what is happening in there. Whether it is retaining some of that material or reusing that material that would be important.

Mr. Riddle – Based on your comments, we do want to evaluate that terrace more. When we return, we can fill you in more about it.

Applicant moved to defer the application – Ms. Lewis moved to accept the applicant request for a deferral (Second by Mr. Schwarz). – Motion passes 7-0

Attachment 7

**BAR Meeting Minutes
City of Charlottesville
Board of Architectural Review
Regular Meeting
August 17, 2021 BAR Meeting**

Excerpts re: Certificate of Appropriateness Application
BAR 21-05-03
605 Preston Place, Tax Parcel 050111000
Rugby Road-University Circle-Venable Neighborhood ADC District
Owner: Neighborhood Investment – PC, LP
Applicant: Kevin Riddle, Mitchell Matthews Architects
Project: Three-story apartment building with below-grade parking

QUESTIONS FROM THE BOARD

Mr. Zehmer – I see that you have a railing along the east side of the high retaining wall. Have you done any sort of study to ensure that you won't need a railing along the north or stepped side of that retaining wall?

Mr. Riddle (applicant) – We're showing plantings there. It is not clear to us the kind of access from the north of the property that someone might reasonably have and if a railing would become necessary there. If it is a safety or code issue, we would have to include that.

Mr. Zehmer – It looks like you have a staircase going down. Is that a shadow line?

Mr. Riddle – That is just shadows. There is no stair.

Mr. Mohr – Where you have the 20 feet of width in that driveway, what is driving the 20 feet? Is it the city code for the width of apron? Is that where that is coming from?

Mr. Riddle – When I look at the zoning ordinance, it appears that, technically, 24 feet might be required. I believe that's what they require for 2 way traffic when there's not parking on either side. If we can reduce that width and people can still reasonably get by, we prefer to. We took it down to what is the least aisle you can have when you have parking on either side of a two way aisle.

Mr. Mohr – Given that there is a fair amount of asphalt there and you're only parking at one end and under the building, is there any reason you couldn't consider a one way so that people have to basically take turns coming in and out so that you have a narrower entrance? You can basically have an island or peninsula that could even carry a tree there. I don't envision this being a driveway where you're going to have a whole bunch of traffic.

Mr. Riddle – There’s not much parking here. I can see the tenants being able to wait on one another on the rare occasion.

Mr. Mohr – It would be a study in manners. It seems like it would be a way to narrow that kind of thing down and still have a reasonable “in and out” but possibly also get a street tree in on the north side there and reduce the apparent amount of asphalt.

Mr. Riddle – I think we would be glad to consider that. It is then question of how narrow. Are you thinking as narrow as 12 or 16 feet?

Mr. Mohr – I was thinking mostly such that you would have room to put a tree in and get some kind of planting bed on the street edge. It creates more shade. It punctuates and hides the asphalt and manipulates the scale of it on the street. I appreciate it coming down from 24 feet to 20 feet. Twenty feet is still a significant chunk.

With going to a monolithic color scheme, what took you down that path? Before, didn’t you have brick colored?

Mr. Riddle – We did have red brick. I was thinking about something that Mr. Zehmer brought up in the last meeting about the brick, especially along the tall retaining walls being a bit much. I agreed with him and began to consider a stone; not unlike a stone you see elsewhere in the neighborhood. When we applied that to those walls, the brick and the stone weren’t quite working. Going to stucco and consolidating to a single material for much of the building but varying it by color looked better to us. In a way, it seems to soften and quiet the building versus what it had been with the brick. We also didn’t want to make too explicit a connection with the Preston Court Apartments. We thought it was useful for this building to be distinctive. It is still our position that when you view it in the background from the east side of the circle, with Wyndhurst in front, Wyndhurst remains prominent. Our building, with the materials we have selected, falls more into the background.

Mr. Mohr – It certainly is a strategy used elsewhere. I am on the fence about it; not so much on the Wyndhurst side. I am not so sure about it on the other street side.

Mr. Gastinger – I have a question about the boxes you have shown to house the vines and if you had some examples where that has been successful in the past.

Mr. Riddle – We don’t have examples. We were a little confined down there. With the cars parked up close to that edge, we were trying to think of how we could accommodate plantings without putting them right down where tires might hit them. This seemed like a potential way to protect the plants and recess them inside the wall. What I am showing there would allow for enough material to plant these. It can benefit with some more scrutiny to ensure that.

Mr. Lahendro – It looks like low stone walls are being indicated along the pathways beneath the deadora cedar. Is that true?

Mr. Riddle – There are some low stone walls that are there to the east of the cedar.

Mr. Lahendro – They're already there?

Mr. Riddle – No, they are not there. All that is there right now is the path that runs adjacent to the Preston Court Apartments on the south.

Mr. Lahendro – I worry about the stone walls. They're going to require concrete footings and the damage they will naturally do to the deadoras. Is it just in the north-south sidewalk? Is it also along the south side of the east-west sidewalk?

Mr. Riddle – There is a wall there on that side of the east-west walk that goes to the entry of the building. That is a good point. If constructing these walks and walls were to endanger the trees, we would suspect they would. We would re-evaluate and we would find another way to provide entry.

Mr. Lahendro – There are easier ways of creating walks that do not damage root systems. Walls with concrete footings do.

Mr. Gastinger – I would include in that concern potential of undergrounding utilities. While it might be good in concept, it also needs to be considered in the context of those cedars.

Mr. Schwarz – Last time, I asked about the balconies. You have boards on top and boards on the soffits below them with water draining through. Your response was that it was a placeholder design. You didn't want water to drain through. It looks like the detail is the same.

Mr. Riddle – We're not really showing the detail there. In the staff report, staff does retain reference to that. We're not planning for the floor boards to drain through like they would with an outside deck. On these shallow balconies that you see identified as B, the small ones there in the middle, they would be sloped to drain out at the front edge.

Ms. Lewis – Following up on Jody's question about those stone walls and walkways, they are attractive. I am wondering what their function is. There's not that much grade change. I like the element. Considering that you're going to be chopping around the root of these two trees, I am thinking along with Jody on this. The purpose is connectivity from the walkway behind Preston Court from off of Preston Place. Both of your walkways achieve this. I am thinking about that particular element and how invasive it is.

Mr. Riddle – The north-south walk is one that rises gently and would accommodate a tenant's wheelchair. It is true that the grade there is gentle enough that the inclusion of wall along that walk is probably unnecessary. We would definitely consider eliminating that to help avoid any trouble with the cedar trees. With the walk that goes in the east-west direction up to the entry, there is more of a grade change there. There are steps leading up. It might be a little more challenging to go without walls. We also might consider narrowing the drive in some way. I know there's the opportunity that Tim mentioned to have a tree planted right up at the northwest above the drive. It is possible the drive could be narrowed more from its southern edge. We

could have a walk that would approach the site but farther from those cedar trees. That might be another potential solution if we felt we were getting too close to them and endangering them.

Ms. Lewis – The survey is dated less than a month ago. It is dated July 23rd. It is supposed to be current. I am looking at the stone patio on the historic structure and note that there are steps to the west of it. As of three weeks ago, those still exist. You are saying that you are reducing the width of the patio by two feet from 14 to 12. Those steps are going. The steps are not remaining with the new structure. I don't see an application or any mention of demolishing the steps. What are they made of? What do they look like? I am really curious now. I didn't notice them when I was on site. I think they're covered up by shrubs there. What may they have led to? Could you give us a little bit of information about them? I don't see any photos in the packet of them.

Mr. Riddle – They lead up from the lawn that is to the west of Wyndhurst to the patio. The stone terraces are up on a plateau.

Ms. Lewis – What are the materials?

Mr. Riddle – They're basically the same stone as the surface of the patio.

Ms. Lewis – We have to consciously think “Are we demolishing this?” As a Board, we have what the applicant just gave us. We really don't have any information about that. That would be a demolition of a feature of the historic property in addition to the reduction of the protrusion of the patio itself.

Mr. Zehmer – I think the July 23rd is the date of this pdf slide. If you look at the paragraph at the top, it says that this plat is effective of August 8th of 2016.

Ms. Lewis – There is also a requirement to note that the date they go on site and do a physical survey. When a surveyor also dates a plat near the seal, they are re-certifying that.

Mr. Zehmer – The date of July 23rd is the Mitchell-Matthews date. My question would be: Can they verify that the steps are still there?

Mr. Riddle – They are still there. I saw them a few days ago.

Ms. Lewis – My last question is brought about by the comments of the neighbors about the condition of Wyndhurst. I was on site with the applicant a couple of months ago. They looked like they were pretty diligently pursuing some things. They said that the pandemic had made certain materials difficult. I wondered if you could speak to the ongoing work on the historic structure and what the status of that is. What remains to be done? There were some pretty sharp comments from the neighbors. I think that is an area we could be concerned with considering the structure is on the same parcel.

Mr. Riddle – Unfortunately, we haven't done any work on Wyndhurst itself. It is true that our proposal does share the parcel. Our office simply hasn't been involved with the historic house,

its renovation, and any of the construction strategies that have been going on as a part of renovating the Preston Court Apartments and that house.

Ms. Lewis – To clarify for members of the public and the Board, the historic structure and the parcel under consideration are the same ownership?

Mr. Riddle – That’s correct.

COMMENTS FROM THE BOARD

Mr. Lahendro – I have found value in having a public hearing and listening to the public. When we previously looked at this, I was more receptive for the design. Something said tonight has made me reconsider. Previously, I had looked at this new building as being a partner with Preston Place. Rethinking that and knowing that its context is more to the Circle and to the residences around the Circle and its proximity to the next door neighbor, I am really believing that it is an inappropriate design. The design needs to have more of a gesture towards the neighborhood. That makes it a very difficult and challenging design. It is right next to Preston Place. The architects are talented enough to be able to accept that challenge. I cannot support this in its current design. I see it now through the neighbors’ eyes as being more related to the Circle neighborhood than its relationship to Preston Place. I feel that there needs to be more space between the historic building next door and this new construction.

Mr. Gastinger – There are some things about this project that have been successful and continues to be successful. There are some things that I am definitely concerned about. I am satisfied with some of the research regarding the blue stone terrace that is a later addition. There might be a reasonable reconstitution of that terrace in a future project. The planting palette is generally a really good one. It is made chiefly of native species that will do well. There has been some discussion about the entrance way. It has been discussed as a negative by some. One thing that it does that is very positive is by having that gap between the two volumes, it does break down the apparent scale or has the potential of the structure giving a little more verticality as it relates to the street. It relates more to the scaled residential units. If it was more, as some suggested, more solid or more of a destination, that facade gets awfully large and broader than it is. I actually think the massing is OK. I think that some of the additional drawings that the architects have produced show that it does make a transition from the scale of Preston Place down to some of the residences. It is a reasonable solution from a massing standpoint. I think the language is OK. I know there has been a lot of comments about appropriateness and how we decide what that means. I want to read from our guidelines on new construction that I think make a point of making a case for contemporary architecture in historic districts. The guidelines are flexible enough to both respect the historic past and to embrace the future. The intent of the guidelines is to not be overly specific or to dictate certain designs to owners and designers. The intent is also to not encourage copying or mimicking particular historic styles. These guidelines are intended to provide a general design framework for new construction. Designers can take cues from traditional architecture of the area and have the freedom to design appropriate new architecture for Charlottesville’s historic districts. The scale and language are OK and could work here.

I get to some of my real big concerns about the project. I don't know that I could approve this as presented tonight. The change in material from the brick to the stucco is a massive problem. It changes the materiality. It cheapens the appearance of the structure. It doesn't have the elegance of the earlier scheme. The combination of the brick, even if it was a different colored brick, would be a much more elegant solution. It does tend to bring up other visual references when it goes into that material. The vine boxes would work as a way of sustaining the vines in that condition. You might get enough depth of soil. The problem is that soil volume is exposed and is likely to freeze. That would be a very difficult condition for vines to thrive. I would encourage a different approach. I am really concerned about the deadoras. They are important to the neighborhood in those site walls. Utility trenching could potentially be an issue. I like the suggestion of the shag bar hickory in the planting plan. That can be a very difficult to establish species. Normally, you can't get them very large in the trade. They're difficult to transplant. Given some of the concerns raised by Preservation Piedmont, some subtle changes can make more of a connection from Wyndhurst to the alleyway through the block. That could give it more prominence and make more reference to that being the historic entrance to the house. I am concerned about the condition of Wyndhurst. It does not appear to have been maintained well over the years. It does appear to have significant issues. Although the architects are not involved in that renovation project, it is worth asking about and finding out how we can be better convinced of the upkeep of that historic home as a part of this project that is so closely related.

Ms. Lewis – My analysis is to check down the new construction guidelines in Chapter 3 of our ADC Guidelines and as objectively as possible weigh this application. In light of those, it would be most important for us to review and to hold this application to the guidelines.

I don't have a problem with the massing. I do applaud the applicant in creating these two structures that break that up. That thoughtfulness goes a long way to help the volume that will be on this small part of the parcel and the density that will be there. I don't have a problem with the flat roof. There are other flat roofs next door and in other ADC districts. For a new construction, it is not the most offensive thing. I applaud the applicant for pointing out other examples of flat roofs. One of the guidelines says that if you do have a garage or parking entrance, to diminish the look of it. The applicant has tried to do that by reducing the width down to 20 feet and also by the stone wall and landscaping. The relegated parking underneath is a really nice way to handle that. It is not expensive. That has been done as a response to comments we had that there shouldn't be a parking lot next door to Wyndhurst. I applaud the applicant for responding to that and modifying the plan accordingly. I do agree with comments that have been made about the switch in exterior material to stucco. Because of this format, we don't get to look at samples. We also weren't sent any information about whether this is going to be EIFS, which is discouraged by our guidelines or whether it was going to be authentic stucco. We didn't get any specs or cut sheets. The retreat from brick is a negative on this application. Our guidelines state that entrances should be significant in a historic district. The entrances should not be flush with the exterior walls. This certainly does not meet that. We made some comments last time about how to deal with this entrance. I think that something can be done. I think there should be something at this entrance if we continue to go with these two structures. There really is no emphasis on the foundation or the cornice. Maybe going to a brick material would offer an opportunity. Our guidelines do say that foundations and cornices should be evident in our buildings. I do support the use of these Juliet balconies. For members of the neighboring properties, I think you can only

stand on them. I don't think you can sit out there. One of our ADC Guidelines is that there should be some semi-public porches that address the exterior. These meet that. I understand there is always concern about noise and disruption, especially with a parking lot that is being turned into a residential building. That's more of a zoning matter and out of our purview. The steps may be coming from a historic structure could serve as an opportunity. If they do need to be demolished, they need to be called out. That's perhaps a connectivity opportunity. They might line up with the center stairwell of the new building. I would be curious what could be done there.

Mr. Zehmer – I do want to thank Kevin for putting together a really good presentation. He put a lot of effort into addressing a lot of our concerns. We have a really good opportunity to make this something that fits in well. I hope that we can get there. I don't think I can approve what is presented tonight. The addition of the window muntins to the balcony doors gives it a more residential feel and breaks down the scale. The stucco is what we stay with in exploring some lighter color. Lighter tone stuccos may be appropriate. One of the members of the public who called in suggested possibly redoing the stone down low as a splash back. In terms of massing, the last speaker mentioned that a two story building might be more appropriate. I wonder if one of the ways we work ourselves through this is to really think of these as two buildings: the south wing, which is closer to the Preston Court Apartments and the north wing, which is more engaged with the neighborhood. I wonder if the south wing remains three stories and the north wing could be shortened to two stories so that it steps down the hill. It also looks like that would reveal a lot more of the west elevation of Wyndhurst Proper; even in the two different wings, aesthetically treating them differently. Maybe we have some brick detailing on one and stucco on the other; really trying to get creative with making them look different. That would also trend more to a smaller scale residential feel with the neighborhood. The use of natural material is appreciated. I appreciate the response to my comment by going to a stone retaining wall. That is pretty successful. I do support efforts to save the deadoras. I wonder if there's a way of thinking of these as two separate buildings within one site.

Mr. Schwarz – I am still extremely 'hung up' on the open stair. That is going to be a deal breaker for me. I don't think this is actually going to read as two buildings regardless of that open stair. You're getting more out of the setback and the façade. A three story building like this, for a walkup, is perfectly acceptable and can fit in very well and very comfortably. It can benefit a district like this. A lot of this comes from living in St. Louis. I remember seeing three story walkups jammed right next to big, expensive houses. It wasn't a problem. The scale works just fine. We see that on University Circle. Even the smaller apartment buildings on University Circle are bigger in footprint than the houses next to them. Dividing this into two buildings doesn't seem to do anything for me. As one long façade, it is still the same width of the house just to the north. One of the things I did find in trying to look at precedence is I did not find a lot of open stairs. When I did, it gave the impression and feeling of cheapness. I know that's not what you're going for. It definitely reads as an apartment building. I think that it makes it less compatible with this specific neighborhood. I know we approved a building with an open stair down on Virginia Avenue. That is a different context. I do support the massing. This is definitely something that can be done. I think we're going to see a lot of this throughout the city if the Land Use Map ends up becoming a reality. I don't think that is a problem. That makes this building, unfortunately, incompatible with this specific neighborhood. You're trying to create a modern

building with paired down detail. The most successful examples I have seen of these apartment buildings inserted as infill in single family neighborhoods have more residential detail. Providing an entry way and masking that stair could provide an opportunity for some of that detail.

Mr. Edwards – I want to strongly advocate that the applicant listens to our advice and listens to the residents. Those voices matter. I think this building is awesome. It is not having the cohesive conversation with the architectural landscape it needs to. You need to listen to us and to the people who showed up tonight. They live here. That’s really important. That’s why we’re here.

Mr. Mohr – I think the drawings are deceptive about that hall. Acoustically, it will be a ‘boom-box’ of a space. I appreciate the intent to separate the two bottoms. That is fundamentally successful. I don’t think that would be compromised by glazing that in and playing with where the plane of the entrance is relative to the building. I find the material changes to be not beneficial. The modularity of the brick and the scale it brought to it made it less monolithic and made it “talk” more to the existing structures. Combining that with the stone base, I don’t see any problem with brick and stone as a combination. That’s pretty common in old buildings and modern buildings. The elevation on the west is fundamentally successful. The elevation between Preston Place and the new building is successful. That perspective on page 77 is a bit grim comparing it to the house next to it. Plantings would help. That is the least successful elevation from my perspective. One of the things that broke it up successfully before were the Juliet balconies along there. It broke the scale down. The other item that is a little problematic is how close it is to the old house. It just seems to be about ten feet too narrow in there. It is just a little too close to the house. If they were farther apart, you could get a planter in there. That terrace is a non-starter with the buildings so close together. The scale of the building is correct. The two facades, one facing Preston Place and one facing west, is pretty successful. The one facing the driveway is pretty grim. There needs to be some way of breaking that up. I don’t think dropping the left façade does the trick. It is about getting more modulation on that side and perhaps doing a peninsula to get some trees in that driving area. That elevation is the most problematic right now. The distance of that from the house to the left of it, if looking at the west elevation, is successful. It needs some street trees or some approach to narrowing it down.

Mr. Schwarz – We’ve provided a lot of feedback. How many people could make a motion tonight to approve with some conditions? I am not seeing anyone. This is something we all want to approve. We’re all struggling for different reasons with it.

Mr. Riddle – I appreciate the comments. They were really thoughtful and very helpful. I also appreciate the comments from the neighbors. We have made efforts to meet with them on site to keep the conversation going. I just want to emphasize that. In their minds, we have not been as responsive as they would prefer to their concerns. We have been making every effort to listen to them. They can email us or call us anytime if they want to make suggestions or offer observations. Thank you to everyone on the BAR. You have laid out specifically and usefully the issues you have. Jody, you were a little more general in your observations about this building. In your mind, it was a little inappropriate. I just wondered if you wanted to describe anything specifically about the massing, the footprint, the colors, and the materials you disagree with.

Mr. Lahendro – I just see it as an interesting, difficult, and challenging design project in mediating or transitioning from the Preston Place building to the neighborhood behind it. I see your building as having more to do with the neighborhood behind it. I did make a mistake in not including the guideline that I was leaning upon for my comments. It is the Secretary of Interior Standards for Rehabilitations, Standard #1, which includes that new work shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. I am not seeing it as compatible with the features and the other elements of the residential part of the neighborhood.

Mr. Riddle – When we're assessing the appropriateness and you're referencing the Secretary's Standards for Rehabilitation and we look to some of the guidelines that the BAR offers, the guidelines seems to suggest that there's a lot of flexibility. A building that doesn't make a lot of obvious references to or take cues from surrounding architecture can still be potentially successful.

Mr. Lahendro – That's true. In the Secretary's Standards, it tells us to differentiate between the historic and the new. It is why we have architects. Kevin, I feel for you. This is a very difficult problem. I feel like it hasn't made that gesture and hasn't been polite to the residential neighborhood behind Preston Place.

Mr. Riddle – When we look at that expanded west elevation, I don't see something that is egregiously out of step. For some people looking at this neighborhood, there is a tendency to keep holding the Preston Court Apartments apart. I understand that they are exceptional. At the same time, they're inevitably always in your view. When you turn onto the circle, they are there. One of the things that we saw, relative to that building, is that it appears that the scale and the touches we have on our own building are not a big departure from that. It even serves, to some extent, as a transition. If you look to the house to the north, 625, it is a house that is rather big. It has absorbed some additions over the years.

Mr. Lahendro – The new design has more to do with Preston Place than it does with the residential community. Look at the rooflines. I know Preston Place has a flat roof. Not the rest of this community does. I thought James made an important comment or potentially a valuable comment in talking about a step down from the south to the north portion of the building. I see a huge difference between Preston Place and that residence on the left. I don't see that your building has mediated between the two.

Mr. Zehmer – Maybe take a cue from Wyndhurst and turn the thing 90 degrees. Make the alley between Preston Court Apartments and Wyndhurst a true pedestrian alley.

Mr. Mohr – One thing might be to do some sort of horizontal element at the second or third floor line that picks up the horizontal gain going on with that portico on Preston Place. That one horizontal line does line up with the eaves of the house next to it.

The applicant moved to defer this application – Mr. Lahendro moved to accept the deferral request. (Second by Mr. Zehmer). Motion passes 7-0.

Attachment 8

**BAR Meeting Minutes
City of Charlottesville
Board of Architectural Review
Regular Meeting
October 19, 2021**

Excerpts re: Certificate of Appropriateness Application
BAR 21-05-03
605 Preston Place, Tax Parcel 050111000
Rugby Road-University Circle-Venable Neighborhood ADC District
Owner: Neighborhood Investment – PC, LP
Applicant: Kevin Riddle, Mitchell Matthews Architects
Project: Three-story apartment building with below-grade parking

QUESTIONS FROM THE BOARD

Mr. Gastinger – Can you explain more about the brick patterning that is visible in some of the perspectives? I noticed that there are two brick samples that are also shared as part of the details. Can you explain the intentions there?

Mr. Riddle (applicant) – To add some variation and a bit of character to the building. We thought some expressive brickwork could be useful. In the west façade, we are showing bricks laid with slightly projecting headers in the vertical line of a number of the windows. Up at the parapet wall, we are showing a brick screen where there are deliberate voids. We thought it might be a helpful way to break up the wall there and to add some visual variation to allow a little bit of seeing through. The walls will be sufficiently solid that the mechanical equipment will still be concealed. We’re proposing a mix of those two brick types by Meridian. We can provide samples in the future, if necessary should the project be approved. They are readily available.

Mr. Gastinger – Those bricks will be mixed. It will be an even mix. The tonal change is textural and not a different colored brick?

Mr. Riddle – We have attempted to be as accurate as possible with the illustrations. We’re not intending that there would be one brick set aside for the headers on top of the rest. It is intended to be a random mix. We thought those colors would be complimentary and keep the palate from being as quite as redundant as it might with one type.

Mr. Mohr – In the previous version, we talked about reducing the throat of the driveway as it came to the street. I am not seeing that. I am curious what conclusion you came to there.

Mr. Riddle – We are proposing that it could be as narrow as 18 feet if the city is OK with that. That would not be an extremely wide drive here. It was a clearance that that the owners were comfortable with. There is still a potential option there if it was necessary to bring it down

further. We thought 18 feet was a comfortable width considering the number of cars served by this project.

COMMENTS FROM THE BOARD

Mr. Werner – Per the ordinance for the ADC Districts and IPPs, in considering a particular application, the BAR shall approve the application, unless it finds the proposal does not meet the specific standards set forth within this provision that would be within the Design Guidelines established by the Board or the proposal is incompatible with the historic, cultural, and architectural character of the district in which the property is located and the protected property that is subject to the application. Those are the reasons for denial or approval. In any statement of denial, you are required to establish why the denial was stated. Following approval of an application by the BAR, any aggrieved person may note an appeal of the BAR decision to City Council by filing a written notice of appeal within 10 working days of the day of the decision. If you (BAR) were to approve this, anyone who wishes can appeal that decision to City Council. However, there is fee for that. That is part of the BAR application. There's a form to fill out. At the end of that 10 days, there is no opportunity for appeal. Should the BAR deny an application, the applicant may have the same opportunity to file an appeal with the fee and application. On any BAR decision, there is an opportunity for appeal to City Council. There's no deadline for when something goes to Council. If the BAR denies something and the City Council upholds that denial, the applicant or property owner can appeal that decision to the courts. If you approved this, it is appealed to Council, and Council upheld the approval, that appeal to the courts is available to the applicant and landowner. I just want to make sure everyone knows that you make decisions. You are not a legislative body. Your decisions are appealable to Council. That's available to both sides of this argument. What you decide, if somebody disagrees with it, is not final. There is 10 days in which to take that action. I am citing from the City Code Section 34-286, City Council Appeals, Section 34-285, Approval or Denial of Applications by the BAR relative to the BAR conditions for approving an application from Section 34-284, BAR Review and Hearing. Those are the options that available so that everyone knows going forward regardless of the BAR decision.

Mr. Schwarz – Can you explain the site plan process? I believe there is an opportunity for public input. Is that the case with this? Does this count as their public meeting?

Mr. Werner – I know that there is public comment during a site plan. There is less discretion involved. There is more of a checklist involved. People can raise issues at any time. People can make comments to city staff. There is less discretion. I would look at a site plan from the design review. Mine would be to look at what you reviewed, what has been submitted with the site plan, and if they don't align, is it a significant enough issue that it should be brought back to the BAR.

Mr. Schwarz – It give some people an opportunity to understand. They can ask the site plan reviewers how that is going. Those would be opportunities for people to get a little more information.

Mr. Zehmer – In terms of the setbacks, is that applied to what is above grade? This driveway is right up on that property line to the north.

Mr. Werner – That would be addressed during the site plan. That is a zoning question. The fact that it is underground, it is not in your purview. It would be something in the site plan that the zoning administrator would review it.

Mr. Mohr – I believe the driveway has to be 3 feet off the property line. I am not sure where the retaining wall qualifies. I think that is the guiding principle.

There seems to be a lot of distrust from the neighborhood about scale. That's the one thing I am not reading here. If I look at this in the city map, Preston Place and Wyndhurst are large buildings. I see it as being a mediating presence between Preston Place and the smaller buildings. Wyndhurst footprints are very similar. The massing is different. It does a pretty good job of starting to break the scale down. One thing that is of interest to me is that by making the primary entrance off the pedestrian side street between Preston Place and the new structure, the entrance relationship is curiously backwards. If you flip the building, the way the notch works, that is a more appropriate way to approach the building. I realize that doesn't quite work with the setback angle. It is something to note.

The building has a notch right now. If I was to look at the plan, I would say its primary approach is either head from the north. If you were to mirror it or flip it the other way, the entry sequence makes more sense to me than facing Preston Place. Your stagger works better once you start having your entrance come from Preston Place. This does have some other issues in terms of the setback. The wider sidewalk should be facing down. It is more of an observation. It seems more counter intuitive. It is picking up the line of the street. That's why the setback works like that. The capture of the L seems a little bit backwards than the primacy of the walkway. I don't have a solution for it.

I think having the centerpiece collected together in a closed fashion is more successful. I would be inclined to say that I would rather see the bulk of that the same color as the windows and the copper highlights accentuate the canopy and the front door. It is more recessive. It reads a little 'funny' to me relative to the other metal on the building. I agree with the comment from the Piedmont Preservation Alliance about the screened brick. It seems a little gratuitous. I do like the idea of using the hand molded brick. That really softens things at a street level considerably. I don't have an issue with the massing. I don't have an issue with it. Eighteen feet is better. I would much rather see something like twelve feet at the entrance. You can get a tree in there. That would soften that entrance a little bit more. A peninsula or something like that would pinch the entrance itself. It is not a high traffic area. That would be a more appropriate move from a scale standpoint and help create a little more separation from the house to the north. That two feet does make a difference between the two buildings. Whatever we do, there needs to be a commitment from the developer about properly maintaining and really taking care of the house next door. That's part and parcel of this.

Ms. Lewis – I wanted to thank staff for the three elevations and different perspectives reflecting the three submittals from the applicant. That was really helpful. That was extra work considering the agenda we have.

Mr. Gastinger – Fringetree is a fantastic plant. I am concerned about its proposed location flanking either side of the Wyndhurst entry. That is a tree that can get 12 to 20 feet tall. It would substantially obscure that façade. I like the way it is depicted in the elevations. Something more in the 6 to 8 foot range would be more appropriate for allowing the reading of that house. I worry that it is going to ‘bury’ Wyndhurst a little bit.

I fully support the undergrounding of power. Given the locations of the power poles and especially in proximity to the Deodora Cedars, any undergrounding should be coordinated with tree protection. I don’t want there to be an accident there.

I agree with the public comment about some of the architectural detailing. Shutters were mentioned. This project has a nice combination of materials and detail. That is something we all expect and we need to continue to carry forward as part of our approval or vote on this project.

I am also sympathetic with the condition of Wyndhurst. Given that this is part of the project property, I am supportive of whatever means we have at our disposal to ensure that the integrity of the water proofing barrier for that structure is intact. I do see them as combined projects even if Mr. Riddle’s firm has not been hired for that part of the renovation.

This project has come some distance. It began with an appropriate approach to mitigating the scale between some difficult and nuanced circumstances. In the end this is a project that is actually properly scaled. What they have proposed breaks up the mass in a way that is appropriate to a residential neighborhood. It will give more consistency to that street elevation. The materiality is one that is appropriate. There are projects that should be a little more forward in their aesthetic. This one is smart to actually be quiet and recede. I especially appreciate the views looking at Wyndhurst with the project in the background. On SK 382, the darkness of the brick and the texture of the brick actually sets Wyndhurst out in a nice and elegant way. The brick detailing on the parapet did actually break down a little bit of the mass. It was an interesting addition.

Mr. Lahendro – The historic context for this new building is Preston Place. I don’t know how we can ignore that. Preston Place and its connection to the residential neighborhood is awkward. It always has been. It made an orphan out of Wyndhurst. It was poorly conceived in terms of its location in the neighborhood. It is something that we are having to live with. I have no problem with the design. An addition on this site, to me, is the most direct historic context at Preston Place. I have no problem with the design. I like that it is a little more modern. It is not trying to replicate Preston Place. It’s changing its detailing. It is being a little quieter. I like these setbacks as the building goes from south to north. That is appropriate. It reduces the apparent scale and massing of the building as you are going down that side street. I like the detailing. I like the copper, the brick screen, and the parapet. I don’t have any issues with any of that. The only thing I would ask for is that as much separation between the property to the north and this property. If we can get enough separation to get in some larger plantings, I would love to see that. I can support what I am looking at.

Ms. Lewis – I don’t have an issue with the massing. I do appreciate that the applicant pulled the building two feet off of Wyndhurst to give some space and respect there. The fenestration

reflects the residential scale of apertures elsewhere on the street. The building also meets our guidelines. There are also buildings and similar outdoor spaces up and down Preston Place. The removal of a center sidewalk to reduce the disturbance to the front yard, especially the Deodoras, is a good move. There really is no sense of a sidewalk that will only lead to a one way street. This improves pedestrian circulation by leaving it south and joining it to the hardscape of Preston Place Apartments. The change to the brick and materiality, making it two tones, will make this façade rich. It will compliment other properties on the street. The primary one being Preston Place Apartments and other properties. The change to brick is one that is familiar with the material on the street. Generally, I am very pleased that the buildings, which were looking like separate buildings with a Motel 7 stairway in the middle, have been joined with the copper pladding. The entry way that has been created satisfies our guidelines. With regard to Wyndhurst, it should be a condition of our motion that the owner be required to maintain Wyndhurst. If there is any indication and complaint, the city will follow up within 30 days of receiving such a complaint from any neighboring owner or member of the public about the condition of this property. I understand it is outside of a Certificate of Appropriateness application. I agree with the neighbors, particularly Ms. Kendrick, who did note that this does impact a very historic structure. We can't let it be, by dereliction, destroyed.

Mr. Lahendro – I meant to thank the public for the observations about Wyndhurst. I would ask that the BAR consider asking staff to initiate legal inspections that are allowed to make sure that the Wyndhurst is not being demolished by neglect. We need to protect Wyndhurst.

Mr. Riddle – The owner has assured us that there is a misunderstanding about the condition of the roof that it is definitely not leaking. He does truly intend to restore the house and to preserve it. That is the intent. It is not for it to fall by the wayside.

Mr. Zehmer – The staff report with the three images comparing the submittals was very helpful. The divided lights was one of the biggest improvements that was made. It is also supported by Ms. Hiatt in her letter. It would be nice to try to make a condition to ensure that is retained along with the shutters. That really does add to the residential appearance. This has come a long way. I can get behind it.

Mr. Schwarz – If it is in the application, we approve it. We want it to be there. If it comes out, we want to hear about that. I appreciate all of the changes that have been made. You have done everything that I have asked for in the last meetings. Your detailing is subtle. It is clean. It is still contemporary. It also has a residential scale and residential feel to it. It helps this project tie itself back into the neighborhood much better. There has been a lot of suggestions tonight. I don't know how we are going to write those down. While I agree with some of them, I would be willing to approve this as is with some of the conditions that staff had put in the staff report. We need to figure out from everyone else whether that is approvable. Which of these conditions do we need to put on it? With the house, I don't know how we can attach that to our motion. If there is concern for the house, we just need to make sure staff gets on that and confirms the condition and whether it is something that is a zoning violation or not.

Mr. Mohr – On the lighting front, I can't quite read the schedule. With those wall packs, what is lumen rating on them?

Mr. Riddle – Lumen per lamp is 2,600.

Mr. Mohr – Are they along the wall?

Mr. Riddle – Yes. If you look at page 29, you can see a garage view of those on the wall. You can also see a couple that are called out along the driveway wall outside.

Mr. Mohr – Are these going to be controlled or dimmable?

Mr. Riddle – I don't if we plan for them to be dimmable. They are intended to be motion activated. We're glad to consider a condition of approval some re-evaluation of those lights. We might seek an alternative if the particular fixtures called out here don't quite fit into the guidelines. Do you see them falling out of what is prescribed?

Mr. Mohr – I am nervous about their lumen output. You are in a pretty dark neighborhood with a lot of trees. You actually need to see in there can be pretty low. I would worry about light pollution. Somebody mentioned Dark Sky. We don't have a particularly good handle on lighting code at this point. The owners of The Standard went through some 'pain and suffering' on the West Main lighting. I would like to avoid that. One way to do that is if you have a dimming package on these, you can fine tune it even to the season. It seems that would be advisable since we don't want to draw attention to that underground area. I would prefer to see you be able to control the lighting level.

Mr. Riddle – This particular fixture does come with a dimming option.

Mr. Mohr – It did look like it. You have it mounted low. You also don't want that to read as a light well, particularly in that scale of a neighborhood.

Mr. Schwarz – That is one of staff's recommendations that all lamping is dimmable and the color temperature not exceed 3000K in the color rendering and not be less than 80, preferably 90.

Mr. Werner – Lighting is reviewed as part of the site plan. That is an opportunity where I double check.

Mr. Mohr – Having the dimmability and the flexibility would be good.

Mr. Bailey – In looking at the staff recommendations, could we put the recommendation for a 12 foot driveway as opposed to an 18 foot driveway?

Mr. Schwarz – We should recommend a width.

Mr. Werner – That would be like what you have at Oakhurst. A recommendation that the city traffic engineer consider allowing flexibility. That would be the motion there.

Mr. Riddle – Our concern is that if it is unlikely that the city engineer would be OK with it, can it be a condition? Are you hoping to apply leverage to the decision from the city?

Mr. Werner – By code, the BAR can make a recommendation. You are able use it in working with them. It is in the code to be applied in historic districts where there are constraints like this. There are reasons for the BAR to make the recommendation. That's all they can make. There still may be an issue the traffic engineer can't make the change.

Mr. Mohr – How does everybody feel about the brick as selected? Preservation Piedmont suggested hand form brick. I like that idea. I didn't hear anybody else second it.

Mr. Schwarz – I like it. I am not going to vote against what they have.

Mr. Lahendro – I feel the same way. There is certainly a financial implication.

Mr. Schwarz – Some of the other conditions that were talked about tonight were the Fringetrees in front of Wyndhurst, modifying staff's undergrounding of power; make sure it is done so with tree protection, pinching the driveway further, and the pierce brick. Are we OK with that?

Mr. Werner – There is also a recommendation about archaeology. It can't be a requirement. It does fall within something that you have recommended for sites of this nature.

Mr. Schwarz – The other thing that staff had recommended was protecting the existing stone walls and curbs in the public right of way, provide documentation prior to construction, and if damaged, repair or reconstruct to match prior to final inspection.

Mr. Gastinger – Several of us mentioned some concern about window condition at Wyndhurst.

Ms. Lewis – I would support a condition that would say that the city cannot issue the Certificate of Appropriateness until a building inspector has inspected Wyndhurst. That's the best we can do.

Mr. Werner – I am not going to touch this. Relative to maintenance issues, there is a provision in the code that allows us to cite property owners. The zoning administrator and I can have a conversation about it. Honestly, I cannot advise you on how to incorporate that into a motion.

Mr. Schwarz – If we were to put that into the motion and the city had a problem with it, would they strip it from there and the rest of the motion would stand?

Mr. Riddle – The owner has informed us that his plans for Wyndhurst are being reviewed by the Department of Historic Resources. I don't know if the information or evaluations that come from that could be useful in the motion that you are making. I don't have information about the schedule when an evaluation would come from that body. It is currently being reviewed.

Mr. Werner – In circumstances like that, I administratively review projects that have rehabilitation tax credits associated with it. The tax credits are not always applicable to all work.

Is there something else that we can bring to the BAR? There has been a couple of those that we have looked at. I am not aware of anything. There is an agreement with the owner on what is done and how it is done and what is associated with it. It may not be everything. I would have to see that. I can't comment on that.

Mr. Schwarz – How many people would require Ms. Lewis' motion amendment to be part of an approval for them to vote for approval?

Mr. Lahendro – Would we say the same thing by making a motion saying that we direct staff to do what is legally possible to be sure that Wyndhurst is not being demolished by neglect? There are ordinances against demolition by neglect. I would ask staff to find out what is the mechanism for making sure it is not happening. The review by the Department of Historic Resources is happening as a result of it being a contributing member or a historic resource and what will happen to it if development happens. There is no condition a survey being done. The issue of a leak in the roof and the building undergoing deterioration is not going to play into the DHR work and what they are doing right now.

Ms. Lewis – If we are considering imposing a requirement of a phase I archaeological survey on land that hasn't been inhabited for 100 years, I don't know why we can't send our own city officials out to look at a building. This is a city cost. This is what they're supposed to do. I find it a lot less burdensome and a lot less troublesome legally as far as imposing something that is out of our purview or is burdensome on the applicant than I do with an archaeological survey. I would still like to see the survey. I would have liked to have seen the applicant offer that. Sending our own building officials out to look at a structure, with the permission of the owner, as a condition of this Certificate of Appropriateness seems very reasonable to me.

Mr. Gastinger – The project has been presented as a full in its documentation that the site plan wraps Wyndhurst. The perspectives include images of Wyndhurst intact. We are voting for approval of this building as a complimentary structure to an intact Wyndhurst. It is reasonable to assume to ensure that is the case.

Motion – Carl Schwarz moves – Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find the proposed new construction at 605 Preston Place satisfies the BAR's criteria and is compatible with this property and other properties in the Rugby Road-University Circle-Venable Neighborhood ADC District, and that the BAR approves the application as submitted, with the following modifications and recommendations:

- **We require that all lighting be dimmable, if that option is available with the specified light fixtures, the Color Temperature not exceed 3,000K, and the Color Rendering Index is not less than 80, preferably not less than 90.**
- **We recommend undergrounding the new electrical service in a manner that protects existing trees**

- **We require that during construction, the applicant must protect the existing stone walls and curbs within the public right of way. Provide documentation prior to construction. If damaged, repair/reconstruct to match prior to final inspection.**
- **We make a recommendation to the city traffic engineer that the proposed driveway be 12 feet wide or as narrow as possible**
- **We recommend that a smaller statured tree or shrub be selected from the City's Master Tree List for the site of the currently proposed fringetrees in front of Wyndhurst**
- **We recommend that all archaeological resources be protected and documented, and a Phase 1 archaeological survey be conducted**
- **We require that City staff will follow up on concerns over the condition of Wyndhurst and determine if there are zoning violations.**

Ron Bailey seconds motion. Motion passes (8-0).

Attachment 9: Public comments prior to or at the May 18, 2021 BAR meeting.

Emails to staff

From: Price, Patricia Lynn (plp2j) <plp2j@virginia.edu>

Sent: Tuesday, May 18, 2021 2:17 PM

To: Werner, Jeffrey B <wernerjb@charlottesville.gov>

Cc: Turner, Elizabeth Hutton (eht5va) <eht5va@virginia.edu>

Subject: Remarks for today's BAR meeting

My neighbor, Beth Turner, has asked me to forward you what I have written expressing my concerns about the new apartment building proposed for Preston Place. Is it possible to submit this to the BAR for its consideration?

Thank you for your time,

Patricia Price

625 Preston Place

There are two qualities that define Preston Place. The first is the variety of architectural styles among the houses and how this variety is held together within a shared approach: the use of setbacks, creative massing, and detail. The proposed building, however, is basically a large shoebox. It may take Preston Court Apartments as inspiration, but that building features more complex massing and a wealth of decorative detail. And although the new building should not have the same degree of monumentality or ornament, it has so little that it is essentially nothing more than a parallelepiped with some typical surface cutouts.

And while I appreciate the attention that has been paid to landscaping, the design totally ignores the second defining quality of Preston Place: the steep hillside that it wraps around. The arrangement of houses, especially on the inside of the street, where the new building will be, is varied and picturesque. And if you look up from the hillside westward (?) towards the even higher Rugby Road area, the whole effect is that of an Italian hill town. Mitchell & Matthews' new proposal, however, is flat with a strongly defined broad axis, and thus imposes a new and large rectilinear complex (Wyndhurst/Preston Courts Apt/proposed building) onto the irregular, pictorial arrangement of buildings that is there now.

And if the new building is to be considered as infill, rather than imposition, I would like to see a rendering of how it would look next to the property it will abut. I cannot fathom how the current design works – either by style or scale -- with 625 Preston Place (pictured below).



- end-

From: Goedde, Lawrence O (log) <log@virginia.edu>
Sent: Wednesday, May 19, 2021 1:47 PM
To: Turner, Elizabeth Hutton (eht5va) <eht5va@virginia.edu>; Werner, Jeffrey B <wernerjb@charlottesville.gov>; Watkins, Robert <watkinsro@charlottesville.gov>
Subject: Re: Question re 605 Preston Place

Dear Jeff, Would it be possible for us to see the BAR staff report on 605 Preston Place? And we would also like to see a recording or transcript of the 605 Preston Place part of the BAR meeting of 18 May 2021.

We are particularly interested to review the guidelines and reasoning behind the determination that a massive three-story, rectangular brick box is compatible with a neighborhood of two-story houses of varied older design, surrounding it on three sides. Board members compared it to commercial structures like Motel 6.

The neighbors' view remains that the developer's proposal is incompatible with the historical character of the historical district.

Best wishes,
Larry
Lawrence O. Goedde
630 Preston Place
434-409-4953 (cell/home)

Comments during meeting

Questions From the Public

Paul Wright – I would like to comment on the balconies. Many of our concerns were addressed. I don't know how it was done based on the drawings I have seen. I would like to know how the concerns about the balconies were addressed.

Mr. Riddle – I explicitly said that many of the concerns were addressed. I didn't mean to phrase it that way. I think I said that we couldn't accommodate all of the concerns that the neighbors raised. We did do our utmost to listen and address them in part.

Comments From the Public

Scott Colley – We are concerned about the flavor and the sense of neighborhood as the University encroaches closer and closer into the neighborhood. That wall has been breached.

Christine Colley – This addresses the historic district in relation to the massing, scale, and infill of the new building. If we are serious about having a historic district, it is important to make it financially possible and desirable for buyer to buy, renew, and maintain historic houses. There is no source of money for keeping these houses going. All of you know how expensive that can be. We bought our house six years ago. We spent the price of the house again. If we make the living experience of the area less desirable by high density, high concentrations of students, selling the idea to people who

would otherwise be charmed and delighted to be part of the historical preservation is going to become more and more difficult.

Paul Wright – I am opposed to the project on multiple levels. I urge the Board to deny the application. The project will cause meaningful harm to the historical fabric of the district, allow incompatible architecture with little meaningful reference to the protected structure next to it, and significantly eliminate a historical view of a contributing structure for future generations. The 6-0 decision the Board stated that a parking lot was not compatible with the Individual Protected Property. It is difficult to understand how this new proposal would not cause greater harm. I was in favor of that project as I have been in favor of every project in this neighborhood, except this one. Section 34-335 states the purpose of historical conservation overlay district is to preserve buildings of special cultural and architectural significance. The most important part of that is that serves as an important reminder of the heritage of the city. It is hard to fathom how a student apartment that will completely shield the protected property from view as one enters Preston Place does not fail to meet preservation standards on this rule alone. The proposed structure will not be in harmony with scale and character of the existing buildings. The proposed building is out of scale and proportion as it relates to Preston Court Apartments and Wyndhurst to maximize the number of students that can be housed at this site. A shorter height that establishes a stepdown from the Preston Court Apartments would require greater compatibility. The contemporary style of the proposed building emphasizes a colder, harder, and angular characteristic that will not be in harmony with the scale and character of existing buildings in nearby protected properties. The parcel represents a bright line between the University and Charlottesville. Approval will allow further encroachment into a neighborhood that has been fighting to preserve the historical character for decades. I urge the Board to deny the applicant a Certificate of Appropriateness.

Larry Goedde – I want to endorse what the Paul Wright said. I agree with him completely. The building is completely out of scale with the neighborhood. The proposed structure is oriented to the south in terms of what it is picking up on design and materials. From every other direction, it is all two story family houses. It is a variety of different kinds of materials. What is being proposed there is a three story building with these balconies incompatible with the neighborhood. This is an area of small wooded lots. It is a matter of a couple of yards from this house to the driveway going to the basement parking. The context of inserting this apartment building is a neighborhood of two story residential buildings; not apartment buildings. They are not student apartments. This is a residential neighborhood of mostly professional and retired people. I view it as completely out of scale with the proposed building. The neighborhood is against these balconies. They are a constant source of noise and irritation from the Preston Court Apartments.

Beth Turner – I am not against adding housing units to Charlottesville and the historic district. I am against this proposal. I do not believe it is appropriate. I do not believe it has an appropriate design. The fenestration, roofline, and materials are wrong. They do nothing to compliment any of the other structures. The only structure they want to

reference is the Preston Court Apartments, which is out of scale. It is not appropriate to the setting, the historic structure, the cedars, and the historic relationship. It is that relationship with the landscape I want you to think about. The terrace and the house need to be acknowledged. A place can be put for more housing units on that lot if that is what the zoning calls for. The appropriateness, which is your purview, is something we are counting on you to really think about and to acknowledge. The current owner made it clear to us that he was going to build an apartment building there. He was going to move the old house to another lot. He couldn't move the old house. He has chosen to ignore it. He is building this structure that abuts the old house.

Letter from Mrs. Price – There are two qualities that define Preston Place. The first is the variety of architectural styles among the houses and how this variety is held together within a shared approach, the use of setbacks, creative massing, and detail. The proposed building is basically a large ‘shoebox.’ It may take Preston Court Apartments as inspiration. That building features more complex massing and a wealth of decorative detail. Although the new building should not have the same degree of monumentality or ornament, it has so little more that it is essentially nothing more than a parapet with some typical surface cutouts. I appreciate the attention that has been paid to the landscaping. The design totally ignores the second defining quality of Preston Place: the steep hillside that wraps around. The arrangement of houses, especially on the inside of the street is varied and picturesque. If you look up the hillside westward toward the higher Rugby Road area, the whole effect is that of an Italian hill town. Mitchell Matthews’ new proposed building is flat with a strongly defined broad access and imposes a new and large rectangular complex: Wyndhurst, Preston Court Apartments, and the proposed building onto the irregular pictorial arrangement of buildings that is there now. If the new building is to be considered as infill rather than in position, I would like to see a rendering of how it would look next to the property it will abut. I cannot fathom how the new design works either by style or scale at 625 Preston Place.

Richard Crozier – I second the motions of a lot of the other residents. It seems like the wrong thing to do if one considers that the Wyndhurst house is an important piece of Charlottesville history. It is one of the visible reminders of some rather dark Charlottesville history. We should try to keep that thing visible.

Lisa Kendrick – I feel that the house and property is seen as one. It has not been divided. We are losing sight of the house and the grounds around it. For a historical neighborhood, the city has to decide whether to preserve these and stand up for these neighborhoods. We live here and take care of it. One of the reasons he is having great success in renting out the property and wanting to build more for others is because it really is lovely. We stay here and he goes home. You are just adding to the intensity of the student population here. It is happening so intensely. It is hard to take a breath because of this constant noise has increased because of the Preston Court Apartments. They are about to be full. I agree with everything all of our neighbors have said. We are trying to maintain this historical neighborhood. It has been so hard for five years now. I am asking you to reject this idea that they have presented and come up with some other idea that is more supportive.

Emily Steinhilber – We just purchased our home about a month ago. We have been cleaning up the interior of the home. If this building is built as proposed, that will be our view from the front yard. It will fundamentally change the character of the neighborhood. We have seen in this neighborhood is a close knit community. It is a residential neighborhood. I hope that you will consider that in your decision. I appreciate your service and your decision.

Attachment 10: Public comments prior to/during the August 17, 2021 BAR meeting.

Emails to staff

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Monday, August 16, 2021 8:45 PM

To: BAR <BAR@charlottesville.gov>

Subject: Online Form Submittal: Email Contact Form for Board of Architectural Review

Lisa Kendrick, lisahkendrick@gmail.com

August 16, 2021

RE: Proposed apartment building on the Wyndhurst Manor property

Dear BAR Members,

I am writing to suggest that you ask the owner of Wyndhurst Manor and the architects of this project for a design that is consistent with the other buildings on Preston Place in both character and scale.

The structures in this historical neighborhood have been built between 1820 and 1946. Most of these buildings are unique single-family homes with the exception of the beautiful and majestic fraternities (600 and 608) on the east side of Preston Place built in the 1920's and 625 Preston Place which is a lovely white board apartment house, originally a single family home, with a single front door, screened porch and dormer windows. The fraternities have each had large additions done with delicate and gracious details which clearly consider the quality and character of the buildings on Preston Place. These additions enhance, reflect and echo the historical design of the fraternity houses while invisibly increasing their occupancy. They contribute to the neighborhood's historical quality.

The proposed apartment building does not appear to share qualities that are consistent with single-family homes or even the well designed and expanded fraternities. It is unclear how this apartment building contributes to the Wyndhurst Manor historical site or the other historical structures in this historically significant neighborhood, which has been determined by the City of Charlottesville to be worth protecting.

The design of the building proposed has taken a lot of effort, thought, and discussion and may contribute to and be appropriate on Arlington Boulevard or the likes. However, it does not reflect historical qualities, character, or structural details of any home on historical Preston Place circa 1800 - 1946. The building is not appropriate for Preston Place.

I understand that the owner can build on the property "by right," but the building needs to be appropriate and contribute to the character of Preston Place. I write this letter to support the BAR in your protection of this neighborhood. It's not easy to stand up under pressure from developers. Ensuring the existence of Charlottesville's historical neighborhoods for the people who live in Charlottesville and people who visit here is about preserving the historical quality of the neighborhood for all, and that has significant value too.

Please let's enhance our community, not diminish it. Ask for more; don't accept less.

Thank you for your consideration.

Sincerely,
Lisa Kendrick
622 Preston Place

- end-

From: Scott Colley <scottcolley942@gmail.com>
Sent: Tuesday, August 17, 2021 9:06 AM
To: Werner, Jeffrey B <wernerjb@charlottesville.gov>
Subject: A Comment About Construction on Preston Place and the BAR

We live at 611 Preston Place in a very old frame cottage that dates back to the beginning of the 19th century. People tell us ours may be the oldest occupied frame home in Charlottesville. It is certainly among the oldest.

Ours is a regular neighborhood and not a miniature Williamsburg. Most of the nearby houses and the large apartment building date from the 1920s. We share the neighborhood with a few fraternity houses and some rental properties. What has made the neighborhood what it is has been a balance among long-time residents who occupy attractive homes, two frame buildings of historical interest, and our student neighbors.

The balance has recently been knocked out of kilter. In excess of 130 more students than lived here two years ago will soon be living here now. Most have already moved in. In addition, a small apartment building is scheduled for construction just behind where we live.

We must make ourselves comfortable with the many new student neighbors. But we join others in our neighborhood with our concern about what shape, form and design the new apartment building will have. The present design has been described as a "Motel 6" model. Why can't the architects and the owner find a design that complements what is already here?

We are capable of being knocked slightly off kilter, I would think. We can live with scores of new student neighbors. But a Motel 6 equivalent next door may push the neighborhood too far.

Yours sincerely, Scott and Christine Colley

- end-

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, August 17, 2021 12:51 PM
To: BAR <BAR@charlottesville.gov>
Subject: Online Form Submittal: Email Contact Form for Board of Architectural Review

Jean Hiatt, jhiatt3@gmail.com

To members of the BAR and to Kevin Riddle of Mitchell-Matthews Architects,

I request that you delay approval of the proposed building on 605 Preston Place as it does not meet Charlottesville City's stated criteria that seeks to assure that new structures are in harmony with their setting and environs in historic districts.

This building design does check off many of the ADC District design criteria; however, there are aspects that have not been addressed.

As one BAR member stated this design looks like a Motel Six. My observation is that it would be suitable in commercial districts containing apartment buildings but not in a historic district built on the side yard of a very significant historic home, the circa 1857 Wyndhurst manor house.

Spacing is considered very important in historic districts.

On page 3 of the staff report, the average side spacing on the block is 38 feet. This new building would be only 22 feet from 2 adjacent buildings and 30 feet from Wyndhurst. It does not adhere to the recommended spacing of 30 feet to 46 feet. So if the building had a slightly smaller footprint, it would follow this recommendation.

On Pertinent ADC District Design Guidelines:

The entrance should be a key feature of the building. This design does not have a significant entrance which is important in a historic district. Many entrances have special features with decorative elements framing the opening. (Chapter 3, section I., #3 &4)

#4 is pertinent as it talks about 'framing the openings.'

Chapter 3, Section L. Foundation and Cornice, #1

It states that it's important to ... "Distinguish the foundation from the rest of the structure through the use of different materials, patterns, or textures."

Chapter 2, Section D. covers Lighting. I feel like the guidelines need to be updated here as there is no mention of Dark Sky Guidelines and the need to shield lights, direct light to the ground and avoid 'light trespassing' or spillover light onto other areas. We should recommend observance of Dark Sky guidelines.

Other things to consider that are listed in the ADC District Design Guidelines:

Parking should not be next to historic buildings.

In considering design features, historic district buildings have a higher existence of wall area over void areas.

My opinion is that the balconies are inappropriate for a residential neighborhood where it would likely increase noise at all hours. This is not respectful of the neighbors' peaceful life in their homes.

This building design has an asymmetrical component with one side toward the Preston Court Apartments taller than the other.

My thought is that the ash tree does not need to be protected since its days are numbered with the Ash Bore coming to Charlottesville as well as disturbance of the roots during construction. Better to provide increased spacing around this proposed building.

Lastly, the circa 1857 Wyndhurst Manor House is in need of care and maintenance. A requirement of careful rehabilitation and maintenance of this building which is one of Charlottesville's Individually Protected Property is important.

As written in the guidelines, chapter 3, a new building "should not visually overpower its historic neighboring buildings." We need to consider the effect of the current design on this historic Preston Place neighborhood which is part of the Rugby Road-University Circle-Venable Neighborhood ADC District.

Please consider denying the current application for a Certificate of Appropriateness for 605 Preston Place until a more appropriate design is created that is harmonious with the surrounding historic properties.

Thank you, Jean Hiatt

- end-

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, August 17, 2021 3:02 PM
To: BAR <BAR@charlottesville.gov>
Subject: Online Form Submittal: Email Contact Form for Board of Architectural Review
Please complete the online form below to submit your message.

Genevieve Keller, genevieve.keller@gmail.com

Preservation Piedmont is an all-volunteer, inclusive organization. We represent a diverse range of views on growth and density, but share a concern that Charlottesville be intentional in the design of infill buildings that complement and enhance residential districts in continued uses as they adapt to some newer elements and uses that keep them integral to the life and economy of our city. We believe that we can do this collaboratively through planning and design as we work together to achieve equity and become an even more livable and attractive city.

Thank you for managing change in our designated architectural design control and neighborhood conservation districts. Several of our board and advisory board members are former BAR members—some quite recently—and we follow your deliberations and work with interest, only

rarely attempting to intervene or influence a decision knowing how conscientiously you scrutinize new buildings in our designated districts.

Preston Place. 605 Preston Place, Tax Parcel 050111000

University neighborhoods offer special challenges when developers reconfigure and add new buildings cheek and jowl with familiar local landmarks and points of visual identity. Preston Place is one of those places. It has changed little in a century, and so warrants careful decision making as it welcomes a 21st century building into its streetscape. Area residents asked PP to study this new proposal and make comments if we felt it warranted such, and we do:

We find that modifying the existing proposal could achieve a better and more harmonious fit.

We expect that you will consider all site and architectural elements in context and not simply facilitate zoning conformity. This proposal follows several other proposals for this property in recent years—speaking to the complexity of this site and the developer’s maximum desires. Please be considerate to respect this evolving site and do not condone actively destroying Preston Place.

We respectfully make the following comments.

Wyndhurst. Wyndhurst is individually protected; it should be a major reference in terms of historic appropriateness, but zoning allows the developer to squeeze this unique building. We suggest emphasizing Wyndhurst which has been noticeably neglected over the years. The 1928 Preston Court Apartments introduced a much larger and urban scale that sacrificed Wyndhurst’s formal ‘front’ making it awkwardly face the side of Preston Court but it is still important and you would be justified in denying this proposal because it does not fit well into its immediate context. However, in the spirit of our time and place, it is more reasonable that this proposal be modified so that three centuries can coexist respectfully on this site. Our city has come to accept modern architectural infills that are referential to historic adjacencies. This project needs more of that reference and deference to its immediate neighbor. The small open space that Wyndhurst retains is essential to its historic integrity. The east side of the new building is very close to Wyndhurst; it could use a little more breathing room to be more in keeping with the distances between buildings in the neighborhood. The view of Wyndhurst is now mostly from the east, and it is hard to determine exactly how the scale of the new wall adjacent to the house will start to affect it. Previously the BAR approved moving the building—a rare move to allow that—pun intended—signifying its architectural significance, so please think carefully about this adjacency issue.

Wyndhurst’s neglect is evident- the roof, for example, is nearly rusted through, and needs to be addressed—perhaps that could be a condition of this SUP to mitigate that on site neglect. If Wyndhurst is fully addressed as the resource that it is, then that might go a long way toward addressing concerns about the new project.

The design can be modified to activate Wyndhurst by providing a much stronger visual connection across the whole site, perhaps with new pathways. It is a challenge to connect these multi-century architectural expressions, but we believe it can happen with a more attentive

design that wants to blend the new into the old. The height and massing, surprisingly given the size of the infill building, are not too far off-in context. Wyndhurst is slightly taller but has similar massing.

New Construction. We commend the restrained façade approach of the new construction: the elements line up, there is a balance of solid and void, which all help with the recessive quality. The shutters are a nice feature that we hope stay in the project.

For the new construction to achieve greater compatibility, please consider lighter colors that will be more compatible with the two existing buildings. The proposed infill has the feeling of a generic building that will not match anything on its street in form or color. We suggest moving away from the dark grayish green. The exterior cladding materials can work; there is neighborhood precedent for stucco as well as brick, but brick contributes a greater degree of scale, and a lighter cream color would make it more harmonious. Using a lighter color for the shutters and doors would also help. The darker color is a current fashion color and may not be as timeless as staying with the existing palette. The intent here should be a contemporary background building rather than one designed to stand out. Sometimes a darker building will recede but that is not the case here; it would be better to have the infill respond to the existing buildings.

We suggest that you carefully consider the entrance and stair centrality –both from a design precedent and context point of view but also have a discussion with the designer and listen to the neighbors about the pros and cons of such vis a vis safety, security, and noise. Understandably, neighbors do not love this packed-in student housing project with its balconies potentially creating a public nuisance. This is not a preservation issue, except as it affects livability, but it is something that we all pondered. The visibility of the stair an architectural dominant feature and the safety of this space where mostly young people will live were issues that we feel deserve more consideration.

Instead of a prominent architectural entry surround or portico, the central entry is a void—a departure from most traditional local architecture. That can work as it does at the Park Lane apartments and other more recent compositions. This building does have a prominent central threshold with an overhang; it's just that being on the 3rd floor, it is not that effective visually. Therefore, perhaps the designers could turn to the landscape for more of a sense of entrance to compensate for the central entry as a void.

Because the 1928 Preston Court block is a strong architectural statement, it is the controlling feature on the west side of Preston Place, and the new elevation appears suitably scaled from the street. Keeping the two big pines will help. The massing is less kind to the adjacent house to the north, but it appears to be just acceptably within our new urban norms and in an area where apartment buildings have mixed with older houses for decades. To do so, without losing historic buildings is still a plus.

There is one significant massing issue: the big cut out for the driveway to the basement that may turn out to be a big gaping hole going into the ground. It is hard to have a sense of scale for that since it appears to be 'underdrawn' but there is a massive retaining wall at the back of it. Please

consider ways to make it appear less massive with landscaping and/or a change in materials. It is difficult to understand the extent of the retaining walls for the garage drive and up to the entry, etc. These are complicated issues, and we are not clear if they are like the perspective rendering or the 3-d lighting diagram? There is a lot going on with the grade, retaining walls and steps up to the building- seems like all this needs to be better explained and developed. We urge you to dig deep into these drawings for any inconsistencies because this is a wonderfully rare opportunity for this juxtaposition of buildings from three centuries. You can approve a successful blending of old and new if you pay attention to these details and require detailed information and visuals from the applicant.

Site Elements and Landscape Quality. Quality and traditional materials are consistent with the neighborhood and help to retain the area's high degree of integrity. Stone walls are compatible within the Preston Place neighborhood. Please ensure enforcement of the conditions of the certificate to ensure that the quality site elements—the plantings and the real fieldstones and the bluestone caps—are not allowed to be eliminated as the project progresses. The back wall of the parking, for example, is shown with the fieldstone finish; please ensure that this material is explicitly included in the conditions of the COA. It is important to make sure this material is retained in implementation.

We are pleased that canopy-creating trees are being proposed because we have concerns that the trees that are being squeezed will be lost, and so we ask that the site be monitored to ensure that a canopy be maintained. When the ash tree goes (and it will no matter what), the lot will feel very different. So please think about that.

Future Concerns. Finally, Preservation Piedmont advocates for future new guidance on this kind of infill and context in historic areas because we anticipate that any new zoning ordinance will be encouraging taller and denser development at least in some areas, perhaps diminished lot sizes and more buildings on a single site with the likelihood of increased emphasis on detached auxiliary dwelling units (ADUs), and we should re-tool to ensure that when this happens, that historic resources are not lost and that new infill will be harmonious.

- end-

Comments during meeting.

The public comments are not included in the meeting minutes. Information below is from staff notes and not presented as meeting minutes. To review the public questions and comments offered during the August 17, 2021 meeting, the video can be accessed at:

<https://boxcast.tv/channel/vabajtzeuuyv3iclkx1a?b=bqpblfbsydixratjakmv>

Questions begin at 0:45:00. Comments begin at 1:16:00.

Questions from the Public

- Paul Wright (612 Preston Place): Clarify stucco. Real or synthetic.
- Beth Turner (630 Preston Place): Protect the Diodora cedars during construction. New building will block Wyndhurst's windows. Will project require a site plan?
- Lisa Kendrick (622 Preston Place): Question about ash tree. (Note: See arborist's letter in submittal.)

Comments from the Public

- [?]: Preserve view of Wyndhurst.
- Lisa Kendrick (622 Preston Place): Building does not reflect period of other structures. Multi-unit residential can be done beautifully, this is not consistent, will have negative impact.
- Larry Goedde and Beth Turner (630 Preston Place): Building should be smaller. Too large. Encroaches on Wyndhurst. Welcomes multi-family project; opposes commercial design. Concern re: students, noise from balconies.
- Genevieve Keller: (Read statement from Preservation Piedmont.)
- Jean Hiatt (1719 Meadowbrook Heights Rd.): Building must be in harmony with setting. Width, spacing, height issues. Need to rehab Wyndhurst.
- Paul Wright (612 Preston Place): Opposed to synthetic stucco. Water table unacceptable. Building design is not appropriate.

Attachment 11: Public comments prior to/during the October 19, 2021 BAR meeting.

Submitted to staff

Oct. 18, 2021

To Chair Carl Schwarz and members of the BAR,

I thank the BAR for unanimously declining to approve the July submission for the design of the proposed apartment building at 605 Preston Place. That action provided the time for the architect, Kevin Riddle, to go back to the drawing board, consider the recommendations, and create a building design that somewhat more thoughtfully respects the historic Wyndhurst property & the historic Preston Court Apartments.

Certainly, out of concern for the homeowners living nearby & the significance of this historic property, the best scenario would be to leave this piece of land open as part of the Wyndhurst landscape.

However, because of regulations in our current zoning laws, the property owner has the right to construct this building. It is important to work toward the most satisfactory design for this proposed structure. According to the new drawings, the spacing between the proposed building and the Wyndhurst building appears to have been increased and that is appreciated.

I was pleased to see that Mr. Riddle's new design includes a connection between the two sections of the building as well as a defined entryway. That is a significant improvement to the building design. However, I strongly recommend that this new doorway and the overhanging portico be enlarged. The current design of the entrance door appears to be the same size as a nearby ground window and that small size is counter to the doorway being a significant focal point of the entrance way.

Pertinent ADC District Design Guidelines (2012), Chapter 3 New Construction & Additions, Section I, Windows & Doors, #3 & #4

*“3. Traditionally designed openings generally are recessed on masonry buildings and have a raised surround on frame buildings. New construction should follow these methods in the historic districts as opposed to designing openings that are flush with the rest of the wall.
4. Many entrances of Charlottesville's historic buildings have special features such as transoms, sidelights, and decorative elements **framing the openings**. Consideration should be given to incorporating such elements in new construction.”*

I appreciate that the drawings incorporate windows with divided lights as that design reflects the windows in the nearby historic buildings. I trust that these mullions are functional. Could that be clarified? Divided lights add important detail and a greater sense of scale and articulation to the project. I hope that the divided lights, and also the shutters, will be retained through any new revisions, and I request that be a condition.

Please consider that the design show more of a distinction in the brickwork between the main façade and the foundation and the main façade and the cornice.

ADC District Design Guidelines, Chapter 3, Section L. Foundation and Cornice, #1

“Facades generally have a three-part composition: a foundation or base that responds at the pedestrian or street, the middle section, and the cap or cornice that terminates the mass and addresses how the building meets the sky. Distinguish the foundation from the rest of the structure through the use of different materials, patterns, or textures.”

Lastly, I am very concerned about the current state of neglect in the condition of the historic circa 1857 Wyndhurst manor house, a Charlottesville Individually Protected Property. This building could provide a wonderful single family home or be divided into distinctive apartments. My request is that the rehabilitation and continued careful maintenance of Wyndhurst be a condition on the issuing of a certificate of appropriateness.

As stated in the ‘ADC District Design Guidelines’, chapter 3, a new building “should not visually overpower its historic neighboring buildings.” We need to consider the effect of the proposed design of this apartment building on this historic Preston Place neighborhood, which is part of the Rugby Road-University Circle-Venable Neighborhood ADC District.

Thank you,
Jean Hiatt
1719 Meadowbrook Heights Rd.

- end-

Subject: Statement Submitted as Public Comment re 605 Preston Place
To: Jeff Werner, City of Charlottesville Preservation Planner and Board of Architectural Review
From: Preservation Piedmont
Date: October 18, 2021
Preservation Piedmont, at the request of 605 Preston Place neighbors, offers the following comments on this revised submission:

Use of Brick and Color. We appreciate the adoption of a brick façade that helps the new infill to recede, embraces a more familiar material palette, and fits better with the adjacent historic buildings.

- The open brick lattice of the parapets is a bit fussy, but may be necessary for airflow around the mechanicals; if so, they align with the balconies that appear to have patterned brick bands.
- Hand/wood molded brick (like the brick on the adjacent-Preston Court apartments) would enhance the project further by adding more material quality, attention to the brick bond, softer edges and irregularity, but the subtle detail of the proposed brick is appreciated.
- The brick color and metal/cladding color are not quite red clay brick and “Charleston Green” but are close enough to read as part of the entire composition of the three-building ensemble and are not out of place.

Fenestration and Shutters. Please ensure that the shutters are required as a condition of approval, so they are not eliminated in a later cost-cutting phase. The fenestration is appropriate

as shown in this submission, and also should be retained as a condition for any future submissions.

Entrances. The new drawings show a connection between the two sections of the building as well as a defined entryway: both are significant improvements to the building design. Enlarging the door and portico would enhance this project.

Grade Difference, Wall, and Plantings. There is still a grade difference of 14' from top to driveway at the bottom- the planter at the base and the plantings shown in the landscape plan help reduce that visual impact. There are steel guardrails around the retaining walls on the drive down that we hope the plantings will conceal also to mitigate the height of the retaining walls. The stone base and low retaining walls seem appropriate.

Wyndhurst. We are still concerned that Wyndhurst, a unique historic resource in Charlottesville's urban fabric, remains neglected although pulling back the mass from Wyndhurst helps to provide some degree of a reasonable 'lot line' separation so that it can retain its own identity. Because the revised infill submission still crowds and intrudes into Wyndhurst's immediate environs, an appropriate way to mitigate that effect on the historic setting would be to undertake concurrent exterior repairs, restoration, and rehabilitation to enhance and strengthen Wyndhurst's contributions to this property. *As the City contemplates adding more buildings and structures to existing lot configurations, it is important that existing buildings continue to be valued and well maintained as new buildings are added.*

We ask that the BAR request a report back on how this important resource of Wyndhurst is to be kept in good repair.

- end-

Comments during meeting.

The public comments are not included in the meeting minutes. Information below is from staff notes and not presented as meeting minutes. To review the public questions and comments offered during the October 19, 2021 meeting, the video can be accessed at:

<https://boxcast.tv/channel/vabajtzezuuyv3iclkx1a?b=ays0a9aremwkemcuncix>

Questions begin at 0:26:00. Questions begin at 0:47:00.

Questions from the Public

- Beth Turner (630 Preston Place): Drawing for north elevation? Show view from north. How will runoff be addressed?
- Larry Goedde (630 Preston Place): Preservation/protection of Wyndhurst.
- Paul Wright (612 Preston Place): Concern re: trash during construction. After, where will trash cans be. Screen bike racks and scooter parking.
- Mark Kavit (Altamont Street): How many units planned?
- Lisa Kendrick (622 Preston Place): How will design impact neighboring houses? Scale and mass. Provide information re: bricks. Prefers site remain a grassy hill.

Comments from the Public

- Christine Colley (611 Preston Place): Building not following guidelines re: infill site, size, scale, materials.
- Lisa Kendrick (622 Preston Place): Same building we have seen. Neighborhood suggestions not applied. Impact on Wyndhurst. New is not respectful of community.
- Genevieve Keller: (read statement from Preservation Piedmont)
- Paul Wright (612 Preston Place): Lack of information about Wyndhurst. House in peril. Concern re: details and design of new.
- Larry Goedde (630 Preston Place): Architect ignored requests. Building out of scale, will impact Wyndhurst.
- Beth Turner (630 Preston Place): This is same building; no changes; ignores Wyndhurst.
- Jean Hiatt (1719 Meadowbrook Heights Rd.): (read from letter)
- Richard Crozier (624 Preston Place): Building is too big.